Document 1

Scott Tredwell

From: Andrew Garrett <andrew.garrett[redacted]>
Sent: Saturday, 6 February 2016 2:53 PM
To: Associate MiddletonJ; Caitlin Emery; Kenneth.Richards[redacted]; John Mathieson
Cc: 'Adam Purton'; matthew.critchley[redacted]; senator.brandis@aph.gov.au; CourtsTribunalsandJustice@ag.gov.au; Peter.Weekes[redacted]; FinassGeneral@ag.gov.au; INFO@asx.com.au; Greg Hackett; Andrew.Tregear[redacted]; Lauren Roy; [redacted]
Subject: RE: Treasury Wine Estates Vintners Limited v Andrew Morton Garrett (VID 949/2015) & SUMMARY JUDGEMENT SOUGHT in Chambers & Application under the provisions of the Freedom of Information Act
Attachments: Defendant's Draft Orders 5th February 2016.doc; 2016-AICmr4 (2) Federal Court of Australia & Federal Circuit Court of Australia.pdf; Transcripts 27072015 VID 158-VID 166 of 2015.pdf; Transcripts 13th May 2015 VID 158-VID 166 of 2015.pdf; Orders in VID 158 of 2015 dated 13052015.pdf

Importance: High

The Federal Court of Australia The Australian Information Commissioner
Attn; Justice Middleton & Chief Justice Allsop; C/O Deputy Registrar Mathieson Attn; Kenneth Richards & Caitlin Emery

Cc; Dr Albin Smrdel, Courts Tribunals and Policy Branch
The Commonwealth Attorney General, The Honourable Senator Brandis

Dear Associate Middleton and Chief Justice Allsop

I have addressed this communique to the Chief Justice as I respectfully request that the Chief Justice to consider this communique as an extension of the Judicial, Complaint lodged by me on the 6th June 2016 and extended on the 16th November 2015 as a complaint against the Honourable Justice Middleton for judicial misconduct for the purposes of s15 of *the Federal Court of Australia Act* 1976 (Cth).

I note that the proposed draft minutes of order prepared by the plaintiff are incomplete and do not accurately reflect the orders of his Honour.

His Honour did not make the orders sought by me orally for summary judgment on the 5th February 2016 and by email submissions and applications dated 4th February 2016 that the application of the Plaintiff be dismissed on the grounds that the Plaintiff's application was hopeless and bound to fail and orders for judgment debt under FCR 22.07 be entered against the Plaintiff in respect to the Notice to Admit Facts dated 5th January 2015 under s31A(2) of *the Federal Court of Australia Act* 1976 (Cth); in fact His Honour impermissibly advocated the case of the plaintiff in respect to the plaintiff's affidavit sworn by Matthew Critchley of Corrs Chambers Westgarth and suggested that it be resworn by an officer of the Company.

Nor did His Honour dismiss my application for Summary Judgment and my submissions in which regard I interpret his Honour's conduct that His Honour intended to grant the summary judgment sought and the applications for joinder, I respectfully submit that the act of insolvency committed by the Plaintiff on the 23rd December 2015 in filing an affidavit that is inadmissible it must be clear to His Honour and that his Honour meant to make the orders for summary judgment sought by me.

I restate my oral submissions made on the 5th February 2016 in this communique; on no less than 24 separate Hearings the Plaintiff and or its agents have deposed and/or relied upon affidavit materials that it knows to be false and a transparent and deliberate attempt to mislead and deceive the Judiciary in respect to the true nature of "the Four Corners" of the Deed of Settlement dated 26th July 2000 that is not exhibited as the exhibit marked MC-4 of the affidavit of Matthew Critchley and is instead exhibited in my affidavit dated 29 September 2015 as part of exhibit AMG 15 lodged on the 5th January 2016

I once again submit that the re-swearing of that affidavit by an officer of the Plaintiff as proposed by the Honourable Justice Middleton does not cure the act of insolvency already committed by the Plaintiff as

1. Firstly, that re-swearing would be outside the 21 day time frame applicable to applications under s459 G, s459 H and s 459 J, and

2. Secondly that resworn affidavit does not accompany the application that has been made by the Plaintiff on commencement of the proceeding.

The Plaintiff has failed to file and serve any Notice whatsoever Disputing the Facts under FCR 22.03 of the Federal Court Rules in respect to the Notice to Admit Facts dated 5th January 2015 under FCR 22.04 I seek summary judgment debt under FCR 22.07 of the amounts of money admitted to be owed by the Plaintiff under FCR 22.04 as described within the Notice to Admit Facts dated 5th January 2016.

I make this application that His Honour immediately considers the Affidavits and Notice to Admit Facts lodged by me on the 5th January 2016 as evidence and makes the orders in chambers forthwith for summary judgment as sought by me as follows;

1. Dismissing the application of the Plaintiff under 2 459G and/or s459H and/or s459J on the condition that the matter remains on foot to hear an interlocutory application to be brought by the Defendant
2. That Judgment debt is entered into against the Plaintiff
3. Orders for Disbursements are made against the Plaintiff

I submit the aforementioned order dismissing the plaintiff's application dated 23rd December 2015 under s459H and s459J is made under s459M subject to the condition that the matter remain on foot for the purposes of hearing an interlocutory application by the Defendant to join the Federal Court of Australia and others as Cross Defendants and applications for loss costs and damage against the Plaintiff and the proposed Cross Defendants.

The Parent Company of the Plaintiff is Treasury Wine Estates Limited which entity is the subject of an action in the NSW District Registry given action number NSD 6600 of 2014; *Brian Jones v Treasury Wine Estates Limited* which matter is an action brought as a class action by Maurice Blackburn Cashmore lawyers on behalf of the Shareholders of the parent of the Plaintiff for breaches of the continuous disclosure obligations of the Plaintiff.

I make this application to the Chief Justice for non-party access to the files of NSD 6600 of 2014 for the purposes of considering and application to intervene in those proceedings.

The matters arising from the conduct of His Honour, Middleton J are indeed serious, in which regard I submit that following the making of the order dismissing the application of the Plaintiff that His Honour recuse himself from any further hearing of this proceeding.

Having highlighted the false affidavit materials sworn by an officer of the Plaintiff to the Honourable Justice Davies in VID 158 – VID 166 of 2015 on the 27th July 2015 and subsequently on appeal of an Interlocutory decision dated 13th May 2015 in VID 361 – VID 368 of 2015 before Justice North on the 21st July 2015 it is unsurprising that an officer of the company would not again commit an act of perjury.

On the 30th July 2015 I accepted a grant of Financial Assistance under the Public Interest Test Case Funding Scheme from the office of the Commonwealth Attorney General, subsequently the Honourable Justice Davies delivered her reasons dated 3rd August 2015 and turned a blind eye to the false affidavit materials sworn by in-house counsel for the plaintiff following Her Honours refusals of my application that Her Honour recuse herself and that I be permitted to cross examine the deponent on his affidavits.

It is unsurprising that in-house counsel, [redacted] did not perjure himself again for the purposes of this proceeding and instead instructed [redacted] to swear the relevant affidavit, in this regard in-house counsel aided and abetted the commission of a criminal offence and committed a fraud on the court.

My concerns in respect to apprehended bias have been heightened following my appearance before His Honour yesterday, which concerns I propose to address in a separate communique; in this regard I respectfully request that the Court makes an order providing a copy of the transcripts of the hearing to me for no cost as a matter of priority.

His Honour advised he had not received my submissions and applications dated the 4th of February 2016 in this proceeding which of course, respectfully, cannot be correct as that email was also addressed to the Victorian Registry to ensure His Honour received those submissions, applications and relevant authorities.

The rejection of my affidavits lodged for filing on the 5th January 2016 in this proceeding by His Honour is an administrative decision and is the thirteenth occasion that an officer of the Federal Court has turned a blind eye to the FOI information provided by the Commissioner of Taxation between June and August 2014 and sworn into affidavit materials properly lodged for filing.

I note that there are no details contained within the Plaintiff's draft minutes relating to the filing of affidavit materials by me or the service of those materials on the plaintiff by the Court consequently please note the attached Defendant's Draft Orders in respect to yesterday's appearance.

During the course of the hearing of the aforementioned proceeding on the 5th February 2016, I highlighted issues of contempt of court, perjury and professional misconduct by the Plaintiff and its solicitors. I have previously highlighted those contempt of court issues to Justice Davies in VID158- VID 166 of 2015, Justice Mortimer in VID 248 of 2014 and Justice Layton in SCI-1996-2244 in which regard those learned justices turned a blind eye to the conduct of counsel emulating the conduct of Admiral Nelson.

I also highlighted my concerns in respect to the failure of the Federal Court to apply the very clear principles of separation of powers expressed in the Constitution flowing from the interference in the judicial process by the executive government arm of the Federal Court of Australia that a reasonable person might infer from the failure of the Federal Court of Australia to comply with the findings of the High Court of Australia in *Kline v Official Secretary of the Governor General* in respect to applications made by me under the provisions of *the Freedom of Information Act* 1982 (Cth) **("the FOI Act")**

On the 22nd January 2016, the Australian Information Commissioner made the attached decision under s89K of the FOI Act in which regard I make this application to the Commissioner for permission to make the FOI Application to the Federal Court of Australia as follows.

I note that the Chief Justice is responsible for the administration of the court's business under s18A of *the Federal Court of Australia Act* 1976 (Cth) in which regard I have copied the Chief Justice, care of Deputy Registrar Mathieson, I make this application in writing to the Chief Justice of the Federal Court of Australia under the provisions of the FOI Act for a copy of any document or thing of an administrative character related to VID 949 of 2015; *Treasury Wine Estates Vintners Limited v Andrew Garrett*

I respectfully request that the Draft Minutes of order engross an order to the effect that [redacted] attend court on the 11th March 2016 for the purposes of Cross examination on his affidavits deposed in VID 381 of 2014 and VID 949 of 2015.

I confirm that it is unacceptable to me that His Honour made orders that the Plaintiff file and serve submissions on the 4th March 2016 in which I regard I consider such an order to be a breach of the rules of procedural fairness. I submit that the submissions made by the Plaintiff on the 3rd February 2015 ought serve as the submissions of the Plaintiff in this proceeding and the Plaintiff is not permitted to file and serve any further submissions or affidavit materials in this proceeding.

I propose to file an interlocutory application within this proceeding seeking His Honour recuse himself from hearing any further steps in this matter (amongst other things)

Andrew Garrett
Chief Executive Officer/ Winemaker
The Andrew Garrett Group of Companies (TAGGC)

www.oenoviva.com
www.dynamic-cws.com.au

All Rights Reserved, UCC 1-308a

Melbourne Adelaide
Level 1, 2 Drewery Place 58 Gilbert Street,
Melbourne, Vic, 3000 Adelaide, SA, 5000.

M: [redacted]
F: [redacted]
E: [redacted]

The Communication may contain copyright material of The Andrew Garrett Group ("TAGG") or any of its related entities or of third parties. If you are not the intended recipient of the Communication please contact the sender immediately by return email, delete the Communication and do not read, copy, print, re-transmit, store or act in reliance on the Communication. Any views expressed in the Communication are those of the individual sender only, unless expressly stated to be those of TAGG. TAGG does not guarantee the integrity of the Communication nor that it is free of errors, viruses or interference.

From: Adam Purton [mailto:Adam.Purton@corrs.com.au]
Sent: 05 February 2016 12:02
To: associate.middletonj@fedcourt.gov.au
Cc: andrew.garrett[redacted]; Matthew Critchley
Subject: Treasury Wine Estates Vintners Limited v Andrew Morton Garrett (VID 949/2015)

Dear Associate

I attach a soft copy of the orders made by his Honour Justice Middleton this morning in the proceeding.

Kind regards

Adam Purton
Senior Associate

[redacted]
www.corrs.com.au

Please consider the environment before printing this email.

Our full email footer is available at www.corrs.com.au/email-footer. In summary: This email and attachments may be confidential and subject to copyright or legal professional privilege. If you received this email in error, please inform the sender immediately, delete it and do not use, copy or disclose it. To unsubscribe from marketing messages, contact privacy@corrs.com.au.

John Mathieson

From: Caitlin Emery [redacted]
Sent: Tuesday, 16 February 2016 4:58 PM
To: John Mathieson
Subject: RQ16/00639 Application by Mr Andrew Garrett to make an FOI request to the Federal Court of Australia [SEC=UNCLASSIFIED]

Our reference: RQ16/00639

Dear Deputy Registrar

I refer to the email from Mr Andrew Garrett of 6 February 2016 to multiple recipients including the Federal Court and the OAIC.

Please see my email below to Mr Garrett of even date.

If you have any queries, please contact me.

Regards
Caitlin Emery

Caitlin Emery | A/g Assistant Director | Dispute Resolution
Office of the Australian Information Commissioner
Level 3, 175 Pitt Street, SYDNEY NSW 2000
GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au
Phone: [redacted] | E-mail: [redacted]

From: Caitlin Emery
Sent: Tuesday, 16 February 2016 4:50 PM
To: 'andrew.garrett[redacted]
Subject: RQ16/00639 Your application to make an FOI request to the Federal Court of Australia [SEC=UNCLASSIFIED]

Our reference: RQ16/00639

Dear Mr Garrett

Thank you for your email of 6 February 2016.

Any future application to the Information Commissioner for permission to make a request during the period of the declaration of 22 January 2016 under s 89K of the *Freedom of Information Act 1982* (Cth) (the FOI Act), should be directed to enquiries@oaic.gov.au and clearly marked as such an application. Please note that you are limited to making one such request to the Office of the Australian Information Commissioner per calendar month.

You have submitted the following request for consideration by the Information Commissioner:

> 'I note that the Chief Justice is responsible for the administration of the court's business under s18A of *the Federal Court of Australia Act* 1976 (Cth) in which regard I have copied the Chief Justice, care of Deputy Registrar Mathieson, I make this application in writing to the Chief Justice of the Federal Court of Australia under the provisions of the FOI Act for a copy of any document or thing of an administrative character related to VID 949 of 2015; *Treasury Wine Estates Vintners Limited v Andrew Garrett*'

The terms of the declaration of 22 January 2016 state:

'The Office of the Australian Information Commissioner will not consider any request by Mr Garrett under ss 15 or 54B of the FOI Act for access to a document of the Courts during this period, unless the terms of the request:

- meet the requirements of s 5 and seek documents relating to the management and administration of registry and office resources, and
- meet the requirements of s 15(2)(b) of the FOI Act.'

The reasons for the decision of 22 January 2016 explain that the FOI Act does not apply to judicial officers (see s 5(1)(b) of the FOI Act). In addition, it is clear that your request is not seeking documents relating to the management and administration of registry and office resources as specified in the declaration (see also s 5(1) of the FOI Act).

The decision of *Kline v Official Secretary to the Governor General* [2013] HCA 52 states at [47]:

> 'the only documents which courts and specified tribunals, authorities and bodies are obliged to open to increased public scrutiny are those documents relating to the management and administration of registry and office resources.'

The decision of *Kline* gives the examples of documents relating to financial and human resources and information technology as 'documents which concern the management and administration of office resources' (see [13] and [41]).

Documents relating to your legal proceedings VID 949 of 2015 are not of an administrative nature under the FOI Act, even though your request is framed as seeking only documents of an administrative character. The documents you requested relate to the discharge of substantive powers and functions of the Federal Court of Australia, for which there is no right of access under the FOI Act.

For these reasons, your application to make a request under s 15 of the FOI Act is refused.

Regards

Caitlin Emery

Caitlin Emery | A/g Assistant Director | Dispute Resolution
Office of the Australian Information Commissioner
Level 3, 175 Pitt Street, SYDNEY NSW 2000
GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au
Phone: [redacted] | E-mail: [redacted]

****
WARNING: The information contained in this email may be confidential.
If you are not the intended recipient, any use or copying of any part
of this information is unauthorised. If you have received this email
in error, we apologise for any inconvenience and request that you
notify the sender immediately and delete all copies of this email,
together with any attachments.
****

Document 3

Scott Tredwell

From:	andrew.garrett[redacted]
Sent:	Tuesday, 5 April 2016 2:37 PM
To:	Vic Federal Court Registry E-mail;CourtsTribunalsandJustice@ag.gov.au;Peter.Weekes[redacted];senator.brandis@aph.gov.au;FinassGeneral@ag.gov.au;Kenneth.Richards[redacted];Caitlin Emery
Cc:	Associate MiddletonJ;Associate KennyJ;ags@ags.gov.au;Vincent.Tavolaro[redacted]John Mathieson
Subject:	Freedom of Information Application

The Federal Court of Australia The Office of the Australian Information Commissioner
Attn Registrar Caporale Attn The Commissioner

Dear Registrar,

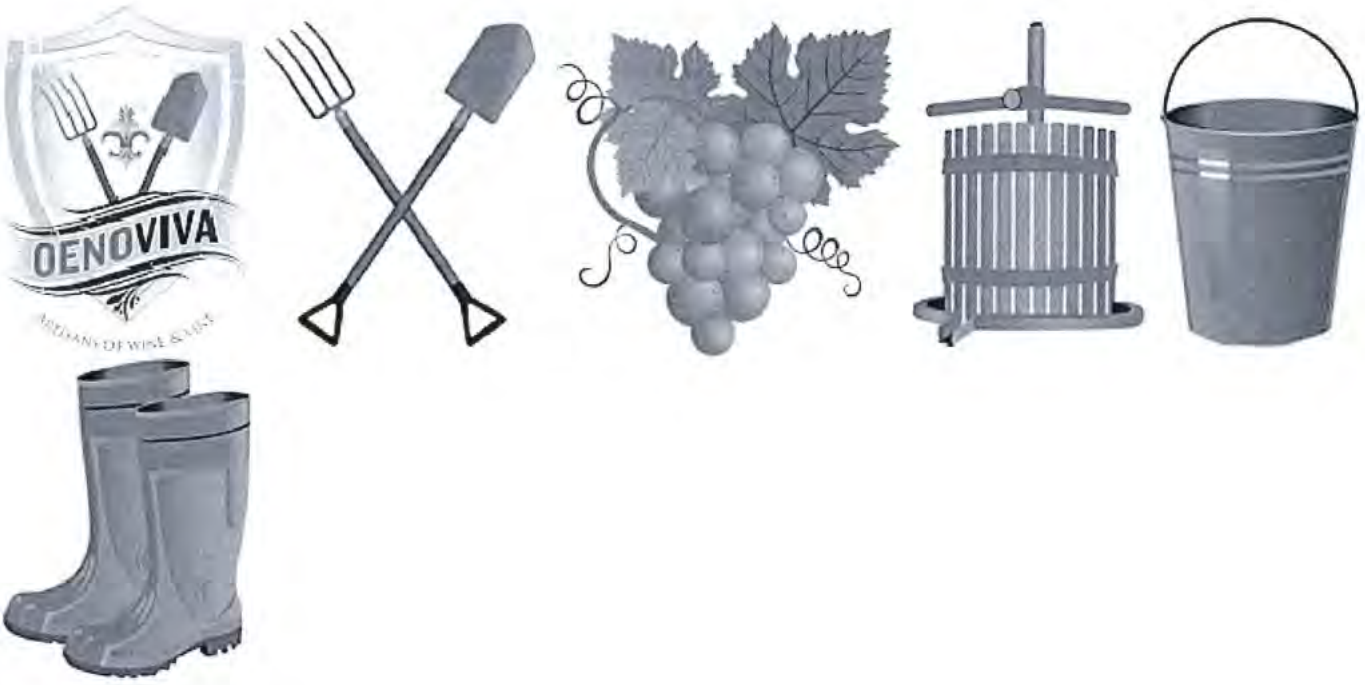
I ask you to consider this communique as an application in writing pursuant to the provisions of *the Freedom of Information Act* 1982 (Cth) ("the Act") for a copy of any document or thing of an administrative character related to me or any proceeding involving me that is in the control or possession of the Federal Court of Australia or any of its officers, judicial or otherwise that have come into that possession and control since the date of my last application under the act addressed to the Federal Court of Australia.

I have copied the Office of the Australian Information Commissioner on this communique and request the consent of the Australian Information Commissioner to make the application and cause your compliance with the application following the s89K ruling made by the Information Commissioner, the proposed 24th Defendant by Cross Claim in VID 949 of 2015; *Treasury Wine Estates Vintners Limited v Andrew Garrett*

The reason for making the request is to ensure my rights as a citizen to expect proper compliance of executive government, the judiciary and the legislature with the provisions relating to separation of powers expressed in *the Commonwealth of Australia Constitution Act* 1900 (UK) and to ensure the Tribunals of this Nation Commonwealth and otherwise, including the Office of the Australian Information Commissioner, comply with the relevant statutory and common law obligations to inquire.

Andrew Garrett
Winemaker / Consultant
The OenoViva Artisans Trust **("OVA")**
www.oenoviva.com

All Rights Reserved, UCC 1-308a



Melbourne Adelaide
Level 1, 2 Drewery Place 58 Gilbert Street
Melbourne, Vic, 3000 Adelaide, SA, 5000

M: [redacted]
F: [redacted]
E: [redacted]

The Communication may contain copyright material of OenoViva Artisans ("OVA") or any of its related entities or of third parties. If you are not the intended recipient of the Communication please contact the sender immediately by return email, delete the Communication and do not read, copy, print, re-transmit, store or act in reliance on the Communication. Any views expressed in the Communication are those of the individual sender only, unless expressly stated to be those of OVA.. OVA does not guarantee the integrity of the Communication nor that it is free of errors, viruses or interference.

Document 4

Jessica Der Matossian

From: Caitlin Emery [redacted]
Sent: Thursday, 7 April 2016 10:02 AM
To: John Mathieson
Subject: FW: Application to make an FOI request - Federal Court of Australia - RQ16/01218 [SEC=UNCLASSIFIED]

Our reference: RQ16/01218

Dear Deputy Registrar

I refer to the email from Mr Andrew Garrett to multiple recipients including the Federal Court and the OAIC of 5 April 2016.

The application to make an FOI request to the Federal Court under s 15 of the FOI Act has been refused. Please see my email below to Mr Garrett of even date.

If you have any queries, please contact me.

Regards
Caitlin Emery

Caitlin Emery | A/g Assistant Director | FOI Dispute Resolution
Office of the Australian Information Commissioner
Level 3, 175 Pitt Street, SYDNEY NSW 2000
GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au
Phone: [redacted] | E-mail: [redacted]

From: Caitlin Emery
Sent: Thursday, 7 April 2016 9:58 AM
To: 'andrew.garrett[redacted]
Subject: Application to make an FOI request - Federal Court of Australia - RQ16/01218 [SEC=UNCLASSIFIED]

Our reference: RQ16/01218

Dear Mr Garrett

Thank you for your email of 5 April 2016.

You have submitted the following request for consideration by the Information Commissioner:

> 'I ask you to consider this communique as an application in writing pursuant to the provisions of *the Freedom of Information Act* 1982 (Cth) ("the Act") for a copy of any document or thing of an administrative character related to me or any proceeding involving me that is in the control or possession of the Federal Court of Australia or any of its officers, judicial or otherwise that have come into that possession and control since the date of my last application under the act addressed to the Federal Court of Australia.
>
> I have copied the Office of the Australian Information Commissioner on this communique and request the consent of the Australian Information Commissioner to make the application and cause your compliance with the application following the s89K ruling made by the Information Commissioner, the proposed 24th Defendant by Cross Claim in VID 949 of 2015; *Treasury Wine Estates Vintners Limited v Andrew Garrett*'

The terms of the declaration of 22 January 2016 in *Federal Court of Australia and Garrett* [2015] AICmr 4 relevantly state:

'The Office of the Australian Information Commissioner will not consider any request by Mr Garrett under ss 15 or 54B of the FOI Act for access to a document of the Courts during this period, unless the terms of the request:

- meet the requirements of s 5 and seek documents relating to the management and administration of registry and office resources, and
- meet the requirements of s 15(2)(b) of the FOI Act.'

It is clear that your request is not seeking documents relating to the management and administration of registry and office resources as specified in the declaration (see also s 5(1) of the *Freedom of Information Act 1982* (Cth) (the FOI Act)).

The decision of *Kline v Official Secretary to the Governor General* [2013] HCA 52 states at [47]:

> 'the only documents which courts and specified tribunals, authorities and bodies are obliged to open to increased public scrutiny are those documents relating to the management and administration of registry and office resources.'

The decision of *Kline* gives the examples of documents relating to financial and human resources and information technology as 'documents which concern the management and administration of office resources' (see [13] and [41]).

Documents relating to your legal proceedings are not of an administrative nature under the FOI Act, even though your request is framed as seeking only documents of an administrative character. Such documents would relate to the discharge of substantive powers and functions of the Federal Court of Australia, for which there is no right of access under the FOI Act.

Further, the reasons for the decision of 22 January 2016 explain that the FOI Act does not apply to judicial officers (see s 5(1)(b) of the FOI Act).

For these reasons, your application to make a request under s 15 of the FOI Act is refused.

Please note that any future application to the Information Commissioner for permission to make a request during the period of the declaration of 22 January 2016 under s 89K of the FOI Act, should be directed to enquiries@oaic.gov.au.

Regards

Caitlin Emery

Caitlin Emery | A/g Assistant Director | FOI Dispute Resolution

Office of the Australian Information Commissioner
Level 3, 175 Pitt Street, SYDNEY NSW 2000
GPO Box 5218 SYDNEY NSW 2001| www.oaic.gov.au
Phone: [redacted] | E-mail: [redacted]

From: andrew.garrett[redacted] [mailto:andrew.garrett[redacted]
Sent: Tuesday, 5 April 2016 2:37 PM
To: Victoria Registry of the Federal Court; CourtsTribunalsandJustice@ag.gov.au; Peter.Weekes[redacted]; senator.brandis@aph.gov.au; FinassGeneral@ag.gov.au; Kenneth Richards; Caitlin Emery
Cc: associate.middletonj@fedcourt.gov.au; Justice Kenny; ags@ags.gov.au; Vincent.Tavolaro[redacted]; John Mathieson
Subject: Freedom of Information Application

The Federal Court of Australia

Commissioner

Attn Registrar Caporale

The Office of the Australian Information

Attn The Commissioner

Dear Registrar,

I ask you to consider this communique as an application in writing pursuant to the provisions of *the Freedom of Information Act* 1982 (Cth) ("the Act") for a copy of any document or thing of an administrative character related to me or any proceeding involving me that is in the control or possession of the Federal Court of Australia or any of its officers, judicial or otherwise that have come into that possession and control since the date of my last application under the act addressed to the Federal Court of Australia.

I have copied the Office of the Australian Information Commissioner on this communique and request the consent of the Australian Information Commissioner to make the application and cause your compliance with the application following the s89K ruling made by the Information Commissioner, the proposed 24th Defendant by Cross Claim in VID 949 of 2015; *Treasury Wine Estates Vintners Limited v Andrew Garrett*

The reason for making the request is to ensure my rights as a citizen to expect proper compliance of executive government, the judiciary and the legislature with the provisions relating to separation of powers expressed in *the Commonwealth of Australia Constitution Act* 1900 (UK) and to ensure the Tribunals of this Nation Commonwealth and otherwise, including the Office of the Australian Information Commissioner, comply with the relevant statutory and common law obligations to inquire.

Andrew Garrett
Winemaker / Consultant
The OenoViva Artisans Trust ("OVA")
www.oenoviva.com

All Rights Reserved, UCC 1-308a

Melbourne
Level 1, 2 Drewery Place
Melbourne, Vic, 3000

Adelaide
58 Gilbert Street
Adelaide, SA, 5000

M: [redacted]
F: [redacted]
E: [redacted]

The Communication may contain copyright material of OenoViva Artisans ("OVA") or any of its related entities or of third parties. If you are not the intended recipient of the Communication please contact the sender immediately by return email, delete the Communication and do not read, copy, print, re-transmit, store or act in reliance on the Communication. Any views expressed in the Communication are those of the individual sender only, unless expressly stated to be those of OVA.. OVA does not guarantee the integrity of the Communication nor that it is free of errors, viruses or interference.

****

WARNING: The information contained in this email may be confidential.
If you are not the intended recipient, any use or copying of any part
of this information is unauthorised. If you have received this email
in error, we apologise for any inconvenience and request that you
notify the sender immediately and delete all copies of this email,
together with any attachments.

****

Document 5

Telephone: (02) 9230 8341
Facsimile: (02) 9223 1906
DX 613 SYDNEY

Your Ref:
Our Ref:

FEDERAL COURT OF AUSTRALIA
PRINCIPAL REGISTRY

LEVEL 16
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

12 April 2016

Mr Andrew Garrett

By email: [redacted]

Dear Mr Garrett,

Your email of 5 April 2016

I refer to your email dated 5 April 2016, which contains a request for copies of documents. I am writing to you in my capacity as the Acting Deputy Registrar of the Federal Court of Australia.

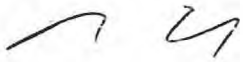
As you would be aware, on 22 January 2016 the Acting Australian Information Commissioner, Timothy Pilgrim, made the following declaration;

> For a period of twelve (12) months commencing on the date of this declaration, the Federal Court of Australia and the Federal Circuit Court of Australia (the Courts) are not required to consider:
> • any request by Mr Garrett under s 15 of the FOI Act for access to a document
> • any application by Mr Garrett under s 54B of the FOI Act for internal review of an access refusal decision,
> unless Mr Garrett has applied in writing to the Information Commissioner to make the request or application and the Information Commissioner has granted written permission for the request or application to be made.

This declaration is recorded as *Federal Court of Australia and Garrett* [2015] AICmr 4 (22 January 2016). By way of your email dated 5 April 2016, you applied in writing to the Information Commissioner for permission (or consent) to make the request. Your application was refused.

Pursuant to the declaration of 22 January 2016, and in the absence of the consent of the Australian Information Commissioner, the Court is not required to consider the request contained in your email dated 5 April 2016. Accordingly, it will not do so.

Yours faithfully,



Tim Luxton
Acting Deputy Registrar

Document 6

Scott Tredwell

From: Andrew Garrett <andrew.garrett[redacted]>
Sent: Wednesday, 2 November 2016 12:52 PM
To: Vic Federal Court Registry E-mail; SA Registry
Cc: John Mathieson
Subject: SAD 134 of 2016, VID 949 of 2015, VID 404 of 2016 and VID 423 of 2015, Access to audio and Freedom of Information Application.

Importance: High

Dear Registry

As you are aware North J, Beach J and Middleton J heard the aforementioned proceedings. On the 20th April 2016 the parties were advised that Davies J would hear an application made by the Plaintiff in VID 949 of 2015 on the 19th April 2016, subsequently on the 21st that hearing was heard by North J without preliminary advice to the parties.

I request access to the audio recordings of the various hearings, I would be grateful if those recordings could be made available at the Adelaide Registry of the Federal Court for review at your earliest convenience.

I ask you to consider this communique as an application in writing in accordance with the provisions of *the Freedom of Information Act* 1982 (Cth) for a copy of any document or thing related to me of an Administrative Character in the possession and Control of the Federal Court of Australia and its related personnel between the 1st January 2016 and today's date.

Andrew Garrett
Chief Executive Officer/ Winemaker
The Andrew Garrett Group of Companies (TAGGC)

www.oenoviva.com
www.dynamic-cws.com.au

All Rights Reserved, UCC 1-308a

Melbourne	Adelaide	Sydney	Hong Kong
Level 3, 2 Drewery Place Queens Road West, , Melbourne, Vic, 3000	Level 1, 82 Flinders Street Adelaide, SA, 5000	Level 5, 56 Pitt Street, Sydney, NSW, 2000	"The Desk" 511 Shek Tong Tsui, Hong Kong

.

M: [redacted]
F: [redacted]
E: [redacted]

The Communication may contain copyright material of The Andrew Garrett Group ("TAGG") or any of its related entities or of third parties. If you are not the intended recipient of the Communication please contact the sender immediately by return email, delete the Communication and do not read, copy, print, re-transmit, store or act in reliance on the Communication. Any views expressed in the Communication are those of the individual sender only, unless expressly stated to be those of TAGG. TAGG does not guarantee the integrity of the Communication nor that it is free of errors, viruses or interference.

Document 7

Telephone: (02) 9230 8336
Facsimile: (02) 9223 1906
DX 613 SYDNEY

A.B.N. 49 110 847 399

Your Ref:
Our Ref:

FEDERAL COURT OF AUSTRALIA
PRINCIPAL REGISTRY

LEVEL 16
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

16 November 2016

Mr Andrew Garrett
[redacted]

By email: [redacted]

Dear Mr Garrett,

Freedom of Information (FOI) Request

I refer to your email which you sent on 2 November 2016 at 1.52 pm to me and others in which, amongst other things, you said:

> "I ask you to consider this communique as an application in writing in accordance with the provisions of *the Freedom of Information Act* 1982 (Cth) for a copy of any document or thing related to me of an Administrative Character in the possession and Control of the Federal Court of Australia and its related personnel between the 1st January 2016 and today's date

As you are aware, as a result of the declaration made by the then Acting Australian Information Commissioner on 22 January 2016, this Court may only consider an FOI request from you if you have applied for and obtained the prior written permission of the Information Commissioner for that request. Pending receipt of a copy of the Information Commissioner's written permission, no action will be taken on your request.

Yours sincerely

John Mathieson
Deputy Principal Registrar

Document 8

John Mathieson

From: andrew.garrett@[redacted]
Sent: Sunday, 20 November 2016 6:40 PM
To: John Mathieson; External FOI
Cc: enquiries@oaic.gov.au; senator.brandis@aph.gov.au; courtstribunalsandjustice@ag.gov.au
Subject: FOI matters & access to court files & PPSR Registration
Attachments: Verification statement for 201611200001961 Chief Justice Allsop.pdf

Importance: High

The Federal Court of Australia
Attn Deputy Registrar John Mathieson

Dear Registrar

Thank you for your recent communication in respect to your unwillingness to respond to my FOI request dated 2nd November 2016 until permission has been granted by the Australian Information Commissioner.

On the 10th November 2016 I received the response set out below to my request for review of your deemed refusal to comply with my request.

On another matter I note that s15 of the Federal Court of Australia Act sets out the responsibilities of the Chief Justice, on the 28th January 2016 the Chief Justice instructed Justice Beach to act in an unlawful/invalid and corrupt fashion in which regard the Chief Justice is personally liable for the decisions made by Beach J in VID 730, VID 731, VID 732 of 2014, VID 49 of 2015, VID 404 of 2016 and VID 423 of 2016.

Indeed His Honour has been engaged in instructing all Judicial Officers in matters involving me to avoid the evidence and breach my rights to remedy and a fair hearing in order to avoid defer and frustrate my claim for compensation against the Commonwealth stemming from the actions of the Commissioner of Taxation in 2004.

On no less than 24 separate occasions Justices in his Honour's Court acting under his honour's instructions avoided false affidavits / perjury by Lawyers representing Treasury Wine Estates Vintners Limited similarly on no less than 30 separate occasions those same Justices avoided FOI materials obtained by me in 2014 from the Commissioner of Taxation.

His Honour's wilful blindness to my complaints against those Judicial officers including himself speaks volumes in respect to the slide in Australia's rakings of least corrupt nations.

His Honour's Conduct is corrupt, unlawful and invalid, in which regard Hiss Honour's rights to Indemnity and/or immunity from prosecution must be void.

The questions of law arising from his Honour's instructions include whether vexatious litigant orders may be made in circumstances where all of the material facts are not subject of orders for discovery and whether the legislature intended that those orders be applied as a barrier to justice without making a finding on the merits of the application in which they are made.

Asa consequence of my fundamental right of remedy against the Chief Justice I advise I have registered PPSR registration ID 201611200001961 over His Honour securing all of his assets whether held in his name or not.

The Rights to that registration are consensual and came with His Honour's acceptance of office and swearing of oath of office; similarly the same rights exist in respect to any officer of the Commonwealth including the Commonwealth Attorney General Senator Brandis and Dr Albin Smrdel who has been derelict in his duties as the first officer of law.

Finally I restate my requests for access to all court files involving me in His Honour's Possession and Control.

Andrew Garrett
Chief Executive Officer/ Winemaker
The Andrew Garrett Group of Companies (TAGGC)

www.oenoviva.com
www.dynamic-cws.com.au

All Rights Reserved, UCC 1-308a

Melbourne	Adelaide	Sydney	Hong Kong
Level 3, 2 Drewery Place Road, Melbourne, Vic, 3000	Level 1, 82 Flinders Street Adelaide, SA, 5000	Level 5, 56 Pitt Street, Sydney, NSW, 2000	9/F 33 Des Vouex Central, Hong Kong

M: [redacted]
F: [redacted]
E: [redacted]

The Communication may contain copyright material of The Andrew Garrett Group ("TAGG") or any of its related entities or of third parties. If you are not the intended recipient of the Communication please contact the sender immediately by return email, delete the Communication and do not read, copy, print, re-

transmit, store or act in reliance on the Communication. Any views expressed in the Communication are those of the individual sender only, unless expressly stated to be those of TAGG. TAGG does not guarantee the integrity of the Communication nor that it is free of errors, viruses or interference.

From: Enquiries [mailto:enquiries@oaic.gov.au]
Sent: Thursday, 10 November 2016 4:21 PM
To: Andrew Garrett
Subject: RE: Your request for access to audio recordings of hearings SAD134/2016; VID423/2015; VID949/2015; VID404/2016 [SEC=UNCLASSIFIED]

Our references: MR16/00499

Dear Mr Garrett

Your IC review application about Federal Court of Australia

Thank you for your correspondence seeking to lodge an IC review application with the Office of the Australian Information Commissioner (the OAIC) about the [name of agency] (agency).

We have referred your correspondence to the OAIC's FOI team for consideration and assessment.

Please note:

- If the agency has made a decision on your request and you have not already provided our office with a copy of the **decision letter**, please reply to this email attaching a copy as soon as practicable.
- If the agency has **not** provided you with a decision on your request, please reply to this email as soon as practicable attaching a copy of your original freedom of information (FOI) request to the agency and any correspondence received in response to your request.
- Please also reply to this email as soon as practicable advising if you have submitted a request to the agency for internal review of its decision and it has not yet provided you with an internal review decision.
- Your application will be assessed and you will be advised by an IC review officer of the next steps within the next four weeks.
- Your IC review application will be shared with the agency as part of the IC review process unless you have specifically requested otherwise.
- If your circumstances change, or your request has been resolved directly with the agency, please advise us by email as soon as practicable.

Should you wish to follow up on this matter, please contact the OAIC enquiries line on 1300 363 992 or email enquiries@oaic.gov.au and quote the reference number at the top of this email.

Yours sincerely

Carl
Enquiries officer

From: Andrew Garrett [mailto:andrew.garrett[redacted]
Sent: Wednesday, 9 November 2016 5:10 PM
To: Enquiries <enquiries@oaic.gov.au>
Subject: FW: Your request for access to audio recordings of hearings SAD134/2016; VID423/2015; VID949/2015; VID404/2016
Importance: High

Office of the Australian Information Commissioner

Dear Sir/Madam

Please note my correspondence below which is self-explanatory.

As you are aware the Commissioner has made to decisions against me under s89K of the FOI Act in respec to two beneficiaries of those decisions as attached

The Vexatious findings have been made in circumstances where in respect to the Federal Court of Australia and Federal Circuit Court of Australia no documents whatsoever have been provided by either entity under the FOI Act.

I cite as follows

> *Freedom of Information*
>
> *Freedom of Information (FOI) can be defined as the right to access information held by public bodies. It is an integral part of the fundamental right of freedom of expression, as recognized by Resolution 59 of the UN General Assembly adopted in 1946, as well as by Article 19 of the Universal Declaration of Human Rights (1948), which states that the fundamental right of freedom of expression encompasses the freedom to "to seek, receive and impart information and ideas through any media and regardless of frontiers".*
>
> *FOI has also been enshrined as a corollary of freedom of expression in other major international instruments, including the International Covenant on Civil and Political Rights (1966) and the American Convention on Human Rights (1969).*
>
> *FOI legislation reflects the fundamental premise that all information held by governments and governmental institutions is in principle public and may only be withheld if there are legitimate reasons, such as typically privacy and security, for not disclosing it. Over the past 10 years, the right to information has been recognized by an increasing number of countries, including developing ones, through the adoption of a wave of FOI laws. In 1990, only 13 countries had adopted national FOI laws, whereas there are currently more than 90 such laws adopted across the world.*
>
> *UNESCO's mandate as set out in its 1945 Constitution specifically calls on the Organization to "promote the free flow of ideas by word and image". This mission is reflected on UNESCO's Medium Term Strategy Medium-Term Strategy for 2008-2013 (34 C/4), and particularly in its strategic programme objective of enhancing universal access to information and knowledge.*

Freedom of information is also central in the framework of the World Summit of the Information Society, which has reaffirmed freedom of expression and universal access to information as cornerstones of inclusive knowledge societies.

Further, the relevance of FOI has also been highlighted in the Brisbane Declaration on Freedom of Information: The Right to Know (2010), the Maputo Declaration on Fostering Freedom of Expression, Access to Information ad Empowerment of People (2008) and the Dakar Declaration on Media and Good Governance (2005), all emerging from UNESCO's annual celebrations of World Press Freedom Day.

I respectfully submit that the aforementioned decisions of the Human Rights Commissioner are a breach of my Human Rights expressed in Australian Treaty Series No 23 invoking the original and exclusive jurisdiction of the High Court of Australia and any court with Common Law Jurisdiction outside of the Commonwealth of Australia

On the 2nd November 2016 I applied to the Federal Court of Australia under the FOI Act as attached, Registrar Allway responded on the 8th November 2016 with a deemed refusal of my FOI application (attached)

I seek review of that deemed refusal under Part VII of the FOI Act by the Commissioner and at your earliest convenience.

I ask you accept this communique as an application in writing under the provisions of the FOI Act (Cth) for a copy of any document or thing related to me that is not the subject of my prior applications and that has come into the possession and Control of the Commissioner since the date of my last application under the FOI act to the Commissioner.

I also make this complaint to the Commissioner regarding the FOI Decision FOIREQ15/00026 and seek internal review of that decision subject to a grant of an extension of time.

Andrew Garrett
Chief Executive Officer/ Winemaker
The Andrew Garrett Group of Companies (TAGGC)

www.oenoviva.com
www.dynamic-cws.com.au

All Rights Reserved, UCC 1-308a

Melbourne	Adelaide	Sydney	Hong Kong
Level 3, 2 Drewery Place Queens Road West, , Melbourne, Vic, 3000	Level 1, 82 Flinders Street Adelaide, SA, 5000	Level 5, 56 Pitt Street, Sydney, NSW, 2000	"The Desk" 511 Shek Tong Tsui, Hong Kong

M: [redacted]
F: [redacted]
E: [redacted]

The Communication may contain copyright material of The Andrew Garrett Group ("TAGG") or any of its related entities or of third parties. If you are not the intended recipient of the Communication please contact the sender immediately by return email, delete the Communication and do not read, copy, print, re-transmit, store or act in reliance on the Communication. Any views expressed in the Communication are those of the individual sender only, unless expressly stated to be those of TAGG. TAGG does not guarantee the integrity of the Communication nor that it is free of errors, viruses or interference.

From: Andrew Garrett [mailto:andrew.garrett[redacted]]
Sent: 09 November 2016 10:59
To: Victoria Registry of the Federal Court (vicreg@fedcourt.gov.au)
Subject: FW: Your request for access to audio recordings of hearings SAD134/2016; VID423/2015; VID949/2015; VID404/2016

Please note email set out below and attachments for consideration

Andrew Garrett

Chief Executive Officer/ Winemaker
The Andrew Garrett Group of Companies (TAGGC)

www.oenoviva.com
www.dynamic-cws.com.au

All Rights Reserved, UCC 1-308a

Melbourne
Level 3, 2 Drewery Place
Queens Road West, ,
Melbourne, Vic, 3000

Adelaide
Level 1, 82 Flinders Street
Adelaide, SA, 5000

Sydney
Level 5, 56 Pitt Street,
Sydney, NSW, 2000

Hong Kong
"The Desk" 511
Shek Tong Tsui, Hong Kong

M: [redacted]
F: [redacted]
E: [redacted]

The Communication may contain copyright material of The Andrew Garrett Group ("TAGG") or any of its related entities or of third parties. If you are not the intended recipient of the Communication please contact the sender immediately by return email, delete the Communication and do not read, copy, print, re-transmit, store or act in reliance on the Communication. Any views expressed in the Communication are those of the individual sender only, unless expressly stated to be those of TAGG. TAGG does not guarantee the integrity of the Communication nor that it is free of errors, viruses or interference.

From: Andrew Garrett [mailto:andrew.garrett[redacted]
Sent: 08 November 2016 15:24
To: 'Vic Federal Court Registry E-mail'
Subject: RE: Your request for access to audio recordings of hearings SAD134/2016; VID423/2015; VID949/2015; VID404/2016

Federal Court of Australia
Attn Registrar Philip Allway

Dear Sir

It is my understanding from Auscript that in order to access the Audio Recordings of the proceedings referred to in my email dated 2nd November 2016 (copy attached) that a court order is required to authorise Auscript to allow for Auscript to provide access to those recordings to me.

I require access to those recordings in order to determine what parts of the Transcripts I wish to order from Auscript.

I make this application for an order to be made in each of the aforementioned proceedings that I be allowed access to those recordings for the purposes set out above.

I also make this application for an order in each of the aforementioned proceedings for a copy of the transcripts in all hearings of the aforementioned proceedings and access to the court files in order to review the transcripts and the contents of those files.

Paragraph 3 of my email is an application under the provisions of *the Freedom of Information Act* 1982 (Cth) please confirm that you will comply with the FOI request within the 28 day period

\

Andrew Garrett
Chief Executive Officer/ Winemaker
The Andrew Garrett Group of Companies (TAGGC)

www.oenoviva.com
www.dynamic-cws.com.au

All Rights Reserved, UCC 1-308a

Melbourne	Adelaide	Sydney	Hong Kong
Level 3, 2 Drewery Place Queens Road West, , Melbourne, Vic, 3000	Level 1, 82 Flinders Street Adelaide, SA, 5000	Level 5, 56 Pitt Street, Sydney, NSW, 2000	"The Desk" 511 Shek Tong Tsui, Hong Kong

.

M: [redacted]
F: [redacted]
E: [redacted]

The Communication may contain copyright material of The Andrew Garrett Group ("TAGG") or any of its related entities or of third parties. If you are not the intended recipient of the Communication please contact the sender immediately by return email, delete the Communication and do not read, copy, print, re-transmit, store or act in reliance on the Communication. Any views expressed in the Communication are those of the individual sender only, unless expressly stated to be those of TAGG. TAGG does not guarantee the integrity of the Communication nor that it is free of errors, viruses or interference.

From: Vic Federal Court Registry E-mail [mailto:E-mail.Victoria@fedcourt.gov.au]
Sent: 08 November 2016 13:53
To: 'andrew.garrett[redacted]
Subject: Your request for access to audio recordings of hearings SAD134/2016; VID423/2015; VID949/2015; VID404/2016

UNCLASSIFIED

Dear Sir

Please find attached for your attention correspondence from the Court of even date.

Yours faithfully

Client Services
Victoria Registry
Federal Court of Australia
305 William Street
Melbourne Vic 3000
T: (03) 8600 3333
F: (03) 8600 3351

****
WARNING: The information contained in this email may be confidential.
If you are not the intended recipient, any use or copying of any part
of this information is unauthorised. If you have received this email in
error, we apologise for any inconvenience and request that you notify
the sender immediately and delete all copies of this email, together
with any attachments.
****

Document 9

Telephone: (02) 9230 8336
Facsimile: (02) 9223 1906
DX 613 SYDNEY

A.B.N. 49 110 847 399

Your Ref:
Our Ref:

FEDERAL COURT OF AUSTRALIA
PRINCIPAL REGISTRY

LEVEL 16
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

29 November 2016

Mr Andrew Garrett
[redacted]

By email: [redacted]

Dear Mr Garrett,

Freedom of Information (FOI) Request

I refer to your email dated 20 November 2016, which you sent to me and others and in which, amongst other things, you said:

> "Finally, I reinstate my requests for access to all court files involving me in [the Chief Justice's] Possession and Control".

As has been explained to you on a number of occasions, most recently on 16 November 2016, as a result of the declaration made by the then Acting Australian Information Commissioner on 22 January 2016, this Court may only consider an FOI request from you if you have applied for and obtained the prior written permission of the Information Commissioner for that request. Pending receipt of a copy of the Information Commissioner's written permission, no action will be taken on your request.

Yours sincerely

John Mathieson
Deputy Principal Registrar

Scott Tredwell

From: John Mathieson
Sent: Wednesday, 6 December 2017 5:36 PM
To: External FOI
Subject: FW: Lodgment Rejection, eLodgment ID 524743 on New File, TASMANIA REGISTRY; NOTICE OF ACTUAL and APPREHENDED BIAS request for Delegation of Administrative Powers
Attachments: International Covenant on Civil and Political Rights 1980 ATS 23.pdf; Horvath v Australia.pdf; Fair trial and fair hearing rights â Attorney-General's Department.pdf; separation of powers a constitutional principle.pdf; 16. Delegating Legislative Power separation of powers.pdf; Harrasment.pdf; Judicial Review a Common Law Principle.pdf; Access to Federal Court Records.pdf; ALRC submission to Senate Standing Committee inquiry into the Freedom of Information Amendment (Reform) Bill 2009 (Cth) and the Information Commissioner Bill 2009 (Cth).pdf; Open Government - A Review of the Federal Freedom of Information Act 1982 (ALRC Report 77).pdf; Email to Commonwealth Human Rights Commissioner07062015.pdf; Letter AHRC to AMG dated 21st September 2015.pdf; Letter to Mr Andrew Garrett 27 October 2015.pdf; Tax on liquidated damages Australia.pdf; Lodge CP14 Indictment AMG v Matthew Crichley & Ors 24.11.2017.pdf; Lodge CP14 Indictment AMG v Regis & Ors 24.11.2017.pdf; Lodgement confirmation Indictment AMG v Trevor Coulter & Ors dated 22nd November 2017.pdf; Fraud unravels all✂ the Supreme Court divorce judgments in Sharland and Gohil â Head of Legal.pdf

UNCLASSIFIED

From: tasreg
Sent: Wednesday, 29 November 2017 3:40 PM
To: John Mathieson
Subject: FW: Lodgment Rejection, eLodgment ID 524743 on New File, TASMANIA REGISTRY; NOTICE OF ACTUAL and APPREHENDED BIAS request for Delegation of Administrative Powers

UNCLASSIFIED

Dear John,

Tim asked me to forward you this email.

The relevant paragraph is the third last on the first listed and most recent email.

Many thanks,

[redacted] Deputy Director, Court Services
Federal Court of Australia | 305 William Street Melbourne Victoria 3000
p. 03 8600 3333

www.fedcourt.gov.au

From: andrew.garrett[redacted] [mailto:andrew.garrett[redacted]]
Sent: Saturday, 25 November 2017 12:20 PM
To: tasreg <tasreg@fedcourt.gov.au>
Subject: FW: Lodgment Rejection, eLodgment ID 524743 on New File, TASMANIA REGISTRY; NOTICE OF ACTUAL and APPREHENDED BIAS request for Delegation of Administrative Powers

Federal Court of Australia
[redacted] Deputy Director, Court Services

Dear [redacted]

Further to my communiques dated 23rd November 2017 at 2.03 pm and 2.48 pm below and attachments. In considering recusing any officer of the Crown and in particular officers of the Court I request you to consider the applicable law and restate my request for you /the Chief Justice to consider all of the evidence filed in all proceedings before that have been before the Court involving me including the most recent proceeding before Justice Charlesworth.

It is now clear to me that in essence all officers of the Crown and in particular those officers of the High Court of Australia, the Federal Court of Australia, the Federal Circuit Court of Australia, the Supreme Court of Victoria, the District Court of South Australia, the Supreme Court of Victoria and the Attorney Generals of South Australia, Victoria and the Commonwealth of Australia have made both judicial and administrative decisions that are offences under the Criminal Code and the Crimes Act and that effectively determine that I have no right to either a fair hearing or a rights of remedy. These are reviewable decisions under the Common Law Right to Judicial Review.

Please note below highlight in yellow correcting the Title of the proceeding which gave rise to FCA 665.

Of particular note based on the submissions of the Commissioner of Taxation in VID 297 of 2015 Kenny J made findings in FCA 664 as follows;

> *17.12 Proposed ground 26 does not arise because this Court does not have jurisdiction under the Charter of Human Rights and Responsibilities Act 2006 (Vic). Further, the parts of Schedule 2 of the Australian Human Rights Commission Act 1986 (Cth) (previously the Human Rights and Equal Opportunity Commission Act 1986 (Cth)) on which Mr Garrett relies are articles of the International Covenant on Civil and Political Rights that have not been enacted as part of Australia's domestic law.*

The Right to a fair hearing and the right to remedy have been put to the test in *Horvath v Australia* (copy attached) and found against the State Party.

Australian Treaty Series No 23 also known as the International Covenant of Civil and Political Rights clear sets out that this treaty came into force in Australia on the 20th November 1980, Kenny J even acknowledged the Covenant as Schedule 2 of *the Australian Human Rights Commission Act* 1986 (Cth).

Her Honour and the High Court of Australia (in re Wakim ex parte McNally) are patently incorrect in findings that the Federal Court does not have power under the Victoria Charter of Human Rights as both the Constitutions of the Commonwealth and the State of Victoria derive their power from the Common Law and consequently have power as courts of Common Law Jurisdiction to consider any law arising from that source of power.

I have made application to the Human Rights Commissioner dated 1st May 2015 (see attached) email chain which is in the possession and control of the Commissioner of Taxation along with the relevant decision made by the Delegate of the Commissioner dated 27th October 2015 (see attached communiques

Even the Commonwealth Attorney acknowledges the right to a fair hearing and the absence of bias of the decision maker.(see attached)

The position of the Crown and the Federal Court is untenable in administering any hearing as is the position of the Chief Justice in determining delegation.

On the 28th January 2015 Beach J wrote to the parties VID 730, VID 731 and VID 732 of 2014 acknowledging his instructions from the Chief Justice to hear proceedings related to me.....those instructions caused a number of unfair hearings including the failure of that Judge to make findings under Contractual rights of Indemnity and Undertakings as to damages given by National Australia Bank being VID 404 and VID 423 of 2016.

I have not received any documents or things of an administrative character from the Federal Court of Australia

It is not a matter for this court to determine liability of the Crown in circumstances where the Crown has already admitted liability under various Notice to Admit issued under the Common Law and served on the Attorney Generals of the Commonwealth , the States and the Territories and in particular that Notice to Admit dated 1st July 2016 annexing all Notices to Admit Filed and served in accordance with the law in VID 404 of 2016. (I will forward a copy of that notice which was also served on the Court and the relevant Judicial Officer, Beach J who was the subject of my application for review under s75(V) of the Constitution).

This Court MUST make findings of judgment debt in the interest of justice as a liquidated liability against the Crown in accordance with the relevant law relating to Tax on Liquidated Damages (attached).....in a normal circumstance that debt must be taxed however in circumstances where the right of set off exceeds the amount of the Tax arising, the net result will be no tax payable consequently I have established a new entity; the Australian People Future Fund on the 30th April 2017 and distributed 33% of the value and the rights creating that value to that fund and sought the Reserve Bank of Australia to monetise that value in accordance with Statute and the Common Law.

Given the decisions of the Court thus far have been a fraud of the court on the court by the court the decision to agree to my delegation request must be heard on the burden of proof being the Civil burden of the balance of probability.

I have said that s37AO is not enforceable in respect to any proceeding brought by me as those orders are in themselves offences under the Crimes Act and the Criminal Code in which regard s80 of the Constitution applies to the administrative decision to delegate and to file the proceedings subject of the three lodgements made thus far and any future lodgement to be made by me or persons instructed by me.

In the Divorce Judgments of Sharland v Gohill made in the Supreme Court of Justice in London it is clear that the Common Law holds that Fraud unravels all .....including all orders of vexatious litigant made against me and all Judicial decisions thus far including those made by Beach J that were the subject of my s75(v) application to the High Court.

It is inescapable that the decision of the High Court made in *Attwells v Jackson Lalic Lawyers Pty Limited* [2016] HCA 16 is also a criminal matter under the Criminal Code and the Crimes Act and is designed to perpetuate injustice in respect to matters involving lawyers.

The level of complaint against this court by other members of the populace must by now have reached deafening proportions.

I ask you to consider this communique as an application to the Federal Court of Australia under the provisions of the Freedom of Information Act 1982 (Cth) for a copy of any document or thing of an administrative character;

1. related to me in the period 2005 until today's date, and
2. any document or thing of an administrative character relating to complaints against the Judiciary and or Administrative Arms of the Federal Court of Australia.

I confirm I make this application on the grounds that the s89K order in favour of the Court made by Timothy Pilgrim is a Fraud on the Court by the Court and consequently is Criminal being an offence under s42 & s43 of the Crimes Act and the Criminal Code.

I look forward to the confirmation of my discussion with Justice Logan OR in the alternative immediate delegation to the Supreme Court of Hong (to be heard in Australia at the Tasmania Registry of the Federal Court of Australia) of the powers of the Chief Justice.

Regards

Andrew Garrett

Andrew Garrett
Chief Executive Officer/ Winemaker
The Andrew Garrett Group of Companies (TAGGC)

www.oenoviva.com
www.dynamic-cws.com.au

All Rights Reserved, UCC 1-308a

Melbourne Hobart Hong Kong Ho Chi Minh
Level 3, 2 Drewery Place 87-89 Cove Hill Road, "The Desk" 511 Queens Road West,, Suite 103, 140 Nguyen Van Thu Street, Melbourne, Victoria, 3000 Bridegwater, TAS, 7030 Shek Tong Tsui, Hong Kong District 1, HCM, Vietnam

M: [redacted]
F: [redacted]
E: [redacted]