

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION

S ECI 2024 00538

IN THE MATTER of a proposed proceeding

B E T W E E N:

Jan Marek Kant

Applicant

- and -

Various Proposed Defendants

REFUSAL

OFFICER:

R Ratcliffe Prothonotary

DATE MADE:

5 March 2024

SUBJECT:

Application by the proposed plaintiff filed on
5 March 2024 and reviewed pursuant to Rule 28A.04(2)
of the Supreme Court (General Civil Procedure) Rules 2015.

Upon reading and assessing the proposed document/s of the applicant, the Prothonotary has rejected the documents and refused to seal them because, if sealed, they would constitute an abuse of process

Reasons for refusal

1. Further to the documents already refused by me on 29 December 2023, 3 January 2024, 15 February 2024 (against the Human Rights Commissioner) and 15 February 2024 (application for Habeas Corpus), Mr Kant has filed the following further documents;
 - a. Originating motion against the Australian Human Rights Commissioner, filed or refiled on 17 February 2024
 - b. Summons to the Commissioner of the Australian Federal Police, filed or refiled on 18 February 2024
 - c. Originating motion for judicial review against the Supreme Court, filed on 5 March 2024
2. The originating motion against the Australian Human Rights Commissioner is substantively identical to the originating motion dated 12 February 2024 which was refused by me on 15 February 2024. The originating motion is refused as per my previous refusal.

3. The summons naming the Commissioner of the Australian Federal Police and others as defendants seeks to reargue issues regarding an application for leave to file a writ of habeas corpus. See my refusal dated 15 February 2024. The summons is also refused on the same bases.
4. The Originating Motion for judicial review naming "the Supreme Court" as the proposed defendant which is dated 2 February 2024 and filed on 5 March 2024 is a roundabout way of once again seeking leave to issue a writ of habeas corpus. This latest originating motion does not provide any new or better arguments as to why an application for a writ of habeas corpus should be issued for a subject who is not in custody.
5. It remains open to Mr Kant to seek a review by a Judge under r28A.04(5) of any refusal made by me pursuant to r28A.04(2).
6. If sealed these documents would constitute an abuse of process and I refuse to seal them.

PRattf.

PROTHONOTARY