

# HIGH COURT OF AUSTRALIA

JAGOT J

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IN THE MATTER OF AN APPLICATION BY  
ALIA ALKAISI FOR LEAVE TO ISSUE OR FILE

[2026] HCASJ 6  
*Date of Judgment: 20 March 2026*  
C4 of 2026

## ORDER

- 1. The applicant's ex parte application filed on 25 February 2026 for leave to issue or file the proposed application for a constitutional writ is dismissed.*

## Representation

The applicant is unrepresented



1 JAGOT J. By ex parte application filed on 25 February 2026 the applicant seeks  
leave to issue or file an application for a constitutional writ dated 6 February 2026.  
The proposed application names eight defendants: the Commissioner of the  
Western Australia Police Force, the Attorney General for the State of Western  
Australia, a Justice and the Registrar of the Supreme Court of Western Australia,  
a Deputy President of the former Administrative Appeals Tribunal and three  
further individuals who either are or appear to have previously been officers of the  
State or Commonwealth.

2 On the initial lodging of the proposed application, the Registrar sought the  
direction of a Justice that the Registrar refuse to issue or file the proposed  
application without the leave of a Justice first had and obtained by the applicant  
pursuant to r 6.07.2 of the *High Court Rules 2004* (Cth). Gordon J so directed on  
16 February 2026. The ex parte application now made is for such leave to be  
granted.

3 For the following reasons leave to file the proposed application should be  
refused without listing the application for hearing.

### **Relevant principles**

4 The criteria governing the exercise of the discretion to refuse leave to issue  
or file a document under r 6.07.3 of the *High Court Rules* are the same as those  
which inform the decision of the Registrar to seek direction from a Justice under  
r 6.07.1. That is, leave to issue or file the document will ordinarily be refused  
where the document "appears ... 'on its face' to be an abuse of the process of the  
Court, to be frivolous or vexatious or to fall outside the jurisdiction of the Court".<sup>1</sup>

5 While the actions that will constitute an abuse of this Court's process are  
not defined by "closed categories", the concept is plainly engaged by an attempt to  
invoke the jurisdiction of the Court on a basis that is "confused or manifestly  
untenable".<sup>2</sup> Clearly enough, the discretion to refuse leave to issue or file an  
application and thereby "nip a proceeding in the bud" should be exercised "only in  
the clearest of cases".<sup>3</sup>

6 Another principle relevant to the application for leave is that it is well-  
established that "courts will not determine whether a statute contravenes a  
constitutional provision or guarantee unless it is necessary to secure and protect

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1 *Re Young* (2020) 94 ALJR 448 at 451 [11]; 376 ALR 567 at 570.

2 *Re Young* (2020) 94 ALJR 448 at 451 [13]; 376 ALR 567 at 570.

3 *Re Young* (2020) 94 ALJR 448 at 451 [13]; 376 ALR 567 at 570.

the rights of a party against an unwarranted exercise of legislative power".<sup>4</sup> That is, this Court will not generally entertain an application for a constitutional writ relating to the validity of legislation where it is not clear that the writ would directly affect the rights of a party involved.

### Consideration

7 In an affidavit filed on 13 March 2026 the applicant requests "procedural leniency" in circumstances where she is both without legal representation and living with "severe ADHD" (attention deficit hyperactivity disorder). As the applicant puts it, her cognitive processing operates through "pattern recognition and systems analysis rather than linear sequencing", because of which documents she has filed may appear disjointed or inconsistent. The applicant characterises her neurodivergence as a "functional barrier to traditional legal pleading" which, nevertheless, allowed her to "'de-encrypt' the concealed Commonwealth architecture" in which she had been unwittingly caught up.

8 It appears that the applicant's central claim is that State officers have been exercising powers under Commonwealth legislation and, through a "blend" of Commonwealth and State executive power, those exercises of power have had the consequence of circumventing the supervisory jurisdiction of the High Court under s 75(v) of the *Constitution*.

9 The relief sought by the applicant in the proposed application is voluminous and, frankly, largely impossible to understand. It includes multiple writs of prohibition and mandamus, declarations, injunctive relief, as well as relief termed "Jurisdictional Foundation", "Preservation Order", "Production of Records", and "Open Court and Access to Judicial Process".

10 The proposed application sets out an array of proposed constitutional questions, disconnected from any intelligible underlying facts, relating to (a) joint or controlled operation arrangements; (b) intelligence classifications; (c) indefinite surveillance authorisations; (d) Western Australia's "drug-driving" provisions in respect of persons lawfully prescribed medications; (d) unspecified secrecy provisions preventing review of executive action; and (e) the conferral of Commonwealth power on state officers. The validity of legislation under which the above schemes operate is also obliquely put in issue.

11 While the nature of the applicant's central claim is not particularised by the proposed application for a constitutional writ, the affidavits the applicant filed in support disclose the substance of the purported exercises of power the subject of complaint and the applicant's explanation for the apparent unintelligibility of her claims. The applicant claims that she may have been (or be) subject to surveillance

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4 *Clubb v Edwards* (2019) 267 CLR 171 at 192 [34].

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under the *Crimes Act 1914* (Cth) or otherwise, but that she has been prevented from confirming whether she is in fact subject to such surveillance due to freedom of information requests being allowed only in part, and various complaints, reviews and appeals either failing wholly or failing to produce the information she wished to obtain. The applicant also refers in her affidavits to a large range of issues and conduct that she claims to have been subjected to, including notably: (a) an instance where the applicant's home was raided by police (resulting in drug possession charges); (b) the applicant being charged with an offence of driving with an illicit substance (methylamphetamine) in her oral fluid or blood (which was dismissed before a magistrate because the test used by police was not gazetted); (c) the applicant being charged with failing to comply with a requirement to accompany a police officer to provide a sample of oral fluid (of which she was convicted, but the conviction subsequently was overturned on the basis that it could not be proved that the police had used an approved preliminary test); and (d) an instance where police did not attend the applicant's home when two armed men were outside, in respect of which the applicant was awarded \$7,500 in compensation, a decision which she then appealed to the District Court of Western Australia. The material the applicant filed in support of the proposed application discloses her dissatisfaction with the outcome of those proceedings on the basis that the compensation award would or should have been increased had the applicant been able to access all relevant evidence to put before the District Court.

12 In relation to the suspicion of being subject to surveillance, the applicant attaches documents that authorised the surveillance of other individuals suspected of importing and trafficking border controlled drugs under the *Crimes Act* and the *Surveillance Devices Act 2004* (Cth). The applicant states a concern that she may have been included in or placed under surveillance as part of those operations within the category of "individuals yet to be identified". The applicant commenced proceedings in the Supreme Court of Western Australia seeking access to warrants relating to other people, and those proceedings were dismissed for reasons not disclosed in the material.

13 It is not evident on the face of the applicant's material that she has been the subject of the exercises of power the subject of her complaints. To the extent that the applicant seeks to impugn provisions of the *Crimes Act*, the materials on their face disclose no clear or evident relationship between the controlled operations authorisations provided and the applicant's own interactions with the police or courts. Nor do the materials disclose any relationship between these interactions and intelligence classifications, indefinite surveillance authorisations, or secrecy provisions. Further, it is not apparent that there is any real connection between the applicant's charges relating to illicit substances in her oral fluid or blood and her prescribed medication.

14 The materials also do not disclose any error in the exercise of jurisdiction of any Court below. Rather, to the extent that the applicant claims that the

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Supreme Court "declined to exercise ... federal jurisdiction", the issue in substance appears to be that the applicant disagrees with the decision of the Supreme Court to dismiss her proceeding but the reasons for such dismissal are not disclosed in the materials the applicant has filed.

15           None of these claims, nor anything else in the applicant's materials, advance any legally intelligible basis upon which the relief sought could be granted. The applicant's explanation for this, her neurodivergence, may be accepted, but does not affect the ultimate fact that her proposed application discloses no apparent basis, factual or legal, for the claims made or the relief sought. The bases upon which the applicant seeks to invoke the Court's jurisdiction are manifestly untenable. The proposed application, accordingly, is both frivolous and vexatious on its face and thereby an abuse of process. The proposed application should not be permitted to be filed.

16           The applicant's ex parte application filed on 25 February 2026 for leave to issue or file the proposed application for a constitutional writ is dismissed.