



**FEDERAL COURT OF AUSTRALIA  
PRINCIPAL REGISTRY**

LEVEL 17  
LAW COURTS BUILDING  
QUEENS SQUARE  
SYDNEY NSW 2000

31 October 2024

CR  
By email

**By email:** [foi+request-12121-f339f698@righttoknow.org.au](mailto:foi+request-12121-f339f698@righttoknow.org.au)

Dear CR,

**Request under the Freedom of Information Act**

I refer to your emails to the Federal Court of Australia (**Court**), the first dated 1 October 2024 requesting access to documents under the *Freedom of Information Act 1982* (Cth) (**FOI Act**), and the second and third emails dated 8 and 23 October 2024 respectively modifying the scope of your access request.

In your email dated 8 October 2024, which set out the modified scope of your request, you requested access to the following:

*I am writing to amend the scope of my FOI request to assist with its processing.*

*As I wish to access only recent charge decisions, I have introduced a time frame and clarified the exclusions. I confirm the revised scope of my request as follows:*

*1. The most recent 30 notices of charges issued to FOI applicants.*

*For each of these 30 requests, if applicable, please also provide:*

- 2. Any subsequent decisions regarding charges following applicant contention.*
- 3. Any subsequent decisions regarding charges following internal or external review.*

*The time period for my request is from 1 July 2022 to 1 October 2024.*

*Please exclude the following information:*

- i) Personal information of FOI applicants, including supporting evidence or details of personal circumstances in a financial hardship contention.*
- ii) Emails that attached the charges notices/decision letters.*

*Please feel free to contact me if you require any clarification or have further questions regarding this request.*

In your email dated 23 October 2024, you clarified the scope of your request as follows:

*I wish to provide clarification as to the scope of my request.*

*If a preliminary charge notice or decision of a charge is sent via the body of an email (as opposed to an email attachment) I wish to access a copy of that email, as well as the applicant's contention reasons.*

### **Authorised decision-maker**

I am authorised under section 23 of the FOI Act to make decisions on behalf of the Court in relation to requests made under the FOI Act.

### **Searches undertaken**

Searches were undertaken by staff of the Court to identify any documents that fall within the scope of your request, which included searches of the Court's FOI files on shared drives. The searches captured all notices of charges issued to FOI applicants in the period 1 July 2022 to 1 October 2024, being the period identified in your FOI request.

As a result of the searches undertaken, a total of thirty-nine (39) documents were identified as falling within the scope of your request. These documents are comprised of the original and any subsequent notices of charge, and any decisions on charges in the relevant files. While you requested access to the thirty (30) most recent notices of charge in the relevant period, there were not that many notices of charge found.

I am not aware of any other steps that can be taken to identify documents within the scope of your request.

### **Decision**

I have decided to grant you access in part to each of the thirty-nine (39) documents that fall within the scope of your FOI request. The documents have information redacted which you agreed to exclude or which I consider is not relevant to your request. The information that is redacted is personal information of FOI applicants, such as their names, contact details and FOI reference numbers, as well as invoices that were annexed to charges notices or decisions.

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

- the terms of your request;
- the relevant provisions of the FOI Act and case law considering those provisions;
- the *Freedom of Information (Charges) Regulations 1982*; and
- the FOI Guidelines issued by the Office of the Australian Information Commissioner.

### **Access format**

Given your FOI request was made by email, I assume that you would prefer access to the thirty-nine (39) documents that fall within the scope of your request in the form of electronic copies being emailed to you. I have therefore decided to grant you access to those documents in a combined PDF bundle and release the documents to you by email. The combined PDF bundle accompanies this letter. For your convenience, I provide below a table of the thirty-nine (39) documents that have been compiled into the PDF bundle:

|           |
|-----------|
| Request 1 |
|-----------|

|            |                             |                   |
|------------|-----------------------------|-------------------|
| 1.         | Original notice of charge   | 15 July 2022      |
| 2.         | Subsequent notice of charge | 19 July 2022      |
| Request 2  |                             |                   |
| 3.         | Original notice of charge   | 28 July 2022      |
| 4.         | Charges decision            | 30 August 2022    |
| 5.         | Revised notice of charge    | 30 August 2022    |
| 6.         | Internal review decision    | 14 October 2022   |
| 7.         | Final charges decision      | 12 September 2023 |
| Request 3  |                             |                   |
| 8.         | Original notice of charge   | 15 July 2022      |
| 9.         | Charges decision            | 23 August 2022    |
| 10.        | Internal review decision    | 23 September 2022 |
| 11.        | Final charges decision      | 7 September 2023  |
| Request 4  |                             |                   |
| 12.        | Original notice of charge   | 8 August 2022     |
| 13.        | Charges decision            | 13 September 2022 |
| Request 5  |                             |                   |
| 14.        | Original notice of charge   | 19 September 2022 |
| 15.        | Charges decision            | 19 October 2022   |
| 16.        | Internal review decision    | 18 November 2022  |
| 17.        | Final charges decision      | 30 June 2023      |
| Request 6  |                             |                   |
| 18.        | Original notice of charge   | 28 September 2022 |
| 19.        | Charges decision            | 28 October 2022   |
| 20.        | Internal review decision    | 28 November 2022  |
| 21.        | Revised notice of charge    | 28 November 2022  |
| 22.        | Final charges decision      | 30 June 2023      |
| Request 7  |                             |                   |
| 23.        | Original notice of charge   | 11 November 2022  |
| 24.        | Charges decision            | 13 December 2022  |
| 25.        | Final charges decision      | 19 June 2023      |
| Request 8  |                             |                   |
| 26.        | Original notice of charge   | 28 November 2022  |
| 27.        | Charges decision            | 30 December 2022  |
| 28.        | Internal review decision    | 30 January 2023   |
| Request 9  |                             |                   |
| 29.        | Original notice of charge   | 29 November 2022  |
| 30.        | Charges decision            | 30 December 2022  |
| 31.        | Internal review decision    | 30 January 2023   |
| Request 10 |                             |                   |
| 32.        | Original notice of charge   | 19 December 2022  |
| 33.        | Charges decision            | 18 January 2023   |
| Request 11 |                             |                   |
| 34.        | Original notice of charge   | 2 January 2023    |
| 35.        | Charges decision            | 2 February 2023   |
| 36.        | Revised notice of charge    | 2 February 2023   |
| 37.        | Internal review decision    | 6 March 2023      |
| Request 12 |                             |                   |
| 38.        | Original notice of charge   | 11 January 2023   |
| 39.        | Charges decision            | 6 March 2023      |

## **Charges**

You have not been charged for the processing of your request.

## **Your Review Rights**

If you are dissatisfied with my decision, you may apply for internal review or to the Information Commissioner for review of those decisions. I 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 as to why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

### ***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 sixty (60) days of the date of this letter and be lodged in one of the following ways:

online: [OAIC Web Form](#)

email: [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

post: FOI Coordinator, GPO Box 5288, Sydney NSW 2001

More information about the Information Commissioner review is available on the Office of the Australian Information Commissioner (OAIC) website at: <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>.

## **Complaints**

If you are dissatisfied with the way the Court has handled your FOI request, you may complain to the Information Commissioner in writing. There is no fee for making a complaint. More information about making a complaint is available on the OAIC website, including a link to the online complaints form which the OAIC recommends using for complaints, at:

<https://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>.

Yours sincerely,



R Muscat  
**Registrar**