

HIGH COURT OF AUSTRALIA

EDELMAN J

IN THE MATTER OF AN APPLICATION BY
ZHANYU ZHONG FOR LEAVE TO ISSUE OR FILE

[2026] HCASJ 7

Date of Judgment: 25 March 2026

M19 of 2026

ORDERS

- 1. The ex parte application filed on 13 March 2026 for leave to issue or file a writ of summons is refused.*
- 2. The ex parte application filed on 16 March 2026 for a hearing before the Full Court of the High Court is refused.*

Representation

The applicant is unrepresented

1 EDELMAN J. In an application filed on 13 March 2026, the applicant, Mr Zhong, sought leave to issue and file a writ of summons against six defendants: "Victoria Police", "Director of Public Prosecution of Victoria", "Magistrate Court of Victoria", "Supreme Court of Victoria", "The Court of Appeal of Supreme Court of Victoria", and "Attorney-General of Victoria". In the proposed writ, Mr Zhong sought various declarations including that "[his] trial was conducted contrary to law", "the six defendants breached ss 5, 75(i), 80 and 109 of the Constitution", and "the conduct of [his] trial was inconsistent with Australia's obligations under the [International Covenant on Civil and Political Rights]". Mr Zhong also sought various orders including "certiorari quashing the conviction", "that the State apologi[se] for the 25-year unlawful conviction", and "that all records, entries, or administrative notations arising from the void conviction be treated as having no legal effect".

2 Mr Zhong had previously sought, and been refused, leave to issue or file a writ of summons in similar terms to the proposed writ.¹ On 26 February 2026, Gordon J directed the Registrar, pursuant to r 6.07.2 of the *High Court Rules 2004* (Cth), to refuse to issue or file Mr Zhong's proposed writ without the leave of a Justice. Mr Zhong now seeks leave to issue and file his proposed writ.

3 In a further application filed on 16 March 2026, Mr Zhong also seeks orders that "the application for leave to file or issue be referred to the Full Court of the High Court, constituted by all seven Justices, for hearing" and that the "constitutional questions" raised in his proposed writ (including sixteen questions in the writ and additional questions in the accompanying affidavit) be listed for determination.

4 On 23 March 2026, Mr Zhong filed a further document, entitled "Notice of a Constitutional Matter", purportedly under ss 30, 31, 32 and 78B of the *Judiciary Act 1903* (Cth) and addressed to the Attorneys-General of the Commonwealth and the States and Territories, asserting that the "proceeding" (which seemed to be a reference to the proceeding which he had not obtained leave to file or issue) gave rise to constitutional issues "because the State of Victoria has breached ss 5, 75(i), 80 and 109 of the Australian Constitution, together with Articles 2, 3, 5, 7, 9, 14(1), 14(2), 14(3)(b, d, e, g), 14(5), 16 and 26 of the [International Covenant on Civil and Political Rights]".

5 In Mr Zhong's affidavit in support of his application for leave to issue or file the proposed writ he says that he seeks to enforce his rights "under the [International Covenant on Civil and Political Rights] and Charter of Human Rights and Responsibilities [Act] 2006, (the Charter) and to challenge the constitutional validity, jurisdictional foundation, and statutory compliance of the

¹ *In the matter of an application by Zhanyu Zhong for leave to issue or file* [2025] HCASJ 38.

State processes, decisions, and acts that culminated in my conviction for incitement to murder". And in Mr Zhong's affidavit in support of his application for referral of his leave application to the Full Court of the High Court, Mr Zhong asserts that "[f]ifteen binding High Court authorities cited in the Writ—each deductively linked to the material jurisdictional facts—establish that leave cannot be denied by summary disposition of one or two Justices without engaging those 5-, 6- and 7-judge authorities".

6 The assessment of prospects for documents the subject of a r 6.07.2 direction is based upon consideration of the documents on their face which, almost inevitably, takes place on the papers and without an oral hearing. Mr Zhong's proposed writ of summons is vexatious and has no prospects of success. Accordingly, both of Mr Zhong's applications are manifestly untenable or, in other words, manifestly hopeless and therefore an abuse of process.²

7 This Court has already dealt with numerous applications brought by Mr Zhong associated with his initial conviction of incitement to murder contrary to s 321G of the *Crimes Act 1958* (Vic) and subsequent unsuccessful applications for special leave to appeal.³ The point will soon come, if it has not already been reached, when consideration should be given to making a vexatious proceedings order under s 77RN of the *Judiciary Act*. The repeated filing of applications which are vexatious, including those which are an abuse of process, can be a reason for the making of such an order.

8 The ex parte applications filed on 13 March 2026 seeking leave to issue or file a writ of summons, and on 16 March 2026 seeking a hearing before the Full Court of the High Court, are refused.

² *Re Young* (2020) 94 ALJR 448 at 451 [13]; 376 ALR 567 at 570; *Citta Hobart Pty Ltd v Cawthorn* (2022) 276 CLR 216 at 246-247 [73].

³ *R v Zhong* (2003) 139 A Crim R 220; *Zhong v The King* [2023] VSCA 35. See *Zhong v The Queen* [2005] HCATrans 58; *Zhong v The King* [2023] HCASL 96; *In the matter of an application by Zhanyu Zhong for leave to issue or file* [2023] HCATrans 98; *In the matter of an application by Zhanyu Zhong for leave to appeal* [2023] HCASL 163; *Zhong v Attorney-General (Vic)* [2025] HCADisp 88; *In the matter of an application by Zhanyu Zhong for leave to issue or file* [2025] HCASJ 38; *In the matter of an application by Zhanyu Zhong for leave to appeal* [2026] HCADisp 5.