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|---|---|---|
| [redacted] | Applicant | Court: |
| v | | Registry: |
| [redacted] | Respondents | Division: |
| | | File No: of 2023 |
| | | Applicants Court Book Reference: |

**Letter**

**JUDICIAL COMPLAINT**

**COMPLAINT ABOUT REGISTRY SERVICES**

**COMPLAINT DISCRIMINATION**

*To:*

Chief Justice of the Federal Court of Australia – The Hon James Allsop AC

The Justices of the Federal Court of Australia – The Hon Susan Kenny AM, The Hon Steven Rares, The Hon Berna Collier, The Hon Anthony Besanko, The Hon John Logan RFD, The Hon Nye Perram, The Hon John Nicholas, The Hon David Yates, The Hon Mordecai Bromberg, The Hon Anna Katzmann, The Hon Bernard Murphy, The Hon Kathleen Farrell, The Hon Debra Mortimer, The Hon Darryl Rangiah, The Hon Michael Wigney, The Hon Melissa Perry, The Hon Jonathan Beach, The Hon Brigitte Markovic, The Hon Mark Moshinsky, The Hon Robert Bromwich, The Hon Natalie Charlesworth, The Hon Stephen Burley, The Hon David O'Callaghan, The Hon Michael Lee, The Hon Roger Derrington, The Hon David Thomas, The Hon Sarah Derrington AM, The Hon Katrina Banks-Smith, The Hon Craig Colvin, The Hon Thomas Thawley, The Hon Michael Wheelahan, The Hon Angas Stewart, The Hon Michael O'Bryan, The Hon Darren Jackson, The Hon John Snaden, The Hon Stewart Anderson, The Hon Wendy Abraham, The Hon John Halley, The Hon Elizabeth Cheeseman, The Hon Helen Rofe, The Hon Kylie Downes, The Hon Scott Goodman, The Hon Patrick O'Sullivan, The Hon Shaun McElwaine, The Hon Michael Feutrill, The Hon Fiona Meagher, The Hon Timothy McEvoy, The Hon Lisa Hespe, The Hon Elizabeth Raper, The Hon Geoffrey Kennett, The Hon Catherine Button, The Hon Justice Ian Jackman.

*For Information:*

The Governor General of Australia – His Excellency General the Honourable David Hurley AC DSC (Retd) as the representative of the King.

The Prime Minister of Australia – The Hon Anthony Albanese MP as the representative of The Parliament of the Commonwealth.

The Attorney-General – The Hon Mark Dreyfes KC MP as the Minister Attorney-General's Department.

Comcare – The Hon Tony Burke as the responsible Minister.


Filed on behalf of: [redacted]
Prepared By:
Telephone:
Email:
Address for Service:

Comcare – CEO Michael Duke and GM Legal [redacted].

Services Australia – The Hon Bill Shorten MP as the responsible Minister.

Services Australia – CEO [redacted] PSM and CC Legal Services [redacted].

1. This document is suitable for publication on the internet.
2. The lay out of this document is to allow me to maintain a consistent format if required to progress a matter through the courts, private prosecution, mediation and appeals. The format is a combination of High Court and Federal Court numbered lines and numbered paragraphs so as to comply with the basic requirements of those Courts. The format is consistent with my desire to comply with the intent of Section 4(1) *Civil Dispute Resolution Act 2011*.

**Preliminary Questions**

3. Questions to the Federal Court of Australia preliminary to addressing my complaint;

*Is the Federal Court of Australia acting in concert with the respondents in attempting to pervert the course of justice by hindering or preventing the redress of a legitimate and document grievance?*

and

*Has the Federal Court of Australia intentionally forsaken its oath to – "do right to all manner of people according to law without fear or favour, affection or illwill".*

**Significance of this Complaint**

4. This complaint is not a complaint concerning a single Judge, nor is it concerning Court Staff.
5. This complaint is more serious. This is a procedural complaint concerning the Rules and Procedures made by the Federal Court of Australia.
6. It is my understanding that the *Federal Court of Australia Act 1976* provides that it is the Judges of the Court or a majority of them, may make Rules of the Court. This would include

60 practices and procedures. Therefore, the burden lays not only with the Chief Justice, it lays at the feet of all the Judges of the Federal Court of Australia.

7. This complaint cannot be simply swept aside nor ignored. The Federal Court of Australia cannot take its bat and ball and simply go home, nor can it hide behind wigs and painter's smocks. To do so will verify and validate my concerns.

8. The Court should be familiar with the term the Continuum of Force. In my case the following Continuum is applicable:

| | | |
|---|---|---|
| Administrative | An act done intentionally and maintained knowing both parties are aware the act is wrong. | Executive Level 1 employee changing the wording of an Act to deny a benefit. Then failing to change that decision when informed that the wording is incorrect. |
| Criminal | Failing to correct an administrative action either directly or indirectly through deliberate avoidance. | Executive Level 2 affirming decision of EL1 with knowledge that wording is incorrect. 3 Departments of Government fail to take action to correct those actions. |
| Judicial Misfeasance/nonfeasance *(as explained within body of the complaint)* | | |
| Constitutional | Members of Parliament individually and collectively informed that Departments of Government have acted unlawfully and unconstitutionally | Petition - Parliament fails to take action |
| Treason | The use of an ARMED force against a member of the public | Parliament or Departments of Government use the Australian Federal Police to threaten a member of the public exercising their lawful right to seek redress of a legitimate grievance |

**Contempt of Court**

70 9. Contempt of court is generally considered 'words or actions that interfere with the proper administration of justice or constitute a disregard for the authority of the court'.

10. Covering clause 5 of the Constitution allows me to lodge this complaint:

> *This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges and people of every State and of every part of the Commonwealth.....*

11. I have no desire, nor intention to deliberately or intentionally disrupted nor disrespect the *Commonwealth of Australia Constitution Act* (the Constitution), from which the Federal Court of Australia ultimately derives its authority.
12. The fact that this clause is included in the Constitution and specifically states '*shall be binding on the courts, judges*' suggest that the drafters of the Constitution intentionally included this clause to remind the courts and judges that their actions are accountable.
13. That accountability must also include the ability to lodge a complaint where a nexus can be established between an expectation and misfeasance/nonfeasance.
14. Where an applicant can establish beyond doubt that an act either administrative, criminal or both occurred. That a court had the power to correct that act and failed to do so. An applicant can lawfully form an opinion concerning the *legal conduct* of that court.
15. This complaint cannot be considered as an attempt to impair the confidence and respect in the court. Confidence and respect must be earnt and demonstrated.
16. Consideration must be given as to why I have formed the opinion that the Federal Court of Australia may in fact be demonstrating contempt towards my efforts to seek lawfully redress.

**Right to Raise this Complaint**

17. Where a person, who is unrepresented, suspects that the court has or is acting in a *nefas*[1] manner so as to deliberately obstruct or cause a disadvantage, when that person can establish beyond doubt an act either administrative, criminal or both occurred and that a court had the power to correct that act and failed to do so, then the person has a lawful right to lodge a complaint concerning serious or wilful misconduct.
18. Where a person can establish that an act either administrative, criminal or both was an act against the Constitution and that a court had the power to correct that act and failed to do so. Then that court has failed constitutionally and therefore forsaken its legal authority.
19. Therefore, the court must address the concerns of a complainant, not to the court's satisfaction. The court must address those concerns to the satisfaction of the complainant.

[1] *Nefas* – not right; not proper; unlawful (the inference – the act of deliberate and intentional obstruction)

**COMPLAINT OF [redacted]**

**CONCERNING THE CONDUCT OF THE FEDERAL COURT OF AUSTRALIA**

**AS A SELF REPRESENTED LITIGANT**

**Part I – Nature of Complaint:**

20. I have formed the opinion that the Federal Court of Australia is attempting to limit applications by self-represented litigants.

21. I have also formed the opinion that the Federal Court of Australia has attempted to use discriminatory means to limit, hinder and prevent a self-represented litigant from seeking judicial redress of a legitimate grievance. Those means being, the Rules and Procedures (Practice Notes) and in the vetting of self-represented litigant's applications prior to being accepted for filing. Those means being *nefas* in application.

22. The nature of my complaint is as follows;
    a. That the Federal Court of Australia has denied my application for the redress of a legitimate grievance, supported by irrebuttable documentary evidence at the suggestion of a third party *(perverting the course of justice)*; or
    b. That the Federal Court of Australia has denied my application for the redress of a legitimate grievance supported by irrebuttable documentary evidence as the Court felt offended as the application contained an observation that the Courts Rules and procedures may have been a contributing factor in the defendant's actions *(criminal negligence)*; or
    c. That the Federal Court of Australia is attempting to limit applications by self-represented litigants intentionally to financially favour lawyers *(fraudulent misrepresentation)*: or
    d. That the Federal Court of Australia is using the Courts Rules and procedures to limit self-represented litigant's applications to reduce the Courts workload *(nonfeasance)*.

23. I can understand that the Federal Court of Australia has only limited resources and must attempt to operate efficiently and effectively within those limitations. However, when an application contains irrebuttable evidence that can only result in a conclusive presumption in favour of the applicant and the court fails to accept that application though *nefas* means. Then

the applicant has the lawful right to consider those means constitute the offence of *'perverting the course of justice'* as it relates to the applicant.

**Part 1A - Complaint Handling:**

24. As this complaint relates to the Rules and Procedures of the Federal Court of Australia, which includes practice notes issued by the Chief Justice. It would be inappropriate for the Chief Justice to exercise his authority under Sections 15 (1AAA) and (1AAB) *Federal Court of Australia Act 1976*.

25. However, Section 4 *Civil Disputes Resolution Act 2011,* provides provision to seek resolution through discussion or through an alternative dispute resolution process. This process is the preferred initial option in addressing this complaint. It also satisfies the *Responsibility of the Chief Justice* requirements under Section 15 (1AA) (d) *Federal Court of Australia Act 1976,* to 'take any measures that the Chief Justice believes are reasonably necessary to maintain public confidence in the Court'.

**Part 1C – Complainant Concerns:**

26. It is my belief that Services Australia, Comcare and the Attorney Generals Department have acted unlawfully, criminally and unconstitutionally in relation to my attempts to seek redress.

27. It is my belief that Parliament has deliberately and intentionally acted unconstitutionally by failing to address my concerns and correct the actions of the 3 Departments of Governments concerned.

28. It is my belief that the actions of Parliament and the 3 Departments of Government in using the Australian Federal Police, in an attempt to dissuade my lawful attempts to seek redress amounts to an act of treason.

29. If as a result of this complaint the Federal Court of Australia, will not or fails to address my concerns. Then it is logical to conclude that Parliament and the Judiciary are acting jointly to prevent me from exercising my constitutional right to seek redress. Then this must also be considered an act of treason.

30. I also consider that my personal safety, health and welfare must be considered at risk of harm by the respondents. If the respondents are prepared to use the Australian Federal Police as a tool to threaten me, then any reasonable person may also conclude that they are also prepared to use other means to threaten my physical and mental health.

**Part 1D – Right of Parliament and Court to Sit while Complaint is Unresolved:**

31. Due the nature of the concerns that I seek to address the ability of Parliament and the Federal Court of Australia to sit until this matter can be resolved must be questioned.
32. It is my belief that the public would have an expectation that due to the nature of my concerns, Parliament and the Federal Court of Australia would not sit until those concerns are addressed.
33. It is my assertion and belief that Parliament has failed to meet is constitutional obligations under Section 52. Exclusive powers of the Parliament. As this failure has not been addressed by the members of parliament, then the ability of Parliament to sit must be considered suspect.
34. If the Federal Court of Australia is unable to sufficiently address my concerns, to my satisfaction, then any decisions of the Federal Court of Australia must be considered suspect.

**Part II – Sequence of Events:**

35. The following sequence of events give rise to this complaint concerning the Federal Court of Australia:
    a. 25 Mar 2022, I attended the Adelaide Registry of the Federal Court of Australia and lodged an application concerning a matter and seeking relief.
    b. 07 Apr 2022, I received an email with attached letter from the Federal Court of Australia advising my Documents had been refused (for filing).
    c. 11 Apr 2022, I emailed the Federal Court of Australia requesting clarification of the reasons used by the Federal Court of Australia in refusing to accept my Documents.
    d. 28 Apr 2022, I attended the Adelaide Registry of the Federal Court of Australia and lodged application with the Federal Court of Australia seeking a review of the Federal Court of Australia's 07 Apr 2022 decision.
    e. 10 May 2022, I received an email from the Federal Court of Australia advising that my 28 Apr 2022 application was submitted using the incorrect form and advising that I must now seek judicial approval to lodge a new application.

**Part IIIA – Statement of Reasons:**

36. It is not my intention to cause harm to any person through deeds or actions as they have caused harm to me through their deeds and actions, I simply seek to right a grievance.

**Part IIIB – Initial observations concerning the actions of Federal Court of Australia:**

37. The following initial observations concerning the actions of the Federal Court of Australia are apparent in the correspondence sent to me:
    a. 07 Apr 2022, letter from Federal Court of Australia;
        i. This letter is an Appeals Lawyers dream, as it is clearly a templated or form letter. It is so full of holes that a blind and drunk child could drive a road train through it.
        ii. Letter dated 14 days from the date lodged to the date refused.
    b. 10 May 2022, email from Federal Court of Australia.
        i. My application for review was lodged 21 days after the Federal Court of Australia's 07 Apr 2022 decision and 17 days after my email to the Federal Court of Australia seeking clarification as to the reasons for denial of my application.
        ii. On the date of lodgement (28 Apr 2022), I specifically asked the person who I lodged the application with if I had used the correct form and was advised by that staff member that he was unsure as he worked in another area.
        iii. The email from the Federal Court of Australia advising me that I had used the wrong form arrived 13 days after lodgement.
        iv. 07 Apr 2022 – 10 May 2022 = 34 days, 11 Apr 2022 – 10 May 2022 = 30 days. This makes the Federal Court of Australia's 10 May 2022, conveniently outside of the 21-day review period as required by the Federal Court of Australia (Rule 3.11(2)).
        v. 10 May 2022 email from the Federal Court of Australia fails to state that my application lodged on 28 Apr 2022 has been rejected.

**Part IV – Complaint in Detail:**

38. The application lodged at the Adelaide Registry of the Federal Court of Australia on 28 Apr 2022 forms the basis of my complaint and should be read as being conjunctive to this complaint.
39. There is nothing in the actions of the Federal Court of Australia that prevents me from lawfully forming the opinion that the Federal Court of Australia has committed the criminal offence of attempting to pervert the course of justice.
40. Concerning 07 Apr 2022 letter.

a. Paragraph 2

i. *"to review and determine"* – this statement indicates that the Federal Court of Australia is aware that an employee of Centrelink changed the wording of Section 36(1) *SRCA 88* and aware that I made efforts to correct the changed wording.

ii. Rule 2.26

1. Abuse of the process of the Court[2] – The evidence is documented, emails by 2 Centrelink employees. I am of the opinion that the Federal Court of Australia has attempted to abuse the process of the court by using its authority to deny what is clearly my lawful and constitutional right to redress a grievance.

230 2. Frivolous[3] – if the Federal Court of Australia considers documented evidence of a Department of Government acting unconstitutionally by changing the wording of an Act and then presenting those changes as being lawful, then I must consider that the Federal Court of Australia has no lawful right to sit and judge others when it clearly cannot read nor comprehend the ramifications of changing the wording of an Act.

3. Vexatious[4] – I have attempted to resolve this matter with the respondents without success and they have reacted by using the Australian Federal Police making a false terrorism allegation in an effort to prevent me seeking lawful redress. As I have never filed an application with the Federal Court of Australia

240 previously in relation to this matter then this reason is invalid.

4. On the face of the document[5] - annexed to the application was sufficient irrefutable evidence of the changing of the wording of the Act.

5. By reference – no reference was made to any document filed or submitted for filing.

b. Paragraph 4

[2] Abuse of the process of the Court – instituting or maintaining civil or criminal proceedings that will clearly fail.
[3] Frivolous - Insupportable in law, no cause of action, groundless
[4] Vexatious – unnecessary, harassing, unjustified, burdensome
[5] On the face of the document – without the aid of outside evidence

i. *"without being exhaustive"* - It is apparent that Paragraph 5 is an attempt at justification. The application consisted of an Affidavit and 4 Annexures. Which document or which annexure was defective.

ii. *"cause(s) of action[6]"* – Annexures BW2 and BW3 clearly demonstrate that the wording of Section 36(1) *SRCA 88* was changed to deny my entitlement to a rehabilitation assessment. It is absolutely irrefutable. Annexure BW1 demonstrates that Parliament was aware of this change of wording and made no effort to correct this. The legality of my claim is established in writing by the changed wording and quotation of the section of the Act and by use of the name of the Act. Annexure BW4 contains a Table, that includes a column titled 'Factors Giving Rise to Claim' and 'Harm Suffered', I assert that this is sufficient to establish *'cause(s) of action'*.

iii. *"how the jurisdiction of the Federal Court of Australia is invoked[7]"* – Annexure BW4 includes a column titles 'Legal Grounds for Relief' which states the relevant Act and section, Treaty or Convention. The jurisdiction of the Federal Court of Australia to hear matters as per the Annexures are already known to the Court. The fact that evidence contained at Annexures BW2 and BW3 make reference to and name the Act and Section establishes jurisdiction.

c. Paragraph 6 – *'The documents will be returned to you.'* – How are you going to do that when the documents were scanned at the Adelaide Registry and electronically sent to the National Duty Registrar and returned to me on 25 March 2022. Therefore, as I already had the documents, what documents will be returned to me? In my opinion this is indicative of a templated or form letter. Paragraph 3 and Paragraph 4 as they are not aligned to the left margin in my opinion is indicative of a templated option.

d. Paragraph 7 – *'I recommend that you seek legal advice in relation to this letter'* – I read this comment as a threat. I have also formed the opinion from this paragraph that the Federal Court of Australia deliberately chose to ignore irrefutable evidence presented by a self-represented litigant, however, would have accepted it, if presented by a lawyer.

[6] Cause of Action – facts that give rise to an enforceable claim, facts relied upon, elements of a claim which give rise to a legal liability
[7] Jurisdiction of the Court – power of a court either by statute or in its inherent jurisdiction

41. The use of the Federal Court of Australia rule 2.26 indicates that my application for redress and relief was denied as being *frivolous* despite clear irrefutable evidence that a Government Department changed the wording, which is the exclusive power of Parliament and in doing so denied me a legislated right that resulted in a detriment. That the Federal Court of Australia considers *frivolous* the matter being raised with and ignored by Parliament, as evidenced.
42. That the Federal Court of Australia can ignore actual irrefutable evidence of criminal conduct and absolute irrefutable evidence of unconstitutional conduct by deeming that conduct *frivolous* is an absolute and deliberate breach of judicial responsibility.
43. I question whether the applications that I lodged with the Federal Court of Australia would have first been vetted before being accepted for filing if I had been a lawyer and not a self-represented litigant.
44. I question whether or not any defect could have been corrected during a proceedings or would have simply been noted by the sitting Justice exercising judicial discretion.
45. I question whether or not any defect would have been sufficient to negate irrefutable documented evidence.
46. I question whether or not any defect was sufficient to prevent the Federal Court of Australia from making orders related to mediation or in the manner of proceedings.

**Part V – Required Manner in which Complaint is to be Addressed:**

47. Someone made the decision to use the Australian Federal Police to make a very apparent attempt to threaten me and dissuade me from seeking redress of a legitimate grievance. I don't care who that person was. What I care about is that the named Respondents have failed to address my concerns and have in my opinion crossed the line and have now committed an act of treason.
48. The fact that the Federal Court of Australia has in my opinion demonstrated an absolute breach of judicial responsibility is concerning.
49. ***Immunity and Privilege – Legal, Judicial and Parliamentary.*** Immunity is only available for acts done in good faith. It is not available if it relates to criminal or unlawful conduct. The use of the Australian Federal Police has removed the right for the respondents to claim privilege or immunity.

50. It is in the best interest of the Federal Court of Australia and the Respondents to meet with me to discuss how best to proceed. This would serve to demonstrate the Federal Court of Australia its commitment to the 'overarching purpose of civil litigation' and 'genuine steps to resolve a dispute' principles.

**Part VI - Remedy:**

51. I have at all times sort to seek remedy through the Departments internal grievance procedures, through the use of genuine steps to resolve a dispute (by operation of law) and through mediation (by agreement between the parties). The final resort being by the judicial process. Not one of the named Respondents have addressed the deliberate and intentional changing of the wording of s36(1) *SRCA 88*. All of the respondents have deliberately chosen to ignore their legal obligation to the constitution using negligent and fraudulent misrepresentations, culminating in the use of the Australian Federal Police in a deliberate act of *in terrorem*[8].

52. That Parliament and the Attorney Generals Department, two of the respondents and with irrefutable constructive knowledge of my situation and concerns as demonstrated by the Attorney Generals response to my petition to the House of Representatives, Annexure BW1, can deliberately ignore their constitutional and legal responsibilities is an act of negligence and a breach of political trust and constructive fraud.

53. I seek only my entitlement under s36(1) SRCA 88 and financial restitution for lost (potential) earnings and property lost as a result of an injury suffered while employed by Services Australia (Centrelink).

**Part VII - Summary:**

54. The evidence that Services Australia changed the wording of Section 36(1) *Safety, Rehabilitation and Compensation Act 1988*, is in writing and is irrefutable.

55. The fact that Services Australia, Comcare, Attorney Generals Department and Parliament has ignored this irrefutable evidence is inexcusable. This demonstrates a deliberate disregard of their lawful obligations that they are expected to execute under the Constitution.

[8] *in terrorem* – intended to frighten or intimidate

56. The fact that the Respondents can use the Australian Federal Police in an attempt to prevent me from exercising my legal, lawful and political rights is unconstitutional and unlawful.

57. The fact that the Federal Court of Australia can then ignore their sworn oath and ignore irrefutable evidence using *nefas* means is also to ignore the courts constitutional obligations.

58. Therefore, I have a right to lodge this complaint as the inferences from the facts is sufficient to form an opinion of *nefas* conduct, either intentionally or unintentionally, use of the Rules and procedures of the Federal Court of Australia

Dated

06 March 2023

Attachments:

1. 2022-03-23 - Application - to FCA - Application for Relief
2. 2022-04-07 - Letter - FCA to - Signed letter to
3. 2022-04-11 - Email - to FCA - Request Clarification of FCA Letter
4. 2022-04-28 - Application to FCA for Review
5. 2022-05-10 - Email - FCA to - Wrong Form - Application