

H 423

IN THE MATTER OF AN APPLICATION FOR AN ORDER NISI
FOR A WRIT OF HABEAS CORPUS
DIRECTED TO THE GOVERNOR
OF HER MAJESTY'S METROPOLITAN RECEPTION PRISON, PENTRIDGE
IN THE STATE OF VICTORIA;
EX PARTE MARK ALFRED CLARKSON

ORDER

Application dismissed for want of jurisdiction.

IN THE MATTER OF AN APPLICATION FOR AN ORDER NISI
FOR A WRIT OF HABEAS CORPUS
DIRECTED TO THE GOVERNOR
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JUDGMENT
(oral)

GIBBS C.J.

IN THE MATTER OF AN APPLICATION FOR AN ORDER NISI
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Before the Court is an application by one Mark Alfred Clarkson, who is at present a prisoner in Pentridge prison, for a writ of habeas corpus. No one has appeared to support the application and, since it has not been served, no one has appeared to oppose it.

It appears from a lengthy affidavit filed by the applicant that a variety of charges have been laid against him and are pending. On 27 November 1984 O'Bryan J. in the Supreme Court of Victoria made an order granting him bail on condition that he support his recognizance with one surety in the sum of \$100,000 or two of \$50,000 each, and on 1 February 1985 an application to reduce the amount of bail was refused by Starke J. The applicant claims that the bail is excessive and asserts on a number of grounds that he is unlawfully held in custody.

This Court has no jurisdiction to entertain the application. The applicant invokes the original jurisdiction of the Court. That jurisdiction is principally defined in s.75 of the Constitution and s.30 of the

Judiciary Act, but neither of those provisions, nor any other Commonwealth Act that I have seen, extends the original jurisdiction of the Court to an application such as the present.

The application is dismissed for want of jurisdiction.

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RECEPTION PRISON, PENTRIDGE IN THE STATE OF
VICTORIA;

EX PARTE: MARK ALFRED CLARKSON

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REASONS FOR JUDGMENT

Judgment delivered at.....CANBERRA.....

on6th March 1985 (Oral).....

.....Gibbs C.J.