

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged:	Originating Application for Judicial Review - Form 66 - Rule 31.01(1)
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	1/04/2025 4:43:09 PM AEDT
Date Accepted for Filing:	2/04/2025 9:23:54 AM AEDT
File Number:	VID416/2025
File Title:	JAN MAREK KANT v PRINCIPAL REGISTRAR FEDERAL COURT OF AUSTRALIA
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Originating application for judicial review

No.

Federal Court of Australia
District Registry: Victoria
Division: General

JAN MAREK KANT

Applicant

PRINCIPAL REGISTRAR, FEDERAL COURT OF AUSTRALIA

Respondent

To the Respondent

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

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

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

Time and date for hearing:

Place:

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

Date:

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

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

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

Law firm (if applicable) _____

Tel (03) 9578 0973 Fax _____

Email jmjarosz01@gmail.com

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



The Applicant applies to the Court to review the decision of the Respondent of his subordinate, purportedly made by Registrar Hammerton-Cole on 06 March 2025 and disclosed to the Applicant on 01 April 2025, that Documents lodged by the Applicant not be accepted for filing pursuant to rule 2.26 of the *Federal Court Rules 2011*.

A statement of the terms of the decision, being a letter dated 06 March 2025 and signed by the said Registrar, Re: *Documents presented for filing on Monday 27 February 2025 (Lodgment ID: 1407048)*, accompanies this originating application.

Details of claim

The Applicant is aggrieved by the decision because:

1. The Documents disclose a *bona fide* cause of action that is not without substance or groundless or fanciful.
2. The Documents disclose a properly stated cause of action and there are prospects of success on the Documents.
3. The decision not to accept the Documents for filing denies the Applicant justice.

Grounds of application

1. The Respondent failed to properly consider whether the Documents, on their face or otherwise, are frivolous or vexatious.
2. The Respondent is evasive of the matter the Applicant seeks to bring before the Court with filing of the Documents.
3. The Documents would not constitute an abuse of the process of the Court if accepted for filing.
4. Judicial review of the decision requires the Documents be considered not on their face.

Orders sought

1. An order requiring the Documents be filed.

Applicant's address

The Applicant's address for service is:

Place: 3/33 Bewdley Street, Ormond VIC 3204

Email: jmjarosz01@gmail.com

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

**Service on the Respondent**

It is intended to serve this application on the Respondent.

Date: 01 April 2025

A handwritten signature in blue ink, appearing to read "JM", is written above a horizontal line.

Signed by Jan Marek Kant
Applicant



Telephone: 1300 720 980
Internet: www.fedcourt.gov.au

FEDERAL COURT OF AUSTRALIA

A.B.N. 49 110 847 399

6 March 2025

Mr Jan Marek Kant
3/33 Bewdley Street
Ormond VIC 3204

By email: jmjarosz01@gmail.com

Dear Mr Kant,

Re: Documents presented for filing on Monday 27 February 2025 (Lodgment ID: 1407048)

I refer to the following documents lodged via eLodgment (ID: 1433298) to the Victoria Registry of the Federal Court of Australia:

- Form 69 - Originating application dated 27 February 2025;
- Form 17 - Statement of Claim dated 27 February 2023; and
- Form 18 – Notice of a Constitutional matter dated 27 February 2025

(Collectively ‘**the Documents**’).

The Documents have been referred to me in my capacity as National Duty Registrar to review and determine whether they should be accepted for filing.

Review of the Documents submitted for filing

I have read and considered the Documents and have decided that they cannot be accepted for filing pursuant to rule 2.26 of the *Federal Court Rules 2011* (Cth) (the **Rules**).

Relevantly, rule 2.26 of the Rules provides that:

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.*

Under rule 2.26 of the *Federal Court Rules 2011*, a document may be refused for filing if a Registrar is satisfied that the document is an abuse of process of the Court, or frivolous or vexatious.

Refusal of the Documents for filing

I have carefully considered the form and content of the Documents and, pursuant to rule 2.26, have determined that I must refuse to accept the Documents for filing as I am satisfied that the Documents are an abuse of process of the Court or are frivolous or vexatious.

As explained above, under rule 2.26 a document may be refused for filing if a Registrar is satisfied that the document is “an abuse of the process of the Court” or “frivolous or vexatious”. These terms were considered by Justice White in *Ferdinands v Registrar Cridland* [2021] FCA 592 at [27] to [30], in which his Honour held that a proceeding will be frivolous and vexatious if, among other things, “it is based on a cause of action which no reasonable person could properly treat as bona fide or if it is without substance, groundless, or fanciful.” The term “abuse of process” includes an application which has no cause of action properly stated and no prospects of success.

In accordance with the above, I consider that the Documents are on their face frivolous or vexatious. It would constitute an abuse of process of the Court if they were accepted for filing. As such, I refuse to accept the Documents for filing.

You may wish to seek legal advice prior to filing any further documents with the Court.

Yours sincerely

A handwritten signature in blue ink, appearing to be "JA", is written over a horizontal line.

Registrar Hammerton-Cole