

NOTICE OF FILING

Details of Filing

Document Lodged:	Notice of Intention to Adduce Coincidence Evidence - Form 65 - Rule 30.32
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	22/11/2023 5:16:45 PM AEDT
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File Number:	VID829/2023
File Title:	JAN MAREK KANT v THE AUSTRALIAN INFORMATION COMMISSIONER
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink, reading "Sia Lagos".

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Notice of intention to adduce coincidence evidence

No. VID829 of 2023

Federal Court of Australia
District Registry: Victoria
Division: General Division

JAN MAREK KANT

Applicant

THE AUSTRALIAN INFORMATION COMMISSIONER

Respondent

To: The Australian Information Commissioner

I, Jan Marek Kant, give notice, under subsection 98(1) of the *Evidence Act 1995*, that I intend to adduce evidence of the occurrence of 2 or more related events to prove that, because of the improbability of the events occurring coincidentally, the *Office of the Australian Information Commissioner*, did a particular act or had a particular state of mind.

Evidence required

Intent, on the part of the *Office of the Australian Information Commissioner*, to seek judgement against the Respondent is seen on examination of:

1. Correspondence between the Applicant and the *Office of the Australian Information Commissioner*, as received by the Court on 25/09/2023 and filed in this proceeding.
2. Correspondence between the Applicant and solicitor for the Respondent on 21 November 2023 and documents attached to the correspondence.
3. Further evidentiary material as necessary, if the Respondent does not admit intent.

Note: On the application of a party in a criminal proceeding, the court may make an order, on the terms it considers appropriate, directing the notifying party to disclose the address of a person named in a notice referred to in subsection 98(1) of the *Evidence Act 1995*.

Filed on behalf of (name & role of party)	Jan Marek Kant, Applicant
Prepared by (name of person/lawyer)	Jan Marek Kant
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Evidence to establish improbability

1. Evidence relied on to establish the improbability of events having occurred coincidentally exists in relevant legislation.

The respondent in this matter seeks judgment in favour of the applicant.

Date: 22 November 2023



Signed by Jan Marek Kant
Applicant