

## NOTICE OF FILING AND HEARING

### Filing and Hearing Details

Document Lodged:	Originating Application for Relief Under Section 39B Judiciary Act 1903 - Form 69 - Rule 31.11(1)
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	24/01/2024 4:27:23 PM AEDT
Date Accepted for Filing:	25/01/2024 8:46:29 AM AEDT
File Number:	VID829/2023
File Title:	JAN MAREK KANT v THE AUSTRALIAN INFORMATION COMMISSIONER
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



*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.



**Amended originating application for relief under section 39B  
Judiciary Act 1903**

No.      of 2023

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

**JAN MAREK KANT**

Applicant

**THE AUSTRALIAN INFORMATION COMMISSIONER**

Respondent

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

**Time and date for hearing:**

**Place:**

The Court ordered that the time for serving this application be abridged to

Date:

Signed by an officer acting with the authority  
of the District Registrar

Filed on behalf of (name & role of party)      Jan Marek Kant, applicant

Prepared by (name of person/lawyer)      Jan Marek Kant

Law firm (if applicable)      \_\_\_\_\_

Tel      0450 827 208

Fax      \_\_\_\_\_

Email      Jmjarosz01@gmail.com

**Address for service**      3 33 Bewdley Street, Ormond VIC 3204  
(include state and postcode)



## Details of claim

On the grounds stated in the statement of claim, accompanying affidavit or other document prescribed by the Rules, the Applicant applies for the following relief under section 39B of the *Judiciary Act 1903*:

1. Investigation by the Information Commissioner of the matter described in the applicant's letter sent on 22 August 2023.
2. Further action by the Information Commissioner as described in the applicant's letter sent on 22 August 2023, as amended to omit the original first reference to NACC on its second page and with the same reinserted immediately under the subsequent reference to IBAC.
3. Orders commanding the Information Commissioner to refrain from taking action as in (1) or (2), unless and until the Applicant requests the Information Commissioner to commence doing so.
4. Damages, including exemplary damages, claimed against the Commonwealth in respect of tortious conduct of intentional nature in *mens rea*.
5. Further damages in lieu of costs.

## PARTICULARS

- i. The grounds for review are as given in the Applicant's correspondence with *Office of the Australian Information Commissioner (OAIC)*.
- ii. The OAIC intentionally narrowed the issue in dispute to a position which is doomed to fail.
- iii. The OAIC declined to revise their position and informed the Applicant of a right to seek judicial review when he brought the error-of-law to their attention.
- iv. The Respondent intentionally coerced the Applicant's continuing participation in this matter with implied threat of costs on discontinuance.
- v. The Respondent committed tortious abuse of process.
- vi. The Respondent attempted serious interference with the privacy of the Applicant.
- vii. The Respondent knew, or ought to have known, his or her attempt to continue this proceeding without continuing voluntary consent of the Applicant to constitute serious interference with his privacy.
- viii. The Respondent acted in his or her capacity as officer of the Commonwealth.
- ix. The Commonwealth is directly liable in tort.

## Applicant's address

The Applicant's address for service is:



Place: 3/33 Bewdley Street, Ormond VIC 3204

Email: jmjarosz01@gmail.com

The Applicant's address is 3/33 Bewdley Street, Ormond VIC 3204.

**Service on the Respondent**

It is intended to serve this application on all Respondents.

Date: 22 September 2023

A handwritten signature in black ink, appearing to read "J. Kant", is written over a horizontal line.

Signed by Jan Marek Kant

Applicant

on 27 December 2023

on 24 January 2024