

**Principal Registrar and Chief Executive Officer**

I am Shaun  
[foi+request-8022-33d47c1d@righttoknow.org.au](mailto:foi+request-8022-33d47c1d@righttoknow.org.au)

Dear Shaun

**DECISION ON YOUR FREEDOM OF INFORMATION REQUEST**

I refer to your Freedom of Information email, received by [jacsfoi@act.gov.au](mailto:jacsfoi@act.gov.au) on 27 October 2021. This request was referred to the ACT Courts and Tribunal on the same day and is being treated as application made under the *Freedom of Information Act 2016* (FOI Act).

You specifically requested access to:

*"... the internal procedural, directive(s), (or other documents) that describe how a qualified employee, PUBLIC SERVANT (or other) of the said ACT Law Courts and Tribunal handle the following:*

*a man or woman that wishes to prosecute a claim in a 'common law Court of Record at the ACT Supreme (or Magistrates) Court' venue and presents a lawful claim to said qualified employee, PUBLIC SERVANT (or other);*

*and*

*Does the said procedure instruct the said qualified employee, PUBLIC SERVANT (or other) refer to the ACT Legislation: Magna Carta (1297) 25 Edw 1 c 29 ([https://www.legislation.act.gov.au/a/db\\_1781/](https://www.legislation.act.gov.au/a/db_1781/)) or the Magna Carta (1297) 25 Edw 1 c 29 that reads:*

*"We will sell to no man, and we will not deny or defer to any man, either justice or right." ..."*

**Authority**

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

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

## Decision

In regard to your request for law 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/>.

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/>.

As per section 53 of the FOI Act, I confirm no information relevant to the scope is held by ACT Courts and Tribunal. I am not aware of any such policies or directives within the terms of your request.

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

 November 2021