

**Principal Registrar and Chief Executive Officer**

I am Shaun  
[foi+request-7974-1416b420@righttoknow.org.au](mailto:foi+request-7974-1416b420@righttoknow.org.au)

Dear Shaun

**DECISION ON YOUR FREEDOM OF INFORMATION REQUEST**

I refer to your Freedom of Information email, emailed to [jacsfoi@act.gov.au](mailto:jacsfoi@act.gov.au) on 18 October 2021. This request was referred to the ACT Courts and Tribunal on the same day and is being treated as an application made under the *Freedom of Information Act 2016* (FOI Act).

This application requests:

*"Is there an Internal Policy or Directive or law or rule that permits a qualified employee (or assign) of the ACT Law Courts And Tribunal Administration to:*

- 1. deny a man justice or right*
- 2. defer a man justice or right*
- 3. deny a man access to a [sic] ACT Court venue for the purposes of to prosecute a claim in common law"*

**Authority**

I am an Information Officer authorised to make decisions about access to information held by the ACT Courts and Tribunal (ACTCT), in accordance with section 18 of the FOI Act.

The FOI Act facilitates the objective of public access to documents

**Decision**

In regard to your request for laws and rules, section 45 of the FOI Act provides that I can refuse to deal with parts of an application where the information is available on a public register. All ACT legislation and the Court Rules are publicly available on the Legislation Register which can be accessed at <https://www.legislation.act.gov.au/> As such, I will not be providing the information that you have sought in items 1 and 2.

p (02) 6205 0000 | e [amanda.nuttall@courts.act.gov.au](mailto:amanda.nuttall@courts.act.gov.au)  
GPO Box 370, Canberra ACT 2601  
ACT Law Courts Building, 4-6 Knowles Place, Canberra ACT 2601

Section 43(1)(d) of the FOI Act provides I can refuse to deal with parts of an application where the government information is already available to the applicant. Additional information concerning ACT Courts, including law and practice, can be accessed at <https://www.courts.act.gov.au/>. Information about Practice Notes, Practice Directions and Practice Directions for the Supreme Court and Magistrates Courts can be found on the courts' websites, here: [courts.act.gov.au/law-and-practice/](https://www.courts.act.gov.au/law-and-practice/).

A thorough search for documents has been conducted and no other records have been found that are within the scope of your request. As per section 53 of the FOI Act, I confirm no internal information relevant to item 1 and 2 of your request is held by ACTCT.

### **Disclosure of Information**

The documents relating to the scope of your request for item 3 is outlined in the attached Schedule of documents for full release.

You may wish to seek legal advice about your matter. Information about legal services in the ACT is available from: [courts.act.gov.au/law-and-practice/find-a-lawyer](https://www.courts.act.gov.au/law-and-practice/find-a-lawyer).

### **Online publishing – disclosure log**

Under section 28 of the Act, JACS maintains an online record of access applications called a disclosure log. Your access application, my decision and documents released to you in response to your access application will be published on the JACS disclosure log no later than 10 days after the decision. Your personal contact details will not be published.

You may view the JACS' disclosure log at: <https://www.justice.act.gov.au/disclosure-log>

### **Ombudsman review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published on the JACS disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

The review of decision application form is available at:

[https://www.ombudsman.act.gov.au/data/assets/pdf\\_file/0026/79190/Apply-for-Ombudsman-review.pdf](https://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf)

### **ACT Civil and Administrative Tribunal (ACAT) review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.  
Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Ph: (02) 6207 1740

<http://www.acat.act.gov.au/>

Yours sincerely



Amanda Nuttall  
Principal Registrar and Chief Executive Officer

8 November 2021

## Schedule of Documents

FOI Request from I am Shaun on 18 October 2021

Document Reference Number	Page Number	Date	Description	Decision	Category or Factor
1	2	10 September 2021	Orders made under section 50 <i>Court Procedures Act 2004</i>	Release in Full	

## **Restricted entry to the Courthouse to support public health Orders under section 50 Court Procedures Act 2004**

1. The following members of the public must not be admitted to any part of the premises occupied by the Supreme Court of the Australian Capital Territory and/or the Magistrates Court of the Australian Capital Territory (the Courthouse):
  - a. a person who has been diagnosed with COVID 19 and who is considered to have an active case of COVID 19;
  - b. a person who is awaiting the result of a test for COVID 19;
  - c. a person who is required to quarantine or self-isolate by direction of the Chief Health Officer of the Australian Capital Territory;
  - d. a person who is a close contact of a person diagnosed with COVID 19;
  - e. a person who has no immediate business at the Courthouse, except that:
    - journalists reporting on proceedings; and
    - in an exceptional case, a judicial officer, registrar or sheriff may permit one support person to accompany a litigant or vulnerable witness who has business at the Courthouse.
2. A person with immediate business at the Courthouse must produce evidence of their requirement to be in the Courthouse.
3. A person who is in a public area of the Courthouse must wear a mask unless the person is:
  - a. expressly excused by a judicial officer, registrar or sheriff;
  - b. actively participating as a lawyer, party, witness or invited participant while a matter is being heard by a judicial officer, or registrar in a court or hearing room, unless the judicial officer or registrar directs that the person must wear a mask;
  - c. excused because of a certified health condition (see definition below).
4. Prior to entering the body of the Courthouse, all persons must check in:
  - a. via the "Check In CBR" app; or
  - b. if unable to do so, by providing contact details in the register held by the sheriff's officer or court security.
5. A member of the public must leave the premises if directed to do so by a judicial officer, registrar, authorised person or sheriff because of an apparent failure:
  - a. to maintain a distance of 1.5 m from other persons;
  - b. to wear a mask as required by 2;
  - c. to produce evidence of a certified health condition referred to at 3c;
  - d. to check in as required by 4.

### **In these orders:**

**Close contact** means a person who:

- e. has been in close physical proximity with someone who has COVID 19, while that person was infectious, or
- f. has been in the same closed space with someone who has COVID 19, while that person was infectious.

**Authorised person** means: a person authorised pursuant to section 154(2)(c) of the Crimes Act 1900

**Certified health condition** means a physical or mental health condition or a disability that precludes the wearing of a mask, provided that the person claiming the condition is carrying either:

- a. a medical certificate or letter signed by a registered health practitioner (such as a doctor) or registered NDIS provider; or
- b. a statutory declaration

that establishes the condition.

**Registrar** means:

- a. The Registrar or Senior Deputy Registrar of the Supreme Court of the Australian Capital Territory; or
- b. The Registrar of the Magistrates Court of the Australian Capital Territory and deputy registrars of that court appointed under rule 6251(6) of the *Court Procedures Rules 2006*

**Sheriff** means: a person appointed pursuant to section 46(2) or (4) of the Supreme Court Act 1933

Penalty for contravention: 50 penalty units and/or 6 months imprisonment



Chief Justice Helen Murrell

10 September 2021



Chief Magistrate Lorraine Walker

10 September 2021