Schedule B - Document 1

Telephone: [redacted]
Facsimile: (02) 9223 1906
DX 613 SYDNEY

A.B.N. 49 110 847 399

Your Ref:
Our Ref: PA2925

FEDERAL COURT OF AUSTRALIA
PRINCIPAL REGISTRY

LEVEL 16
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

19 August 2015

Mr Andrew Garrett
[redacted]

By email: [redacted]

Dear Mr Garrett,

Application for Compensation under the CDDA Scheme

I refer to:

a) your email of 27 June 2015 marked for the attention of the Chief Justice and Registrars Byrne, Allaway and Caporale of the Federal Court requesting compensation under the Scheme for Compensation for Detriment Caused by Defective Administration (the CDDA Scheme);
b) my letter to you dated 10 July 2015 acknowledging receipt of that request; and
c) your subsequent emails to myself and others dated 14 July 2015, 15 July 2015, 23 July 2015 and 17 August 2015 which referred to your application for compensation.

A search of the Bankruptcy Register confirms that you are currently an undischarged bankrupt. In these circumstances, it appears that any claim for compensation under the CDDA Scheme in respect of any loss you may have suffered should properly be made by your trustee in bankruptcy (in whom your property has vested).

I note that you also purport to bring the application for compensation in various other capacities (including as managing controller of various corporations and as trustee or beneficiary of various trusts). The Court is not presently able to assess whether you in fact have the authority to make a claim in those other capacities and reserves its position in relation to this question.

In addition to these questions relating to your capacity to make a claim under the CDDA Scheme, the Court requires more specific information to assist it to assess your application for compensation in relation to:

a) how the Federal Court's actions or inactions were defective,
b) the detriment you are claiming, including an explanation of how the amount you are claiming is calculated, and
c) how the alleged defective administration directly caused the loss claimed.

Please provide this information by completing the attached table. In order to best assist the Court in assessing your application, please provide clear and concise responses in the table for each alleged defective action or inaction.

Your email of 17 August 2015 seeks a review by the Commonwealth Ombudsman of what you have described as the 'deemed refusal' of your application for compensation under the CDDA Scheme by the Court. Please note that your application for compensation is still under consideration. Accordingly, a copy of this letter will be provided to the Commonwealth Ombudsman.

Yours sincerely,

John Mathieson
Deputy Registrar

Cc: Commonwealth Ombudsman
GPO BOX 442
CANBERRA ACT 2601

SCHEME FOR COMPENSATION FOR DETRIMENT CAUSED BY DEFECTIVE ADMINISTRATION

INFORMATION TO BE PROVIDED BY APPLICANT

Action or inaction by the Federal Court that is alleged to be defective	Details of the detriment claimed (please provide an explanation of how the amount claimed is calculated)	Explanation of how the alleged defective administration directly caused the loss claimed
Defective action / inaction No 1:		
Defective action / inaction No 2:		

Action or inaction by the Federal Court that is alleged to be defective	Details of the detriment claimed (please provide an explanation of how the amount claimed is calculated)	Explanation of how the alleged defective administration directly caused the loss claimed
Defective action / inaction No 3:		
Defective action / inaction No 4:		

NOTE: If your claim relates to more than four defective actions or inactions, please complete and attach additional copies of this table.

John Mathieson

From: Andrew Garrett <andrew.garret[redacted]>
Sent: Tuesday, 25 August 2015 1:57 PM
To: John Mathieson
Cc: Andrew Garrett
Subject: Re: Freedom of Information Request

Dear John

Thank you for your communique. I confirm that my application for compensation was made pursuant to the CDDA Scheme AND the Legal Services Directions issued under s55ZF of the Judiciary Act 1903 (Cth) AND schedule 2 of the Human Rights and Equal Opportunities Act 1986 (Cth)

Best Regards

Andrew Garrett

Sent from my iPhone

> On 25 Aug 2015, at 11:32 am, John Mathieson <John.Mathieson@fedcourt.gov.au> wrote:
>
> UNCLASSIFIED
> Dear Mr Garrett,
>
> I attach letter of acknowledgment of your FOI request contained in your email to me and District Registrar Caporale sent on 17 August 2015.
>
> Your sincerely,
>
> John Mathieson
> Deputy Registrar
> Principal Registry
> Federal Court of Australia
> john.mathieson@fedcourt.gov.au
> Phone [redacted]
> www.fedcourt.gov.au
> <image2015-08-25-120358.pdf>

Telephone: [redacted]
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

14 September 2015

Mr Andrew Garrett
[redacted]

Cc (letter and schedule only) by email: [redacted]

Dear Mr Garrett,

Freedom of Information Request

The purpose of this letter is to advise you of my decision about your request, sent by email on 17 August 2015, under the *Freedom of Information Act 1982* (FOI Act) for access to documents.

I am authorised under section 23(1) of the FOI Act to make decisions in relation to Freedom of Information (FOI) requests on behalf of the Federal Court of Australia (Federal Court).

Summary

As noted in my letter to you dated 25 August 2015 acknowledging your request, I understand that request to be seeking access to any document or thing in the possession of the Federal Court which relates to your application to the Federal Court and the Federal Circuit Court of Australia for compensation under the scheme for Compensation for Detriment Caused by Defective Administration (the CDDA Scheme) as set out in your emails of 27 June 2015, 14, 15 and 23 July 2015 and 17 August 2015 and that the access sought is by providing you with a copy of any such document or thing.

This was confirmed by you in your email of 25 August 2015 save that you clarified that your application for compensation was also made under the Legal Services Directions made under section 55ZF of the *Judiciary Act 1903* and Schedule 2 of the *Human Rights and Equal Opportunities Act 1986*.

I identified a total of 22 "documents" which fell within the scope of your request. I did this by searching electronic folders and other records for the relevant period, arranging for staff of the Court's Victoria District Registry conducting similar searches and by myself and those staff relying on our own knowledge.

The attached schedule of documents provides a description of these "documents". Some "documents" are, in fact, multiples or clusters of documents. Some are chains of emails. Some emails have other documents attached to them. Some documents are or appear to be duplicated. This is identified in the schedule. Some documents are receipt notifications for

each individual attachment to an email which were generated automatically by a secure link application. These notifications are grouped together for each recipient of that email as a single "document" in the schedule. There is some duplication in the receipt notifications received. Again this is identified in the schedule.

The schedule also provides details of the access decision I have made in relation to each document or cluster of documents (the latter referring to email chains and any attachments to them and the grouped receipt notifications) or parts of these clusters.

I have decided to:

- grant you access in full to 11 documents or clusters of documents and to 8 attachments in another cluster of documents;
- grant you access to an edited copy of 10 documents or clusters of documents (modified to delete exempt or irrelevant matter under section 22 of the FOI Act); and
- refuse you access to three documents (one of which is an attachment in two separate clusters of documents and another is an attachment in another cluster of documents in two different electronic formats).

More information, including my reasons for my decision, is set out below.

Decision and Reasons for Decision

I have decided to grant you access in full to each of the documents or clusters of documents numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 22 in the schedule. As noted in the schedule, the cluster of documents numbered 9 appears to be a duplication of those numbered 8. However each was received separately and, as a result, access to both is given.

I have decided to grant you access in full to the 8 attachments in the cluster of documents numbered 14 in the schedule. As noted in the schedule, these include the documents or clusters of documents numbered 1, 2, 3, 4, 5 and 8 in the schedule (all mentioned in the previous paragraph). I have, however, decided to refuse you access to the confidential email included in the cluster of documents numbered 14.

That email was sent confidentially to a partner, senior associate and law graduate of a national law firm and contains instructions to that law firm in relation to legal advice which was required on a range of legal issues related to your claim for compensation under the CDDA scheme. It was prepared by me solely for the purpose of obtaining independent, professional and confidential legal advice from that law firm which had previously been engaged, following a value for money assessment, from the Legal Services Multi-Use List established by the Commonwealth Attorney-General's Department. That legal advice was sought from the partner and senior associate of the law firm in their capacities as professional legal advisers. The email therefore would be privileged at common law from production in legal proceedings on the ground of legal professional privilege. That privilege has not been waived, either expressly or impliedly. As a result the email is exempt from disclosure under section 42 of the FOI Act.

I have decided to grant you access to an edited copy of the confidential email in the cluster of documents numbered 11 in the schedule. That email, sent to me from the national law firm engaged to provide legal advice as above, attaches a confidential letter. The email contains personal information about the sender as well as the partner of the law firm involved in providing the professional and independent legal advice sought. I am satisfied that the identity of the individuals concerned is reasonably apparent from the email and that the

disclosure of this personal information would be unreasonable. The email is therefore conditionally exempt under section 47F of the FOI Act. Having considered the rights of the individuals concerned to privacy as well as factors in favour of disclosure including promoting the objects of the FOI Act, I am satisfied that disclosure of this personal information would, on balance, be contrary to the public interest. As a result the email is exempt under subsection 11(5) of the FOI Act. I am also satisfied that the email contains information which is irrelevant to your request and that it is possible to prepare an edited copy of the email which deletes both the personal information and the irrelevant information. As it is not apparent from your request that you would decline access to such an edited copy I have decided under section 22 of the FOI Act to provide you with such a copy of the email.

I have decided to grant you access to an edited copy of the confidential email in the cluster of documents numbered 12 in the schedule. That email, sent to me by the partner of the national law firm engaged to provide legal advice as above, attaches a copy of the confidential letter also attached to the email in the cluster of documents numbered 11 in the schedule. The email contains personal information about the sender as well as the senior associate of the law firm both of whom are involved in providing the professional and independent legal advice sought and a legal secretary at the law firm. I am satisfied that the identity of the individuals concerned is reasonably apparent from the email and that the disclosure of this personal information would be unreasonable. The email is therefore conditionally exempt under section 47F of the FOI Act. Having considered the rights of the individuals concerned to privacy as well as factors in favour of disclosure including promoting the objects of the FOI Act, I am satisfied that disclosure of this personal information would, on balance, be contrary to the public interest. As a result the email is exempt under subsection 11(5) of the FOI Act. I am also satisfied that the email contains information which is irrelevant to your request and that it is possible to prepare an edited copy of the email which deletes both the personal information and the irrelevant information. As it is not apparent from your request that you would decline access to such an edited copy I have decided under section 22 of the FOI Act to provide you with such a copy of the email.

I have decided to refuse you access to the confidential letter which is attached in both clusters of documents numbered 11 and 12 in the schedule.

This letter sets out confidential terms and conditions of the engagement of the national law firm for the provision of legal advice as above. It contains business information about rates agreed to be charged for specified work, the relationship of the terms of engagement with the Legal Services Multi-Use List Deed between the Commonwealth of Australia and the national law firm, the agreed scope of and limitations on the role agreed and the law governing the engagement. It contains professional information about confidentiality, disclosure, estimated likely legal costs for the legal advice proposed and the proposed next steps in providing legal advice. I am satisfied that disclosure of this information could reasonably be expected to unreasonably affect the national law firm adversely in undertaking its lawful business and profession. The confidential letter is therefore conditionally exempt under section 47G of the FOI Act. Having considered the right that the national law firm has to confidentiality to business and professional information of the type set out in the letter, particularly when this has been sent under a condition of confidentiality, and the harm which could potentially be suffered by the national law firm if this information is disclosed as well as factors in favour of disclosure including promoting the objects of the FOI Act, I am satisfied that disclosure of this business and professional information would, on balance, be contrary to the public interest. As a result the confidential letter is exempt under subsection 11(5) of the FOI Act.

This letter also contains personal information about the partner and senior associate who are involved in providing the professional and independent legal advice sought. I am satisfied that the identity of the individuals concerned is reasonably apparent from the confidential letter and that the disclosure of this personal information would be unreasonable. The confidential letter is therefore also conditionally exempt under section 47F of the FOI Act. Having considered the rights of the individuals concerned to privacy as well as factors in favour of disclosure including promoting the objects of the FOI Act, I am satisfied that disclosure of this personal information would, on balance, be contrary to the public interest. As a result the email is exempt under subsection 11(5) of the FOI Act

I am also satisfied that the confidential letter contains information which is not relevant to your request. I have considered whether it would be reasonably practicable to prepare an edited copy of the confidential letter modified to delete all business and professional information, personal information and irrelevant information. I am, however, satisfied that the extent of the deletions which would be required are so extensive that the remaining document would have little or no content or substance.

I have decided to grant you access to an edited copy of the email numbered 13 in the schedule. That email, sent to me from the senior associate of the national law firm engaged to provide legal advice as above, contains personal information about the sender who is involved in providing the professional and independent legal advice sought. I am satisfied that the identity of the individual concerned is reasonably apparent from the email and that the disclosure of this personal information would be unreasonable. The email is therefore conditionally exempt under section 47F of the FOI Act. Having considered the rights of the individual concerned to privacy as well as factors in favour of disclosure including promoting the objects of the FOI Act, I am satisfied that disclosure of this personal information would, on balance, be contrary to the public interest. As a result the email is exempt under subsection 11(5) of the FOI Act. I am also satisfied that the email contains information which is irrelevant to your request and that it is possible to prepare an edited copy of the email which deletes both the personal information and the irrelevant information. As it is not apparent from your request that you would decline access to such an edited copy I have decided under section 22 of the FOI Act to provide you with such a copy of the email.

I have decided to grant you access to edited copies of each of the notifications in the clusters of documents numbered 15, 17 and 20 in the schedule. Those automatically generated notifications, received by me from the national law firm engaged to provide legal advice as above, contains personal information about the partner and senior associate who are involved in providing the professional and independent legal advice sought and a law graduate who is assisting them. I am satisfied that the identity of the individual concerned is reasonably apparent from the notifications and that the disclosure of this personal information would be unreasonable. The notifications are therefore conditionally exempt under section 47F of the FOI Act. Having considered the rights of the individuals concerned to privacy as well as factors in favour of disclosure including promoting the objects of the FOI Act, I am satisfied that disclosure of this personal information would, on balance, be contrary to the public interest. As a result the notifications are exempt under subsection 11(5) of the FOI Act. I am also satisfied that the notifications contain information which is irrelevant to your request and that it is possible to prepare an edited copy of the notifications which deletes both the personal information and the irrelevant information. As it is not apparent from your request that you would decline access to such edited copies I have decided under section 22 of the FOI Act to provide you with such a copy of the each notification.

I have decided to grant you access to an edited copy of the notification numbered 16 in the schedule. This automatically generated notification, received by me from the national law firm engaged to provide legal advice as above, contains information which is irrelevant to your request. I am also satisfied that it is possible to prepare an edited copy of the notification which deletes that irrelevant information and, as it is not apparent from your request that you would decline access to such an edited copy, I have decided under section 22 of the FOI Act to provide you with such a copy of the notification.

I have decided to grant you access to an edited copy of the email numbered 18 in the schedule. That email, sent by me to the senior associate of the national law firm engaged to provide legal advice as above, contains personal information about the senior associate who is involved in providing the professional and independent legal advice sought. I am satisfied that the identity of the individual concerned is reasonably apparent from the email and that the disclosure of this personal information would be unreasonable. The email is therefore conditionally exempt under section 47F of the FOI Act. Having considered the rights of the individual concerned to privacy as well as factors in favour of disclosure including promoting the objects of the FOI Act, I am satisfied that disclosure of this personal information would, on balance, be contrary to the public interest. As a result the email is exempt under subsection 11(5) of the FOI Act. I am also satisfied that the email contains information which is irrelevant to your request and that it is possible to prepare an edited copy of the email which deletes both the personal information and the irrelevant information. As it is not apparent from your request that you would decline access to such an edited copy I have decided under section 22 of the FOI Act to provide you with such a copy of the email.

I have decided to grant you access to an edited copy of the email in the cluster of documents numbered 19 in the schedule. That email, sent to me from the senior associate of the national law firm engaged to provide legal advice as above, contains personal information about the sender who is involved in providing the professional and independent legal advice sought. I am satisfied that the identity of the individual concerned is reasonably apparent from the email and that the disclosure of this personal information would be unreasonable. The email is therefore conditionally exempt under section 47F of the FOI Act. Having considered the rights of the individual concerned to privacy as well as factors in favour of disclosure including promoting the objects of the FOI Act, I am satisfied that disclosure of this personal information would, on balance, be contrary to the public interest. As a result the email is exempt under subsection 11(5) of the FOI Act. I am also satisfied that the email contains information which is irrelevant to your request and that it is possible to prepare an edited copy of the email which deletes both the personal information and the irrelevant information. As it is not apparent from your request that you would decline access to such an edited copy I have decided under section 22 of the FOI Act to provide you with such a copy of the email.

I have, however, decided to refuse you access to the two attachments in the cluster of documents numbered 19 in the schedule. These are copies, in different electronic formats, of the confidential email included in the cluster of documents numbered 14. As I have already decided, that confidential email is exempt from disclosure under section 42 of the FOI Act. That exemption also applies to these copies of that confidential email.

I have decided to refuse you access to the confidential file note numbered 21 in the schedule. It contains contemporaneous notes made by me during a confidential telephone conference with the partner and senior associate of the national law firm engaged to provide legal advice as above. It records brief details of independent legal advice received from the partner and senior associate of the law firm in their capacities as professional legal advisers. The file note therefore would be privileged at common law from production in legal proceedings on

the ground of legal professional privilege. That privilege has not been waived, either expressly or impliedly. As a result the file note is exempt from disclosure under section 42 of the FOI Act.

Charges

I note that you are the holder of a Health Care Card issued by the Commonwealth of Australia and that you are bankrupt. In my discretion I have decided not to impose a charge for access to the documents which I have decided to release to you.

Material taken into account

I have taken the following material into account in making my decision:

- the content of the documents that fall within the scope of your request;
- our correspondence (noted above) in regard to acknowledgment of your request;
- the FOI Act (specifically sections 11, 11A, 11B, 22, 29, 42, 47F, and 47G); and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (specifically paragraphs 3.85 – 3.90, 4.1 – 4.4, 5.115 – 5.138, 6.3 – 6.33, 6.113 – 6.142, and 6.157 – 6.177).

Release of Documents

I have decided that the documents which I have decided to release to you should be provided in an electronic format. As the total size of these documents is well beyond the limits generally imposed by internet service providers, the documents have been copied onto a compact disc which is included with this letter.

Your Review Rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Court for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter.

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days of receipt of any request for review.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online:	https://forms.business.gov.au/aba/oaic/foi-review-/
email:	enquiries@oaic.gov.au
post:	GPO Box 2999, Canberra ACT 2601
in person:	Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. You can also find there the FOI Act and the current Guidelines referred to above. Go to www.oaic.gov.au/freedom-of-information/foi-reviews.

Questions About This Decision

If you wish to discuss this decision, please contact me on the phone number shown on page 1 of this letter.

Yours sincerely

John Mathieson
Deputy Registrar

Attachments

1. Schedule of documents
2. Compact disc

Schedule of documents – A M Garrett - Freedom of Information Request received 17 August 2015

No.	Date	Size	Description	Decision on access	Exemption
1	27 Jun 2015	2 MB	Email from Andrew Garrett to VIC Federal Court Registry E-mail and John Mathieson (including email from Andrew Garrett to VIC Federal Court Registry E-mail dated 24 June 2015 and email from VIC Federal Court Registry E-mail dated 22 June 2015 and attaching CDDA Facts Sheet, VID129 of 2015 Notice to Admit dated 22 June 2015, MLG2265 of 2014 AMG v DCOT and Ors Sealed Statement of Claim dated 20032015)	Full access	Nil
2	10 Jul 2015	2 pages	Letter from Federal Court of Australia, Principal Registry to Andrew Garrett	Full access	Nil
3	14 Jul 2015	7 MB	Email from Andrew Garrett to John Mathieson (including email from Andrew Garrett to VIC Federal Court Registry E-mail and John Mathieson dated 27 June 2015, email from Andrew Garrett to VIC Federal Court Registry E-mail dated 24 June 2015 and email from VIC Federal Court Registry E-mail dated 22 June 2015 and attaching CDDA Facts Sheet, VID129 of 2015 Notice to Admit dated 22 June 2015, MLG2265 of 2014 AMG v DCOT and Ors Sealed Statement of Claim dated 20032015, document 2015-06-19-121449 FOI Decision of Tim Luxton, Tax Disputes Report, Submissions into Parliamentary Inquiry on Taxation Disputes dated 16 January 2015 plus Exhibits, Genesis to OenoViva (ANZ) 1st July 2013 re Settlement of Contracts and RSCNs and HOA dated 30th April	Full access	Nil

No.	Date	Size	Description	Decision on access	Exemption
			Genesis acquisition of AMRLs)		
4	15 Jul 2015	23 KB	Email from Andrew Garrett to Tim Luxton (including email from Tim Luxton to Andrew Garrett dated 14 July 2015)	Full access	Nil
5	15 Jul 2015	56 KB	Email from Andrew Garrett to John Mathieson (including email from John Mathieson to Andrew Garrett dated 15 Jul 2015, email from Andrew Garrett to Tim Luxton dated 15 Jul 2015 and email from Tim Luxton to Andrew Garrett dated 14 Jul 2015 and attaching Garrett v Cahill 2015 FCA 664 and Garrett v The Commissioner of Taxation [2015] FCA 665)	Full access	Nil
6	16 Jul 2015	125 KB	Email from Andrew Garrett to Vincent Tavolaro, VIC Federal Court Registry E-mail and John Mathieson	Full access	Nil
7	21 Jul 2015	7 MB	Email from Andrew Garrett to VIC Federal Court Registry E-mail and John Mathieson (including email from Andrew Garrett to John Mathieson dated 14 July 2014, email from Andrew Garrett to VIC Federal Court Registry E-mail and John Mathieson dated 27 June 2015, email from Andrew Garett to VIC Federal Court Registry E-mail dated 24 June 2015 and email from VIC Federal Court Registry E-mail dated 22 June 2015 and attaching CDDA Facts Sheet, VID129 of 2015 Notice to Admit dated 22 June 2015, MLG2265 of 2014 AMG v DCOT and Ors Sealed Statement of Claim dated 20032015, document	Full access	Nil

No.	Date	Size	Description	Decision on access	Exemption
			2015-06-19-121449 FOI Decision of Tim Luxton, Tax Disputes Report, Submissions into Parliamentary Inquiry on Taxation Disputes dated 16 January 2015 plus Exhibits, Genesis to OenoViva (ANZ) 1st July 2013 re Settlement of Contracts and RSCNs and HOA dated 30th April Genesis acquisition of AMRLs)		
8	22 Jul 2015	9 MB	Email from Andrew Garrett to VIC Federal Court Registry E-mail and John Mathieson (including email from Andrew Garrett to [redacted] and [redacted] dated 22 July 2015 and attaching Berringer Blass Settlement Deed 26th July 2000, VID162 of 2015 Notice to Produce dated 14th July 2015, VID 166 of 2015 Notice to Produce dated 14th May 2015, VID 162 of 2015 Notice to Produce dated 16th June 2015, VID 162 of 2015 Notice to Produce dated 27th June 2015, VID 731 of 2015 Notice to Produce dated 1st May 2015, VID 158 of 2015 Notice to Admit debt of $1,819,573.41 dated 6th April 2015, VID 159 of 2015 Notice to Admit debt of $8,550,000 dated 6th April 2015, VID 160 of 2015 Notice to Admit debt of $219,269.60 dated 11th April 2015, VID 163 of 2015 Notice to Admit debt of $5,300,000.00 dated 11th April 2015, VID 161 of 2015 Notice to Admit debt of $52,500.00 dated 11th April 2015, VID 162 of 2015 Notice to Admit debt of $112,500.00 dated 11th April 2015, VID 164 of 2015 Notice to Admit debt of	Full access	Nil

No.	Date	Size	Description	Decision on access	Exemption
			$150,000.00 dated 11th April 2015, VID 165 of 2015 Notice to Admit debt of $310,000.00 dated 11th April 2015, VID 166 of 2015 Notice to Admit debt of $37,000.00 dated 11th April 2015, VID 166 of 2015 Notice to Produce dated 8th May 2015 and VID 166 of 2015 Notice to Admit Facts dated 1st May 2015)		
9	22 Jul 2015	9 MB	Email from Andrew Garrett to VIC Federal Court Registry E-mail and John Mathieson (including email from Andrew Garrett to [redacted] and [redacted] dated 22 July 2015 and attaching Berringer Blass Settlement Deed 26th July 2000, VID162 of 2015 Notice to Produce dated 14th July 2015, VID 166 of 2015 Notice to Produce dated 14th May 2015, VID 162 of 2015 Notice to Produce dated 16th June 2015, VID 162 of 2015 Notice to Produce dated 27th June 2015, VID 731 of 2015 Notice to Produce dated 1st May 2015, VID 158 of 2015 Notice to Admit debt of $1,819,573.41 dated 6th April 2015, VID 159 of 2015 Notice to Admit debt of $8,550,000 dated 6th April 2015, VID 160 of 2015 Notice to Admit debt of $219,269.60 dated 11th April 2015, VID 163 of 2015 Notice to Admit debt of $5,300,000.00 dated 11th April 2015, VID 161 of 2015 Notice to Admit debt of $52,500.00 dated 11th April 2015, VID 162 of 2015 Notice to Admit debt of $112,500.00 dated 11th April 2015, VID 164 of 2015 Notice to Admit debt of	Full access	Nil

No.	Date	Size	Description	Decision on access	Exemption
			$150,000.00 dated 11th April 2015, VID 165 of 2015 Notice to Admit debt of $310,000.00 dated 11th April 2015, VID 166 of 2015 Notice to Admit debt of $37,000.00 dated 11th April 2015, VID 166 of 2015 Notice to Produce dated 8th May 2015 and VID 166 of 2015 Notice to Admit Facts dated 1st May 2015) **[Note: document 9 appears identical to document 8 above]**		
10	23 Jul 2015		Email from Andrew Garrett to John Mathieson and VIC Federal Court Registry E-mail (including a corrected version of the email from Andrew Garrett to John Mathieson and VIC Federal Court Registry E-mail dated 22 July 2015 and email from Andrew Garrett to [redacted] and [redacted] dated 22 July 2015 and attaching Berringer Blass Settlement Deed 26th July 2000, VID162 of 2015 Notice to Produce dated 14th July 2015, VID 166 of 2015 Notice to Produce dated 14th May 2015, VID 162 of 2015 Notice to Produce dated 16th June 2015, VID 162 of 2015 Notice to Produce dated 27th June 2015, VID 731 of 2015 Notice to Produce dated 1st May 2015, VID 158 of 2015 Notice to Admit debt of $1,819,573.41 dated 6th April 2015, VID 159 of 2015 Notice to Admit debt of $8,550,000 dated 6th April 2015, VID 160 of 2015 Notice to Admit debt of $219,269.60 dated 11th April 2015, VID 163 of 2015 Notice to Admit debt of $5,300,000.00 dated 11th April 2015, VID 161 of	Full access	Nil

No.	Date	Size	Description	Decision on access	Exemption
			2015 Notice to Admit debt of $52,500.00 dated 11th April 2015, VID 162 of 2015 Notice to Admit debt of $112,500.00 dated 11th April 2015, VID 164 of 2015 Notice to Admit debt of $150,000.00 dated 11th April 2015, VID 165 of 2015 Notice to Admit debt of $310,000.00 dated 11th April 2015, VID 166 of 2015 Notice to Admit debt of $37,000.00 dated 11th April 2015, VID 166 of 2015 Notice to Produce dated 8th May 2015 and VID 166 of 2015 Notice to Admit Facts dated 1st May 2015) **[Note: document 10 is a corrected version of documents 8 and 9 above]**		
11	28 Jul 2015	970 KB	Confidential email from a law firm to John Mathieson (attaching confidential letter from that law firm to John Mathieson dated 28 July 2015)	Access to edited copy of confidential email Access to confidential letter refused	Modifications delete exempt personal information and irrelevant information Business and professional information and personal information and disclosure, on balance, contrary to public interest. Not reasonably practicable to prepare edited copy.
12	29 Jul 2015	973 KB	Confidential email from partner at law firm to John Mathieson (including confidential email from the law firm to John Mathieson dated 28 July 2015 and attaching again confidential letter from that law firm to John Mathieson dated 28	Access to edited copy of confidential email Access to confidential letter	Modifications delete exempt personal information and irrelevant information Business and professional

No.	Date	Size	Description	Decision on access	Exemption
			July 2015)	refused	information and personal information and disclosure, on balance, contrary to public interest. Not reasonably practicable to prepare edited copy.
13	31 Jul 2015	24 KB	Email from senior associate at law firm to John Mathieson	Access to edited copy of confidential email	Modifications delete exempt personal information and irrelevant information
14	31 Jul 2015	Not known	Confidential email from John Mathieson to partner, senior associate and law graduate at law firm (attaching documents 1, 2, 3, 4, 5 and 8 above together with Department of Finance Resource Management Guide No. 409 and Commonwealth Ombudsman Fact Sheet 9) sent by a secure link	Access refused to confidential email Full access to all attachments	Legal professional privilege Nil
15	31 Jul 2015	193 KB (Total)	10 receipt notifications (2 duplicated) received by John Mathieson for electronic files received by senior associate at law firm	Access to edited copy of notifications	Modifications delete exempt personal information and irrelevant information
16	31 Jul 2015	17 KB	Undeliverable mail notification received by John Mathieson from law firm	Access to edited copy of notification	Modifications delete exempt personal information and irrelevant information
17	31 Jul 2015	323 KB	Five receipt notifications (2 duplicated) received by John Mathieson for electronic files received	Access to edited copy of	Modifications delete exempt personal

No.	Date	Size	Description	Decision on access	Exemption
		(Total)	by law graduate at law firm	notifications	information and irrelevant information
18	31 Jul 2015	13 KB	Confidential email from John Mathieson to senior associate at law firm (including confidential email from senior associate at law firm to John Mathieson dated 31 July 2015)	Access to edited copy of confidential email	Modifications delete exempt personal information and irrelevant information
19	31 Jul 2015	154 KB	Confidential email from senior associate at law firm to John Mathieson (attaching confidential email from John Mathieson to partner, senior associate and law graduate at law firm dated 31 July 2015 in both MS Outlook and PDF formats)	Access to edited copy of confidential email Access to both attachments refused	Modifications delete exempt personal information and irrelevant information Legal professional privilege
20	9 Aug 2015	257 KB (Total)	13 receipt notifications (5 duplicated) received by John Mathieson for electronic files received by partner at law firm	Access to edited copy of notifications	Modifications delete exempt personal information and irrelevant information
21	14 Aug 2015	1 page	Confidential file note made by John Mathieson from telephone conference with partner, senior associate and law graduate at law firm	Access refused	Legal professional privilege
22	17 Aug 2015	1 MB	Email from Andrew Garrett to John Mathieson, VIC Federal Court Registry E-mail and Ombudsman (including email from Andrew Garrett to John Mathieson dated 14 July 2014, email from Andrew Garrett to VIC Federal Court Registry E-mail and John Mathieson dated 27 June 2015, email from Andrew Garrett to VIC	Full access	Nil

No.	Date	Size	Description	Decision on access	Exemption
			Federal Court Registry E-mail dated 24 June 2015 and email from VIC Federal Court Registry E-mail dated 22 June 2015)		

John Mathieson

From: Andrew Garrett <andrew.garrett[redacted]>
Sent: Sunday, 4 October 2015 11:30 AM
To: John Mathieson
Cc: Andrew Garrett; FinassGeneral@ag.gov.au; Peter Weekes
Subject: Review of FOI request

Dear John

Could you please confirm to me by return email which officer of which Court will be undertaking the relevant Internal Review of your FOI decision by return email?

It is my view that every officer of the two courts involved will be conflicted in any review process and that the review should be considered by a Registrar of the High Court.

As you know I have accepted a grant of Financial Assistance from the office of the Commonwealth Attorney General to bring a proceeding in the High Court of Australia in the original and exclusive jurisdiction against the Federal Court, the Federal Circuit Court, the State of South Australia and the Supreme Court of South Australia On the ,rounds that the courts ought not use the provisions of the Bankruptcy Act 1966 (Cth), the Corporations Act 2001 (Cth) or the vexatious litigant provisions of the Supreme Court Act 1935 (SA) and the Federal Court Act 1976 (Cth) as a barrier to justice.

It is my clear view, having revisited the reasons of Mortimer J dated 21 November 2014, that Registrar Caporale "yanked the chain" of every judicial officer sitting in matters involving me as well as the Chief Justice and that the relevant judgements were given against the background of complaint by him in respect of use of Court Resources rather than the application of the inherent natural jurisdiction and FCR 1.32.

It is my view that the interference of Registrar Caporale and the Chief Justice in proceedings involving me and the conduct of the judicial officers in both the Federal Court and the Federal Circuit Court is a National Disgrace.

I am deeply concerned about the erosion of the public confidence in respect to the impartiality of both of the aforementioned Courts should this matter come to light as it inevitably will upon the commencement of the foreshadowed proceedings.

Once again I make this invitation to the Courts and the judicial officers involved to reconsider the proper application of the provisions of the International Covenant on Civil and Political Rights (Australian Treaty Series No 23), the Constitution, the Rule of Law, the Freedom of Information Act 1982 (Cth) FCR 1.32 and s17 of the Federal Court Act to vary set aside and/or quash their own decisions and make such directions as they deem fit.

I make this request on the basis of the findings of the High Court of Australia that each judicial decision made in proceedings involving me is unlawful within the meaning of Project Blue Sky as being administrative decisions under Administration Law invoking the Courts inherent jurisdiction and obligation to inquire.

As you know the aforementioned request for internal review of your FOI relates to my application for compensation under the provisions set out in my correspondence.

Of course I have the greatest respect for the Constitution and the Executive offices created under various Statutes including the acts that created the two aforementioned Courts.

While I am deeply and profoundly disturbed by the willingness of the relevant judicial officers to step outside of the boundaries of what I believe ought to be the proper application of jurisdiction I am more profoundly disturbed by the Constitutional Crisis of public confidence that will inevitably follow any seepage of my complaints into the public environment.

As with all matters I remain conscious of my own obligations under the Civil Disputes Resolution Act 2011(Cth) and the Civil Procedures Act 2010 (Vic) to take all steps necessary to resolve this fundamentally constitutional dispute prior to invoking the jurisdiction of the High Court of Australia.

I invite the court to make me an offer in all of my capacities to settle the dispute by way of;

1. Confidential letter of apology addressed to me from the Chief Justice and each judicial officer in respect to each proceeding in each court,

2. Making the relevant changes to all judgements and quash, vary or set aside all reasons and orders made on the basis of ALL of the evidence filed in each proceeding.

3. Requesting that I withdraw my application for Compensation

4. Requesting that I withdraw my application for Public Interest Test Case Funding

5. Paying my costs and disbursements since the failure of Justice Lander and Justice Mansfield to set aside the sequestration order made in AZ 90 of 2004 in respect to a debt that was paid in the 22nd September 2004 (with Receipt) and in any event could NOT and did NOT legally exist

It seems to me that any money the two Courts may consider offering in respect to my application for Compensation and my application for Public Interest Test Case Funding as well as those Commonwealth moneys that are set aside by the Commonwealth Attorney General might be better applied in the Public Interest to re-educating the Judiciary and the Registrars on their proper roles and the administration of Justice Generally.

My offer remains open for acceptance until otherwise withdrawn by me in writing

Best Regards

Andrew Garrett

Sent from my iPhone

John Mathieson

From: John Mathieson
Sent: Wednesday, 14 October 2015 3:24 PM
To: 'andrew.garrett[redacted]
Subject: Application for Compensation under the CDDA Scheme
Attachments: Letter to Mr Garrett- Application for Compensation CDDA Scheme.pdf; Letter to Mr Garrett 19 August 2015.pdf; Table - outline of claims.docx

UNCLASSIFIED

Dear Mr Garrett,

Please see attached letter regarding your Application for Compensation under the CDDA Scheme.

Kind regards
John

John Mathieson
Deputy Registrar
Principal Registry
Federal Court of Australia
john.mathieson@fedcourt.gov.au
Phone[redacted]
www.fedcourt.gov.au

Telephone: [redacted]
Facsimile: (02) 9223 1906
DX 613 SYDNEY

A.B.N. 49 110 847 399

FEDERAL COURT OF AUSTRALIA
PRINCIPAL REGISTRY

LEVEL 16
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

14 October 2015

Mr Andrew Garrett
[redacted]

By email: [redacted]

Dear Mr Garrett,

Application for Compensation under the CDDA Scheme

I refer to your email dated 4 October 2015 in which you request an update regarding your Application for Compensation under the CDDA Scheme.

It is impossible to give an estimate on the timeframe for assessing your application, other than to observe it is a lengthy process. The Court cannot, however progress its assessment of your claim until the information that was requested on 19 August 2015 is provided (copy attached). Please complete and return this information to enable the Court to progress the assessment your application.

Yours sincerely

John Mathieson
Deputy Registrar