HIGH COURT OF AUSTRALIA

BEECH-JONES J

IN THE MATTER OF AN APPLICATION BY ALI BILAL FOR LEAVE TO ISSUE OR FILE

[2026] HCASJ 39
Date of Judgment: 11 November 2026
S92 of 2026

ORDER

1. *The ex parte application filed on 22 September 2026 for leave to issue or file the application dated 12 September 2026 is refused.*

Representation

The applicant is unrepresented

1 BEECH-JONES J. This is an ex parte application for leave to issue or file an application for a constitutional or other writ ("the writ").

2 On or about 12 September 2026, the applicant, Mr Ali Bilal, sought to file an application for the writ. On 16 September 2026, Acting Chief Justice Gordon directed the Registrar of this Court to refuse to issue or file that application without the leave of a Justice first had and obtained by the party seeking to issue or file it.[1]

3 On or about 22 September 2026, the applicant sought that leave and relied on a supporting affidavit affirmed on 17 September 2026. For the reasons that follow leave is refused.

Background

4 The applicant has brought various proceedings in the Federal Court of Australia which, amongst other matters, have sought to invoke the "whistleblower" protections contained in Pt 9.4AAA of the *Corporations Act 2001* (Cth) and rely on s 345 of the *Fair Work Act 2009* (Cth).[2]

5 On 20 July 2026, the applicant sought to institute proceedings under the *Fair Work Act 2009* (Cth) by filing an originating application and statement of claim ("the original application documents") in the Federal Court.

6 On 3 August 2026, registry staff at the Federal Court informed the applicant that the original application documents had not been accepted for filing by reason of a direction made by Stellios J pursuant to r 2.27(e) of the *Federal Court Rules 2011* (Cth) on the basis that the application to institute proceedings was "an abuse of process" and "entirely without merit". Rule 2.27(e) provides that a document will not be accepted for filing if "the Court has given a direction that the document not be accepted".

7 On 24 August 2026, the applicant sought to file an application for an extension of time and leave to appeal from the decision of Stellios J, together with supporting documents ("the appeal documents").

8 On 25 August 2026, registry staff at the Federal Court informed the applicant that the appeal documents had not been accepted for filing by reason of a direction made by Raper J under r 2.27(e) on the basis that the relevant application was "an abuse of process" and "entirely without merit".

9 On 29 August 2026, the applicant sought to file a further application in the Federal Court under s 39B of the *Judiciary Act 1903* (Cth) and the *Administrative*

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[1] *High Court Rules 2004* (Cth), r 6.07.2.

[2] See *Bilal v Ampol Limited (Recusal Application)* [2026] FCA 1448.

Decisions (Judicial Review) Act 1977 (Cth) concerning the non-acceptance of the original application documents. The registry staff at the Federal Court subsequently informed the applicant that a further direction had been given under r 2.27(e), such that this further application was also not accepted for filing.

The writ

10 Mr Bilal's application contains two principal prayers for relief. The first is that a writ of certiorari be issued quashing the direction made by Stellios J on 3 August 2026. The second is that a writ of certiorari be issued quashing the direction made by Raper J on 25 August 2026.

11 The applicant seeks further relief consequential or in the alternative to the two principal prayers for relief. Such orders sought include: (1) a declaration that the direction made by Stellios J on 3 August 2026 and the direction made by Raper J on 25 August 2026 are invalid; (2) a writ of mandamus requiring the Registry of the Federal Court to accept the original application documents for filing or to deal with the original application documents according to law; (3) in the alternative to the preceding order, a writ of mandamus requiring the Registry of the Federal Court to accept the appeal documents for filing or to deal with the appeal documents according to law; and (4) an injunction restraining the Registry of the Federal Court from "giving effect to, acting upon or relying upon the direction to which the relevant order relates".

12 In support of his application to this Court, the applicant makes, in effect, two arguments. The first contends that the directions made by Stellios J and Raper J were made "without, or in excess of, jurisdiction or power". The applicant contends that r 2.27(e) is not "a freestanding judicial power to determine the substantive merits of an unfiled proposed proceeding" and the directions made "exceeded the[ir] lawful limits" by "intruding into matters reserved for judicial determination".

13 This argument is untenable. Like r 6.07.1 of the *High Court Rules 2004* (Cth), provisions like r 2.27(e) serve to protect the process of a court from being abused by the filing of documents that are on their face an abuse of process. The material filed by the applicant indicates that this is precisely the basis on which Stellios J and Raper J issued the directions. They did not purport to make a final determination of whatever were the merits of the claims sought to be raised. No arguable basis for jurisdictional error is revealed or articulated by the applicant.

14 The second argument made by the applicant is that he was not afforded an opportunity to be heard, with the result being that the denial of procedural fairness constitutes jurisdictional error. There is nothing to suggest that the process that was undertaken of considering and then rejecting the documents that the applicant sought to file involved such a denial. There is no basis for concluding that the

directions were made by reference to anything that was not apparent from the face of the documents the applicant sought to file.

Leave to file the writ must be refused

15 The discretion to refuse leave to issue or file a document will ordinarily be exercised 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".[3] The concept of abuse of process includes "an attempt to invoke the original or appellate jurisdiction of the High Court on a basis that is confused or manifestly untenable".[4] An application may be regarded as frivolous where it has no arguable basis in fact or law.[5]

16 The exercise of the discretion to refuse leave "is appropriate only in the clearest of cases".[6] This is such a case. The basis for invoking the Court's jurisdiction is manifestly untenable.

17 The application is therefore properly regarded as frivolous and an abuse of process. The application filed on 22 September 2026 for leave to issue or file an application for the writ is refused.

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[3] *High Court Rules 2004* (Cth), r 6.07.1.

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

[5] *Re Martin's Application* (2001) 180 ALR 453 at 457 [19].

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