



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID519/2021

SENATOR REX PATRICK

Applicant

AUSTRALIAN INFORMATION COMMISSIONER

Respondent

ORDER

JUDGE: JUSTICE WHEELAHAN

DATE OF ORDER: 08 December 2021

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. By 4.00 pm on 10 December 2021, the applicant shall file and serve a further amended originating application and a further amended concise statement.
2. The following question be heard and determined separately from any other questions arising in the proceeding:

Whether the applicant is entitled to the relief sought in the further amended originating application filed in accordance with order 1 of these orders in respect of the IC review applications marked with the words “separate question” in Appendix A to the further amended originating application.

3. By 4.00 pm on 20 December 2021, the respondent shall file and serve an amended concise statement in response and give notice to the applicant of its estimate of taxed costs in respect of the proceeding up to and including the determination of the separate question referred to in order 2. The respondent’s amended concise statement in response shall provide particulars of the material dates and actions taken in respect of each of the IC review applications marked “separate question” in the further amended originating application filed in accordance with order 1.



4. By 4.00 pm on 11 February 2022, the applicant shall file and serve any further affidavits in support of his interlocutory application for an order pursuant to r 40.51 of the *Federal Court Rules 2011* (Cth) and give notice to the respondent of the quantum of the maximum costs order sought on the interlocutory application.
5. By 4.00 pm on 25 February 2022, the respondent shall file and serve any affidavits in response to the interlocutory application.
6. By 4.00 pm on 4 March 2022, the applicant shall file and serve a further outline of submissions on his interlocutory application, limited to three pages.
7. By 4.00 pm on 9 March 2022, the respondent shall file and serve any further submissions in response, limited to three pages.
8. The hearing of the interlocutory application is adjourned to 25 March 2022 at a time to be advised.
9. Costs reserved.

OTHER MATTERS

- A. These orders are by consent.
- B. The parties informed the Court of their agreement to the following –

The proposed separate question is with respect to the Applicant's 'IC Review' applications which will be marked with the words "separate question" (in Appendix A of the proposed Further Originating Application) only (and not to any other IC Review applications).

The Respondent will continue to review all of the Applicant's outstanding 'IC Review' applications in accordance with its usual processes under the Freedom of Information Act 1982 (Cth).

Date that entry is stamped: 8 December 2021.


Registrar