HIGH COURT OF AUSTRALIA

JAGOT J

IN THE MATTER OF AN APPLICATION BY ZOFIA BOZENA MAJAK FOR LEAVE TO ISSUE OR FILE

[2026] HCASJ 9
Date of Judgment: 22 April 2026
M28 of 2026

ORDER

1. *The ex parte application filed on 2 April 2026 for leave to issue or file the proposed application for a constitutional or other writ is dismissed.*

Representation

The applicant is unrepresented

1 JAGOT J. On 31 March 2026, Gordon J made a direction under r 6.07.2 of the *High Court Rules 2004* (Cth) that the Registrar refuse to issue or file an application by the applicant for a constitutional or other writ without leave of a Justice first had and obtained. By ex parte application filed on 2 April 2026 under r 6.07.3 of the *High Court Rules*, the applicant seeks such leave. The application is supported by an affidavit affirmed by the applicant on 1 April 2026.

2 For the following reasons, leave to issue or file the proposed application for a constitutional or other writ should be refused.

Relevant principles

3 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 that inform the decision of the Registrar to seek a 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 process of the Court, to be frivolous or vexatious or to fall outside the jurisdiction of the Court".[1]

Consideration

4 The proposed application concerns part of the judgment of the Federal Court of Australia (O'Sullivan J) in *Majak v Barnden*,[2] which, relevantly, summarily dismissed a proceeding brought by the applicant. The proposed application names the Federal Court, John Vouris in his capacity as Receiver appointed by the Federal Circuit and Family Court of Australia, and Alan Wesley Rose, the applicant's former partner, as defendants.

5 The relief sought by the applicant includes a writ of certiorari quashing the order made by the Federal Court that dismissed the proceeding, a writ of mandamus requiring that Court to hear and determine the proceeding according to law, and injunctions restraining the Federal Court, the Receiver and the Registrar of Titles for Victoria from dealing with a property that the applicant claims to have an interest in until the application has been determined by this Court. The applicant also seeks a preservation order over the relevant property pending the determination of this application, and a declaration that dismissing the proceeding involved jurisdictional error on the part of Federal Court.

---

1 *Re Young* (2020) 94 ALJR 448 at 451 [11]; 376 ALR 567 at 570, referring to r 6.07.1 of the *High Court Rules*.

2 [2026] FCA 363.

6 In *Majak v Barnden*,[3] the applicant claimed that the Receiver acted in "excess" of and "misuse[d]" court-conferred powers and that the applicant's former partner "procured, facilitated and benefitted" from those excesses. These claims related to properties in which the applicant contended she had an interest. The applicant claimed, among other things, that the Receiver removed her caveat over properties without authority to do so and that the applicant was excluded from dealings with the properties.

7 As noted, the Federal Court summarily dismissed the proceeding. The Court found that: (i) to the extent the applicant had complaints against the Receiver or the former partner, it was the Federal Circuit and Family Court that had jurisdiction, not the Federal Court; (ii) the proceeding was an abuse of process and an attempt by the applicant to circumvent the order of Harper J in *Massalski & Riley [No 3]*[4] that prohibited the applicant from instituting proceedings in any court with jurisdiction under the *Family Law Act 1975* (Cth) in relation to the former partner without leave; (iii) the applicant, being an undischarged bankrupt by reason of which her interests in properties are vested in the trustee in bankruptcy, did not have standing to bring the proceeding; and (iv) "the matters the subject of all three actions have been on foot since 2015. The applicant has made numerous applications to the Supreme Court of Victoria and the [Federal Circuit and Family Court] and has now chosen to issue three sets of proceedings in this Court which canvass the same or similar issues raised in those Courts", supporting the conclusion that the proceedings were an abuse of process.[5]

8 In the proposed application, the applicant claims that she "does not seek to review the merits" of the Federal Court's decision but rather that the application concerns the "failure" of the Federal Court to determine whether it had jurisdiction to hear and determine the claims. The applicant claims that the Federal Court "fail[ed] to exercise jurisdiction according to law" in dismissing without determining the issues raised in the proceeding. The applicant raises various other issues, including that she was denied procedural fairness.

9 It is apparent that there is a "long and tortuous history"[6] of litigation involving the applicant and her former partner over properties they owned and that the applicant has instituted a "bewildering array of proceedings"[7] seeking to have orders of the courts below set aside and new property orders made. These

---

3 [2026] FCA 363.

4 [2022] FedCFamC1F 562.

5 [2026] FCA 363 at [7] and [11].

6 *Cwalina v Rose* [2026] VSCA 54 at [2].

7 *Massalski & Riley [No 3]* [2022] FedCFamC1F 562 at [15].

proceedings have been variously dismissed as having "no reasonable prospect of success", "an abuse of process",[8] "without any evidentiary basis" and "wholly without merit".[9] In 2022, the Federal Circuit and Family Court (Harper J)[10] found that the applicant had frequently instituted vexatious proceedings in Australian courts and made a vexatious proceeding order against the applicant under s 102QB of the *Family Law Act*.

10 In circumstances where there is no evidence that the applicant has attempted to challenge the orders made by the Federal Court by an application for leave to appeal in that Court, the proposed application involves another attempted abuse of process. Moreover, there is nothing in the material to suggest error by the Federal Court. As the proposed application involves an abuse of process no grant of leave to file the proposed application should be made.

11 The applicant's ex parte application filed on 2 April 2026 for leave to issue or file the proposed application for a constitutional or other writ is therefore dismissed.

---

8 *Massalski & Riley [No 3]* [2022] FedCFamC1F 562 at [2].

9 *Massalski & Riley* [2019] FamCA 1013 at [1].

10 *Massalski & Riley [No 3]* [2022] FedCFamC1F 562.