



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID519/2021

**REX PATRICK**

Applicant

**AUSTRALIAN INFORMATION COMMISSIONER**

Respondent

### **ORDER**

**JUDGE:** JUSTICE WHEELAHAN

**DATE OF ORDER:** 20 September 2022

**WHERE MADE:** Melbourne

#### **THE COURT ORDERS THAT:**

1. Orders 7 and 8 of the orders dated 28 March 2022 are set aside.
2. Pursuant to r 16.53 of the *Federal Court Rules 2011* (Cth), the respondent has leave to file and serve by 4.00 pm on 20 September 2022 an amended concise statement in response to the applicant's further amended concise statement dated 10 December 2021, substantially in the form annexed to the interlocutory application dated 15 September 2022.
3. Pursuant to r 1.39 of the *Federal Court Rules*, the time by which the respondent may file a notice of objection to competency under r 31.05(1) is extended to 4.00 pm on 20 September 2022.
4. The time within which the applicant is to file and serve any written submissions in reply is extended to a date to be fixed.
5. By 4.00 pm on 30 September 2022, the applicant file and serve any application to amend his further amended originating application dated 10 December 2021 and the further amended concise statement dated 10 December 2021.
6. The proceeding is listed for a case management hearing on at 9.30 am on 10 October 2022.



7. The separate question is re-fixed for hearing commencing 21 November 2022, on an estimate of two days.
8. The respondent pay the applicant's costs (if any) of the interlocutory application dated 15 September 2022, and the costs (if any) thrown away by reason of the amendment of the concise statement in response to the further amended concise statement and the vacation of the hearing of the separate question that was listed to commence on 26 September 2022.

Date that entry is stamped: 20 September 2022.

*Sia Lagos*  
Registrar