

Form 12 – Application for a constitutional or other writ

Note: see rule 25.01.1.

IN THE HIGH COURT OF AUSTRALIA
CANBERRA REGISTRY

BETWEEN:

ANTON TUTOVEANU
Plaintiff

and

COMMONWEALTH OF AUSTRALIA
Defendant

APPLICATION FOR A CONSTITUTIONAL OR OTHER WRIT

The plaintiff applies for the relief set out in Part I below on the grounds set out in Part II below

Part I: *[The precise orders sought, including any extension of time sought.]*

1. The Commonwealth of Australia is to comply with the *Criminal Code Act 1995* (Cth) in response to the international conflict between the State of Israel, Palestinian territories and other Middle-Eastern countries as of 2025.
2. The Governor-General and AFP Minister are to specify all ***terrorist organisation*** in regulations made for the purposes of paragraph (b) of the definition of ***terrorist organisation*** in Part 5.3 of *Criminal Code Act 1995* (Cth).
3. The Governor-General and Minister for Foreign Affairs and Trade are to make regulations sanctioning all ***terrorist organisation*** under the *Autonomous Sanctions Act 2011* (Cth) to specifically comply with:
 - a. s 102.7 of *Criminal Code Act 1995* (Cth) by ensuring subjects of the Commonwealth do not provide support to ***terrorist organisation***.
 - b. s 103.1 of *Criminal Code Act 1995* (Cth) by ensuring subjects of the Commonwealth do not finance ***terrorist organisation***.

Part II: *[A concise statement of the grounds of the application.]*

Evidence of purported terrorist acts committed by Israel and Middle Eastern territories are being broadcast to the world. There are distorted views about the Australian Government's response to this international conflict. This has caused and continues to cause civil unrest in the Australian communities.

The criminal law governs the Commonwealth of Australia.

Part III: *[Reasons why the application should not be remitted to another court or, if the plaintiff submits that it should be remitted, identify the court to which it should be remitted.]*

The jurisdiction to issue writ of mandamus to Commonwealth officers is exclusive to the High Court of Australia (see s 38 *Judiciary Act 1903* (Cth)). Despite the various exceptions in s 39B, there is significant public importance and commonality among the States and Territories in this case to have the matter heard and determined by the High Court.

Part IV: *[A brief statement of the factual background to the application.]*

Since 7th October 2023 violent scenes in the Middle East are being broadcast to the world. Though the violence is being perpetrated by both sides, it is apparent that one side has done disproportionate damage and harm to the other.

Throughout 2024-25 there have been numerous protests, rallies and public disruptions in reaction to this particular international conflict.

The lack of clarity and heated accusations has caused strong emotional reactions within the community. The Australian Government's unsatisfactory response and involvement in this foreign affair has led to antagonisation and ridicule by the public. This motivates the application to order the Commonwealth to fulfill its duty to cease alleged complicity in the Palestine-Israel international conflict.

Part V: [A brief statement of the plaintiff's argument in support of the application.]

The plaintiff relies on a certain method of legal proof which involves constructing a logical circuit that satisfies the elements and/or criteria of the cause of action.

The application is brought before the High Court of Australia which has power and jurisdiction within the Commonwealth. It is vested with original and exclusive matters such as writs of mandamus to officers of the Commonwealth (see Ch. III s 75 of *Commonwealth Constitution* and ss 33, 38 of *Judiciary Act 1903* (Cth)).

The elements to satisfy the Court to issue a writ of mandamus are:

1. Commonwealth officer.
2. Public duty (whether mandatory or discretionary).
3. Unfulfilled performance.

It is asserted that subjects of the Commonwealth must comply with the criminal law (*Criminal Code Act 1995* (Cth)) where Part 5.3 provisions terrorism offences:

1. 102.7 Providing support to a terrorist organisation
 - a. a person
 - b. intentionally
 - i. knowingly or recklessly
 - c. provides
 - d. a terrorist organisation
 - e. support to
 - f. engage in
 - g. acts of terrorism
2. 103.1 Financing terrorism
 - a. a person
 - b. intentionally
 - i. knowingly or recklessly

- c. provides or collects
- d. funds
- e. used to facilitate or engage in a
- f. terrorist act

The plaintiff asserts that the evidence available, either adduced or obtained via court order, satisfies the offence which provides the basis of the application.

Part VI: *[Any reasons why an order for costs should not be made in favour of the defendant in the event that the application is refused.]*

Public interest.

Part VII: *[A list of authorities on which the plaintiff relies, identifying the paragraphs at which the relevant passages appear.]*

Ah Yick v Lehmert [1905] HCA 22

Al-Haq, R (On the Application Of) v Secretary of State for Business and Trade
[2025] EWHC 173 (Admin)

Al-Haq, R (On the Application Of) v Secretary of State for Business and Trade
[2025] EWHC 1615 (Admin)

Commonwealth of Australia v AJL20 [2021] HCA 21

*CZA19 v Commonwealth of Australia; DBD24 v Minister for Immigration and
Multicultural Affairs* [2025] HCA 8 at [94]

Hocking v Director-General of the National Archives of Australia [2020] HCA 19
"Ozymandias", 1819 (Annexure A)

R v Governor of South Australia [1907] HCA 31

Randall v Northcote Council [1910] HCA 25

Part VIII: *[The particular constitutional provisions, statutes and statutory provisions applicable to the questions the subject of the application set out verbatim. If more than one page in length, this Part should be attached as an annexure.]*

Commonwealth Constitution (Cth), s 5, Ch. III. ss 71, 75, Ch. IV. ss 81, 83

Judiciary Act 1903 (Cth), ss 25, 30, 33, 38, 39B, 56, 80

High Court of Australia Act 1979 (Cth), ss 17, 46, 48

High Court Rules 2004 (Cth), rr 8.07, 20.01, 25.01, 25.04, 25.05, 25.13

Criminal Code Act 1995 (Cth), s 15.4, Pt. 5.3 ss 100.1, 100.3, 100.4, 102.1,
102.1A, 102.7, 102.9, 103.1, 103.3, 104.1

Evidence Act 1995 (Cth)

Foreign Evidence Act 1994 (Cth), ss 3, 27A, 27AA, 27B, 27D, 27DA, 27E

Autonomous Sanctions Act 2011 (Cth), ss 3, 4, 10, 14

Genocide Convention Act 1949 (Cth), Art. I., II., III., IV.

Dated 9th July 2025



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Plaintiff

To: The Defendant

Commonwealth of Australia

TAKE NOTICE: Before taking any step in the proceeding you must, within **14 DAYS** from service of this application enter an appearance and serve a copy on the plaintiff.

The plaintiff is self-represented.

Annexure A

I met a traveller from an antique land
Who said: Two vast and trunkless legs of stone
Stand in the desert. Near them, on the sand,
Half sunk, a shattered visage lies, whose frown,
And wrinkled lip, and sneer of cold command,
Tell that its sculptor well those passions read
Which yet survive, stamped on these lifeless things,
The hand that mocked them and the heart that fed:
And on the pedestal these words appear:
*"My name is Ozymandias, King of Kings:
Look on my works, ye Mighty, and despair!"*
No thing beside remains. Round the decay
Of that colossal wreck, boundless and bare
The lone and level sands stretch far away.