

# HIGH COURT OF AUSTRALIA

STEWARD J

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IN THE MATTER OF AN APPLICATION BY  
CHRISTOPHER ROSS FOR LEAVE TO ISSUE OR  
FILE

[2026] HCASJ 13  
*Date of Judgment: 15 May 2026*  
M7 of 2026

## ORDER

- 1. The application of 16 January 2026 for leave to issue or file a proposed application for a constitutional or other writ is dismissed.*

### **Representation**

The applicant is unrepresented



1 STEWARD J. On 7 January 2026, Beech-Jones J directed the Registrar to refuse to issue or file the applicant's proposed application for a constitutional or other writ dated 31 December 2025 ("the Proposed Application") without leave of a Justice first had and obtained, pursuant to r 6.07.2 of the *High Court Rules 2004* (Cth) ("the Rules").

2 By an ex parte application filed on 16 January 2026 pursuant to r 6.07.3 of the Rules, the applicant now seeks that leave. The applicant relies upon a supporting affidavit also filed on 16 January 2026. The applicant is self-represented.

### **Background**

3 The Proposed Application concerns three attempts by the applicant to file an originating process in the Supreme Court of Victoria:

(a) On 5 February 2023, the applicant sought to file a writ in the Supreme Court. The Prothonotary of the Supreme Court rejected the writ for filing. On 11 July 2023, Quigley J upheld the action of the Prothonotary. On 22 August 2023, the applicant filed an application for leave to appeal that decision in the Court of Appeal of the Supreme Court. On 25 August 2023, the Registrar of the Court of Appeal emailed the applicant to confirm that the documents submitted in respect of that application had been accepted for filing.

(b) On 19 February 2023, the applicant sought to file an originating motion in the Supreme Court. The Prothonotary of the Supreme Court rejected the originating motion for filing. On 25 July 2023, Quigley J upheld the action of the Prothonotary. On 5 September 2023, the applicant filed an application for leave to appeal that decision in the Court of Appeal. On the same day, the Registrar of the Court of Appeal emailed the applicant to confirm that the documents submitted in respect of that application had been accepted for filing.

(c) On 1 February 2024, the applicant sought to file a writ in the Supreme Court of Victoria. The Prothonotary of the Supreme Court rejected the writ for filing. On 14 February 2024, Quigley J upheld the action of the Prothonotary. On 20 February 2024, the applicant filed an application for leave to appeal that decision in the Court of Appeal. On 21 February 2024, the Registrar of the Court of Appeal emailed the applicant to confirm that the documents submitted in respect of that application had been accepted for filing.

4 On 31 October 2024, the applicant received an email referring to the three applications for leave to appeal, which said that the Registrar of the Court of Appeal considered that there was a "question" as to whether the Court of Appeal

had jurisdiction to consider those applications. The email said that the Registrar of the Court of Appeal considered that there were, in short, "two aspects to this issue" – whether the jurisdiction of the Supreme Court had been engaged, and whether there lay a right of appeal to the Court of Appeal under s 17(2) of the *Supreme Court Act 1986* (Vic).

5 The applicant was invited to make "short written submissions" as to why he contended "that the Court of Appeal has jurisdiction to consider the applications for leave to appeal" by 28 November 2024. On 4 November 2024, the applicant made submissions to the Court of Appeal.

6 On 31 December 2025, at the time the applicant lodged the Proposed Application for filing in this Court, the applicant asserted that he had received "no further communication" from the Court of Appeal.

### **Proposed Application**

7 By the Proposed Application, the applicant would seek the following relief in this Court:

- "1. Make an order by writ of mandamus for both [the Chief Justice of the Supreme Court] and [the Court of Appeal] to make [judgment] on the [three] proceedings that are before it ...
2. Make an order by writ of mandamus for [the Chief Justice of the Supreme Court] to assign a Judicial Officer from the Court of Appeal of the Supreme Court of Victoria to the [three] proceedings that are before it ..."

8 The applicant relevantly contends that:

- "1. I am not prohibited from statute of limitations to bring forward this application as no judgment has been made by the defendant, who, in itself, is not legally bound to make such a judgment by a statutory time frame.
2. Reasonable time has now elapsed for the defendant to make judgment in these three proceedings before it and having not judgment been made I [am] lawfully able to bring forward this application for writ of mandamus now."

### **Relevant principles**

9 The discretion to grant or refuse leave to issue or file a document pursuant to r 6.07.3 of the *Rules* is to be exercised with regard to the same criteria which inform the action of the Registrar under r 6.07.1. Leave to issue or file a document will ordinarily be refused where the document appears "on its face" to be an abuse

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of the process of the Court, "frivolous or vexatious", or outside the jurisdiction of the Court.<sup>1</sup> The concept of an abuse of process cannot be confined within closed categories, although for present purposes, it is sufficient to observe that the concept includes "an attempt to invoke the original or appellate jurisdiction of the High Court on a basis that is confused or manifestly untenable".<sup>2</sup>

10           The Proposed Application constitutes such an attempt. On the face of the application and supporting affidavit, each of the three applications for leave to appeal is pending before the Court of Appeal and the applicant is "awaiting judgment" on those matters. By the Proposed Application, the applicant seeks, inter alia, to compel the Court of Appeal to give judgment on the basis that "reasonable time has now elapsed" for the Court of Appeal to give judgment. It is well established that the Supreme Court has broad case management powers including in relation to the management of cases in the Court of Appeal and the allocation of judges to particular proceedings before it.<sup>3</sup> The applicant now seeks to "leapfrog" that appeals process.<sup>4</sup> It would be inappropriate for this Court to intervene, by way of mandamus, in that case management process. Rather, the applicant should wait for the Court of Appeal to hand down its reasons. For completeness, I note that on 20 March 2026, the Court of Appeal gave judgment, dismissing each of the applicant's three applications for leave to appeal for lack of jurisdiction and determined that those applications were totally without merit.<sup>5</sup>

11           The Proposed Application also raises complex constitutional issues that it is not presently necessary to determine. The relief sought by the applicant is writs of mandamus against the Chief Justice of the Supreme Court of Victoria and the Court of Appeal. The applicant asserts that the Chief Justice of the Supreme Court and the Court of Appeal were each acting as an officer of the Commonwealth for the purposes of s 75(v) of the *Constitution*. That is a controversial proposition that

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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    See, eg, *Supreme Court Act 1986* (Vic) ss 11, 16; *Supreme Court (General Civil Procedure Rules) 2025* (Vic), O 64.

4    *Rilak v A Senior Registrar of the Family Court of Australia at Sydney* [2018] HCATrans 101 at 684-691.

5    *Ross v Draper* [2026] VSCA 47 at [25], [39].

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would be inconsistent with the decision of this Court in *R v Murray and Cormie; Ex parte The Commonwealth*.<sup>6</sup>

**Leave to issue or file must be refused**

12 For the foregoing reasons, the application filed on 16 January 2026 for leave to issue or file the Proposed Application for a constitutional or other writ is dismissed without an oral hearing.

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<sup>6</sup> (1916) 22 CLR 437 at 452, 464, 471. See also *Dimitrov v Supreme Court of Victoria* (2017) 263 CLR 130 at 143-145 [29]-[33]; *In the matter of an application by Valerie Peers for leave to issue or file* [2024] HCASJ 34 at [7].