

File Reference Number:2022/402

I am Shaun
foi+request-8133-aa61eac7@righttoknow.org.au

Dear Shaun

DECISION ON YOUR FREEDOM OF INFORMATION REQUEST

I refer to your Freedom of Information request dated 25 November 2021, which was received by the ACT Courts and Tribunal on 13 January 2022 and is being treated as application made under the *Freedom of Information Act 2016* (FOI Act).

This application requests:

I [sic] require the internal directive, procedure, training documents (or other documents) that relate to the following:

1. There is no public document or evidence that a man or woman that wishes to prosecute a claim in a common law Court of Record at the Supreme Court of the Australian Capital Territory venue (or the Magistrates Court) must pay, only legal entities such as a Natural Person and a Corporation are required to pay to be in the said Court(s) of the ACT venue according to the available fee schedule, I [sic], require the said payment schedule documents that relate to a man and/or woman.

2. The Magna Carta (1297) 25 Edw 1 c 29, and, the ACT Legislation Magna Carta (1297) 25 Edw 1 c 29 (currently at [https://www.legislation.act.gov.au/a/db ...](https://www.legislation.act.gov.au/a/db...)) reads: "We will sell to no man, and we will not deny or defer to any man, either justice or right"; is there a said internal document that is contrary to said Magna Carta and ACT Legislation that gives a qualified employee, PUBLIC SERVANT, or other, the right to sell a man (or woman) 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 feedback@courts.act.gov.au
GPO Box 370, Canberra ACT 2601
ACT Law Courts Building, 4-6 Knowles Place, Canberra ACT 2601

Page 1 of 3

Decision

I note the ACT Courts and Tribunal emailed you on 17 November 2021 advising the following:

The dictionary section of the 'ACT Legislation Act 2001', available on the ACT Legislation Register at www.legislation.act.gov.au, states 'individual means a natural person'. Therefore all prescribed forms applicable to the ACT Courts and Tribunal are relevant to individuals such as yourself. Information about court processes is available at www.courts.act.gov.au. I note your emails about court processes do not seek any documents under FOI.

In regard to the scope of your request, 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, the Court Rules, and Fee Determinations are publicly available on the Legislation Register which can be accessed at 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 fees for ACT Courts, including law and practice, can be accessed at www.courts.act.gov.au.

As per section 53 of the FOI Act I confirm no information regarding your request is held by ACT Courts and Tribunal.

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.

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

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

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

A handwritten signature in blue ink, appearing to read 'Jayne Reece', with a long horizontal flourish extending to the right.

Jayne Reece
Acting Principal Registrar and Chief Executive Officer
ACT Courts and Tribunal

20 January 2022