

Form 12 – Application for a constitutional or other writ

Note: see rule 25.01.1.

IN THE HIGH COURT OF AUSTRALIA
BRISBANE REGISTRY

BETWEEN:

WILLIAM ANICHA BAY

Plaintiff

and

Pursuant to Rule 6.07.2 of the *High Court Rules 2004* I direct the Registrar to refuse to issue or file this document without the leave of a Justice first had and obtained by the party seeking to issue or file it.

COMMONWEALTH OF AUSTRALIA

First Defendant

and

.....
Justice of the High Court of Australia

Dated 5th of September 2023

TOM ROGERS (Australian Electoral Commissioner)

Second 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: Orders sought

1. The matter be expedited for hearing.
2. A declaration that FORM B, Schedule 1-Forms of the *Referendum (Machinery Provisions) Act 1984* (Cth) is constitutionally invalid to the extent that the text, “[Here set out the title of the proposed law]” is not consistent within the meaning of s 128 of the *Constitution*.
3. A declaration that FORM B, Schedule 1-Forms of the *Referendum (Machinery Provisions) Act 1984* (Cth) is constitutionally invalid to the extent that the text, “[Here set out the title of the proposed law]” impermissibly burdens the implied freedom of political communication.
4. There issue absolute a writ of mandamus, directed to the second defendant (Tom Rogers – Australian Electoral Commissioner) requiring him to print, issue, and otherwise distribute ballot papers for the referendum scheduled for 14th October 2023 according to law.
5. An urgent interlocutory injunction to restrain the second defendant (Tom Rogers – Australian Electoral Commissioner) from printing, issuing, or otherwise distributing ballot papers for the referendum scheduled for 14th October 2023 until such time as the constitutional validity of FORM B, Schedule 1-Forms of the *Referendum (Machinery Provisions) Act 1984* (Cth) is so determined by this High Court.