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**FEDERAL COURT OF AUSTRALIA  
PRINCIPAL REGISTRY**

Your Ref:  
Our Ref: PA692

LEVEL 16  
LAW COURTS BUILDING  
QUEENS SQUARE  
SYDNEY NSW 2000

24 October 2017

Ms Mona Krombholz

By email: [foi+request-4158-e6ab931f@righttoknow.org.au](mailto:foi+request-4158-e6ab931f@righttoknow.org.au)

Dear Ms Krombholz,

**Freedom of Information Act 1982 – Request for Access**

I refer to your email of 17 October 2017 to the Federal Court in which you seek information under the *Freedom of Information Act 1982* (Cth) (FOI Act) relating to matter VID714/2016 *Krombholz v Commonwealth of Australia*. I am authorised under section 23 of the FOI Act to make decisions in relation to FOI requests.

Specifically, you requested:

Any record, whether created by electronic or manual means, of the date and time of entry of orders made on 5 August 2016, 7 October 2016, 4 November 2016, 2 December 2016 and 3 February 2017, in the matter VID714/2016 *Krombholz v Commonwealth of Australia* (formerly Secretary, Department of Defence), by the Hon. Justice Tracey AM RFD.

Copies of the published orders are not required.

Personal information of court officials is not required, unless authorised for disclosure.

A request for access to documents under the FOI Act can be made to the Federal Court only in relation to documents which relate to the management and administration of the Court's registry and office resources (see s 5(1), FOI Act). Access to documents relating to proceedings in the Court are governed, not by the FOI Act, but the *Federal Court of Australia Act 1976* and the Federal Court Rules. In addition, the FOI Act permits access to documents and not access to information such as you have sought, regardless of whether that may relate to the management and administration of the Court's registry and office resources or otherwise.

As a result I have decided your request to access documents relating to proceedings in the Court is outside the scope of and cannot be dealt with under the FOI Act.

Nevertheless, I have decided to provide you with information within the scope of your request regarding the date and time of entry of orders in VID714/2016 on a voluntary basis outside the requirements of the FOI Act. This information is provided in Attachment A to this correspondence.

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 Federal 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.

*Information Commissioner review*

Under section 54L of the FOI Act, you may apply to the Australia 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](mailto:enquiries@oaic.gov.au)

post: GPO Box 2999, Canberra ACT 2601

in person: Level 3, 175 Pitt Street, Sydney NSW

More information about the Information Commissioner review is available on the Officer of the Australian Information Commissioner website. Go to [www.oaic.gov.au/freedom-of-information/foi-reviews](http://www.oaic.gov.au/freedom-of-information/foi-reviews).

Yours sincerely



John Mathieson  
**Deputy Principal Registrar**

**ATTACHMENT A**

<b>Date of Order</b>	<b>Information Requested</b>
05.08.2016	Order entered 05.08.2016 at 3:46 pm
07.10.2016	Order entered 07.10.2016 at 12:47 pm Order amended in accordance with Rule 39.05 on 16.02.2017 at 4:35 pm (to correct the date of filing of the Statement of Claim in paragraph 4.1.4 and to include a notation of the amendment of the order on page 3)
04.11.2016	Order entered 04.11.2016 at 1:01 pm
02.12.2016	Order entered 02.12.2016 at 12:55 pm
03.02.2016	Order entered 03.02.2016 at 4:21 pm Order amended in accordance with Rule 39.05 on 06.02.2017 at 3:56 pm (to correct date of the your interlocutory application in paragraph 1) Order amended in accordance with Rule 39.05 on 06.02.2017 at 4:13 pm (to include, in addition to the correction of the date of your interlocutory application in paragraph 1, a notation of the amendment of the order on page 1)