

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 18/10/2021 10:32:28 AM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
File Number: VID519/2021
File Title: SENATOR REX PATRICK v AUSTRALIAN INFORMATION COMMISSIONER
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 18/10/2021 10:32:36 AM AEDT

A handwritten signature in blue ink that reads 'Sia Lagos'.

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 59
Rule 29.02(1)

Affidavit

No. VD519 of 2021

Federal Court of Australia
District Registry: Victoria
Division: Administrative and Constitutional Law & Human Rights

Senator Rex Patrick

Applicant

Australian Information Commissioner

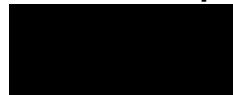
Respondent

Affidavit of: **William Browne**
Address: U7/8 McGowan Place, Dickson, 2602, ACT, Australia
Occupation: Senior Researcher
Date: 14 October 2021

On 14 October 2021 I, William Browne of U7/8 McGowan Place, Dickson, say on oath:

1. I am a Senior Researcher employed by The Australia Institute. I have been a Senior Researcher since February 2021, and a Researcher or Research Assistant since 2016. The Australia Institute is an independent think tank.
2. I make this affidavit from my own knowledge and belief save where otherwise stated. Where I depose to matters based on information and belief, I believe those matters to be true.
3. I have read the Form 15 Originating Application and the Form NCF1 Concise Statement which bear the seal of the Court and were filed on behalf of the Applicant in this proceeding.
4. The Australia Institute uses the Freedom of Information ("FOI") system to obtain information that assists us to conduct public policy research. Over the years, multiple researchers have made use of the FOI system, including some who no longer work for the Australia Institute.

Filed on behalf of (name & role of party) _____
 Prepared by (name of person/lawyer) _____
 Law firm (if applicable) _____
 Tel _____ Fax _____
 Email _____
Address for service
 (include state and postcode) _____



5. On occasions I or my colleagues have been aggrieved by the decision of an agency and sought a review of the decision with the Australian Information Commissioner ("IC").
6. Currently there are three FOI applications which I or my colleagues or former colleagues have referred to the IC for merit review. One of them is still awaiting assessment after almost three months, one has been with the IC for 20 months and one has been with the IC for over four years.
7. In addition, in the past I have made applications to the IC to review FOI decisions and one of those applications was with the IC for seven months before being resolved.
8. The effect of these delays has been to make certain research into public policy impossible, stop the public from learning about how public money has been spent, and prevent or delay scrutiny of the Australian Government's policies and administration.

Sworn / Affirmed by the deponent
at Dickson
in ACT
on 14/10/2021
Before me:



Signature of witness

David Barnden
Principal Lawyer
Equity Generation Lawyers

NSW Law Society No: 55542

Witnessed over audiovisual link in accordance with section 4 of the *COVID-19 Emergency Response Act 2020* (ACT)

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Signature of deponent
William Browne

