

APPENDIX 12 – STATEMENT UNDER SECTION 8 OF THE *FREEDOM OF INFORMATION ACT 1982* FOR THE PERIOD 1 JULY 2010 TO 30 APRIL 2011

Information on the establishment, organisation, functions and powers of the Court is contained throughout this report. Information on the Court's arrangements for consultation with users of the Court about the Court's operations is also included in Part 3 of the report. The following sets out the categories of documents maintained by the Court, the Court's facilities for public access and the Court's Freedom of Information (FOI) procedures and relevant contacts for inquiries.

CATEGORIES OF DOCUMENTS

The Federal Court Registries maintain the following categories of documents:

- documents relating to matters heard by, or applications or appeals lodged with, the Court including applications, notices of appeal, affidavits, pleadings, transcripts and copies of judgments
- registers and indexes in bound volumes of matters coming to the Court (documents dealing with matters coming to the Court are also generated by computer)
- statistical information
- documents concerning staff matters
- documents concerning the administrative and financial aspects of the Court's operations
- internal working documents and correspondence
- registry manuals.

The District Registries also maintain a computer database containing details of matters commenced in the Court since 1 January 1984.

The following categories of documents are open to public access according to an enactment (other than the *Freedom of Information Act 1982*) where the access is subject to a fee or other charge:

- documents filed in a proceeding or purported proceeding (available upon application, subject to the Rules of Court and upon payment of the fees set out in the Federal Court Regulations).

The following categories of documents are available for purchase by the public in accordance with arrangements referred to below:

- transcripts of proceedings (inquiries may be made at the relevant District Registry to ascertain the local contact details of the Transcript service provider)
- copies of documents filed in the Registry (available upon application, subject to the Rules of Court and any order made in the relevant proceedings, and upon payment of the fees set out in the Federal Court of Australia Regulations)
- reasons for judgment (available upon application subject to any order made in the relevant proceedings and payment of the fees set out in the Federal Court of Australia Regulations).

The following categories of documents are open to public access according to an enactment (other than the FOI Act) free of charge on request:

- registers of proceedings in the Court.

The following documents are available free of charge upon request:

- procedural guides to:
 - commencing an action in the Federal Court of Australia (for self represented litigants)
 - appearing in Court in relation to a creditor’s petition (for unrepresented debtors)
 - completing certain forms prescribed by the Rules of Court
 - filing documents in the Court by facsimile transmission.
 - a list of Full Court sittings (published yearly)
 - court lists (published daily)
 - various practice notes made by the Chief Justice and administrative notices made by District Registrars
 - video-conferencing Protocol.

In addition, a range of information is available free of charge through the Federal Court Website (www.fedcourt.gov.au) and the Federal Law Search function on the Commonwealth Courts Portal (www.comcourts.gov.au).

FACILITIES FOR ACCESS

Facilities to examine documents and to obtain copies are available at the Court’s registries as initial contact points. Registers open to public inspection are available at all initial contact points. Transcript is available from the relevant reporting service provider.

FOI PROCEDURES AND INITIAL CONTACT POINTS

FOI contact officers will assist applicants to identify the particular documents they seek. The only officer authorised to deny access to documents is the Registrar of the Court.

The availability of some documents under the FOI Act will be affected by s. 5 of that Act, which states that the Act does not apply to any request for access to a document of the Court unless the document relates to matters of an administrative nature.

Inquiries concerning access to documents or other matters relating to freedom of information should be directed to the District Registrar of the relevant District Registry or, in the case of the Principal Registry, to the Registrar. The addresses are listed on page 204 at the end of this report.

INFORMATION PUBLICATION SCHEME (IPS)

From 1 May 2011 agencies subject to the FOI Act are required to publish information to the public as part of the IPS. This requirement is in Part II of the FOI Act and has replaced the requirement to publish a section 8 statement in an annual report. An agency plan showing what information is published in accordance with the IPS requirements is accessible from the Court’s website at <http://www.fedcourt.gov.au/courtdocuments/foi.html>.