

28 April 2023

[REDACTED]
Federal Court of Australia
Harry Gibbs Commonwealth Law Courts
119 North Quay
Brisbane Qld 4000

By email: Query.Account@fedcourt.gov.au

Dear [REDACTED],

REPLY TO YOUR CORRESPONDENCE DATED 24 April 2023

Thank you for your letter dated 24 April 2023. I appreciate that you have taken the time to respond to my correspondence (complaint) dated 06 March 2023. I am disappointed that it has taken so long in order to receive a response and I suspect that the Federal Court of Australia only directed you to reply as I had requested an update on 21 April 2023.

I am concerned that my complaint was referred to you for 'consideration¹ and response'. The Judicial Complaints Procedure states that Judicial complaints are investigated by a person of 'appropriate seniority'. While I harbour no doubts concerning your integrity and abilities, I believe that this matter should have been allocated to a Justice of the Federal Court of Australia for consideration and response. I make this observation with no disrespect to your experience or abilities, rather simply, because the nature of the matters raised in my complaint related to the actions of the Justices of the Federal Court of Australia. This has therefore, placed you in a position where you could not make any other considerations than the one you have. That being not to make any decisions.

Irrespective it must be assumed that you have been authorised by the Chief Justice under s15 (1AAB) *Federal Court of Australia Act 1976* to handle this complaint. I will assume that you are not acting under s15 (1AAA) as the matters raised in my complaint have not been addressed.

My letter dated 06 March 2023, was titled 'Judicial Complaint, Complaint about Registry Services, Complaint Discrimination'. The Federal Court of Australia's website ([Feedback and complaints \(fedcourt.gov.au\)](https://www.fedcourt.gov.au/feedback-and-complaints)), provides procedures relating to complaints about Judicial or Registry Services only. The website provides no details or procedures concerning complaints in general or concerning the policies and procedures of the Federal Court of Australia. I consider it entirely inappropriate to blame Registry Staff for the policies and procedures that they are required to follow. Nor do I consider it

¹ *Federal Court of Australia Act 1976 s4 Interpretation - handle* a complaint means do one or more of the following acts relating to the complaint: (a) consider the complaint;

appropriate to direct fault at [REDACTED] or yourself, when the Justices of the Federal Court of Australia are apparently incapable of accepting responsibility for their own decisions.

There is however, a distinction between Registry Services and Registry Staff.

Registry Services 'can and can't do's' are listed at [Registry services: what staff can and cannot do \(fedcourt.gov.au\)](https://www.fedcourt.gov.au/registry-services). At dot point 2 of the section labelled 'What we can do', it states, 'We can tell you what forms you may need to use'. At paragraph 37.b.ii. of my complaint I specifically asked if I was using the correct form and I was advised by the Registry Staff member that [REDACTED] did not know as he worked in another area. It took the Federal Court of Australia 13 days after lodgement before I was advised that I had used the incorrect form. Conveniently arriving outside of the permitted appeal period. If I had received the prompt and efficient registry service as is my right according to the Registry Services web page, I could have and was in the position transfer my application from the incorrect form to the correct form.

The Federal Court of Australia failed to formally acknowledge my complaint within 7 days nor respond with an outcome or progress of my complaint within the 20 working days that the court claims that they will attempt to do when 'responding to complaints'.

It is not the Registry Staff member's fault for not knowing in the instant if the form that I had submitted was the correct form. It is an administrative failure for not providing the correct training to that staff member and a failure of the Federal Court of Australia for not having a suitably trained member available to address my question. Equally, to take 13 days to advise me that I had used the incorrect form and therefore causing undue stress and duress is unacceptable.

The Judicial Complaints Procedure, states that it is a procedure that offers a process by which a member of the public can lodge a complaint about judicial conduct to the attention of the Chief Justice and the Judge concerned. Judicial conduct can include conduct 'in connection with the performance of a judge's judicial functions' or 'have capacity adversely to affect the reputation of the Court'. It provides 'the Court with opportunities to explain...correct misunderstandings.'

The making of the Rules, Policy and Procedures of the Federal Court of Australia is a judicial function². A function that that the majority or all of the Judges participate in and the reason why I addressed my complaint to all of the Justices of the Federal Court of Australia and not just the Chief Justice.

The second paragraph of your letter indicates an attempt to suggest that my complaint, was not in fact a complaint, rather 'various allegations'. Unfortunately, I must advise you that an allegation that formally or informally informs a person in writing that an offence/s have/has been committed is in fact a complaint. A complaint based on a relevant belief³ forms the basis of an allegation.

² *Federal Court of Australia Act 1976 s59 Rules of Court* (1) The Judges of the Court or a majority of them may make Rules of Court, not inconsistent with this Act.....

³ *Federal Court of Australia Act 1976 s4 Interpretation relevant belief*: a person has a **relevant belief** in relation to a complaint about a Judge if:

(b) the person believes that one or more of the circumstances that gave rise to the complaint may, if substantiated:
(ii) have the capacity to adversely affect, or have adversely affected, the reputation of the Court.

Your third paragraph is nonsensical, other than to state that I raised concerns regarding [REDACTED] [REDACTED] decision dated 07 April 2002 and the delay in advising me that I had submitted a request for a review of that decision on the wrong form. I already knew that.

Your fourth paragraph states 'Documents will only be accepted for filing in the Court if they substantially comply with the *Federal Court Rules 2011*'. This is an apparent reference to rule 2.27(b) *Federal Court Rules 2011*⁴. Whereas, [REDACTED] referenced rule 2.26 *Federal Court Rules 2011*⁵.

[REDACTED] also stated that I had failed to describe how the jurisdiction of the Federal Court of Australia was invoked. The Courts website at <https://www.fedcourt.gov.au/about/jurisdiction/acts> lists the various Acts that the Court has jurisdiction under. [REDACTED] also stated that I had failed to 'adequately describe the cause(s) of action', despite my affidavit providing that evidence. One would have thought that the Federal Court of Australia would therefore, have the capacity to adequately identify and describe the defects in my application.

I have discussed this matter and sort assistance with various South Australian Legal Aid or Legal Assistance providers (inc: JusticeNet and SA Law Society). As this is an Administrative, Constitutional and Criminal matter in which I am the Applicant, then I am not able to obtain legal assistance. As this matter has placed me financially in a difficult situation, I cannot afford to engage legal representation. I have no other option than to do this myself.

At no point in your letter have you addressed any of the concerns that I raised in my complaint. This is interesting as it indicates to me that the Federal Court of Australia is aware of the evidence I presented in those documents. Documents that the Court has in its possession. Documents that established the jurisdiction of the Federal Court of Australia. Documents that establish a legitimate Constitutional contravention by the respondents and criminal conduct. I believe that the Federal Court of Australia feels that if it acknowledges this fact and its failure to address this, then it opens itself up to criticism and subsequent loss of public confidence.

I request a meeting in person to discuss my complaint with a view to a just resolution.

Without prejudice nor bias.

[REDACTED]

[REDACTED]

⁴ *Federal Court Rules 2011 2.27 When documents will not be accepted in a Registry* A document will not be accepted for filing if: (b) it does not substantially comply with these Rules

⁵ *Federal Court Rules 2011 2.26 Refusal to accept document for filing—abuse of process or frivolous or vexatious documents* A Registrar may refuse to accept a document (including a document that would, if accepted, become an originating application) if the Registrar is satisfied that the document is an abuse of the process of the Court or is frivolous or vexatious: (a) on the face of the document; or (b) by reference to any documents already filed or submitted for filing with the document.