HIGH COURT OF AUSTRALIA

GLEESON J

IN THE MATTER OF AN APPLICATION BY DJURAN BUNJILEENEE FOR LEAVE TO ISSUE OR FILE

[2026] HCASJ 37
Date of Judgment: 2 November 2026
M88 of 2026

ORDERS

1. *The application filed 28 August 2026 for leave to issue or file the application dated 30 July 2026 is refused.*

2. *The application dated 3 September 2026 for admission of fresh evidence is refused.*

Representation

The applicant is unrepresented

GLEESON J.

Background to application

1 Pursuant to r 6.07.3 of the *High Court Rules 2004* (Cth) ("the Rules") and by application filed on 28 August 2026 ("the leave application"), the applicant on behalf of Camp Sovereignty seeks leave to have issued or filed an application in proceedings M50 of 2026 (*White Australia Party Inc v Commonwealth of Australia*) ("the White Australia Party proceedings") dated 30 July 2026 ("the proposed application"), seeking a variation of orders made in those proceedings and orders "sought to be made by consent of the plaintiffs and defendants on 10 July 2026", by making several orders including a declaration that certain omissions from the special case filed in the White Australia Party proceedings constitute a breach of the *Racial Discrimination Act 1975* (Cth) and a declaration overruling the "Mabo 'Act of State' doctrine". The leave application also seeks a direction that "this application" be referred to a Full Court of six justices excluding Gordon J; although not entirely clear in this respect, I have treated "this application" as the leave application, not the proposed application.

2 In support of the leave application, the applicant has filed an affidavit affirmed by him on 24 August 2026; an application dated 3 September 2026 to adduce fresh evidence comprising communications from the applicant to the Office of the Prosecutor of the International Criminal Court; and an affidavit affirmed by the applicant on 3 September 2026, exhibiting those communications.

3 Leave is required because of a r 6.07.2 direction made by Gordon J on 31 July 2026, directing the Registrar to refuse to issue or file the proposed application without first having and obtaining the leave of a Justice of this Court.

4 On 9 September 2026, this Court reserved its decision in the White Australia Party proceedings.

Consideration and disposition

5 Rule 6.07.2 empowers a single Justice to direct the Registrar to issue or file a document the subject of an application under r 6.07.3. Accordingly, the proposed application will not be referred to a Full Court unless leave to issue or file is granted. Furthermore, implicit in the requirement that a document the subject of an application under r 6.07.3 be considered "on its face" is that such an application falls to be determined on the papers, that is, without an oral hearing.[1]

6 The discretion to refuse the leave sought by the applicant is to be exercised by reference to the criteria set out in r 6.07.1, which include whether an application

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1 *Re Young* (2020) 94 ALJR 448 at 451 [12]; 376 ALR 567 at 570.

"appears ... on its face to be an abuse of the process of the Court".[2] While there are no "closed categories" of what amounts to an abuse of process, the concept includes attempts to invoke the jurisdiction of the Court on bases that are confused or manifestly untenable.[3]

7 In this case, the leave application must be refused without listing it for hearing, in accordance with r 13.03.1 of the Rules, because the relief sought in the proposed application has no apparent relevance to the determination of the issues raised in the White Australia Party proceedings. Consequently, the proposed application attempts to invoke the Court's jurisdiction in a manner that is both confused and manifestly untenable. Leave to file the fresh evidence would be pointless and must also be refused for that reason. These orders will be made and these reasons will be published in chambers, consistently with r 13.04 of the Rules.

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

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