

APPENDIX 10

Statement under Section 8 of the Freedom of Information ACT 1982

Information on the particulars of 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 Chapter 3 of the report. The following lists the categories of documents maintained by the Court, the Court's facilities for public access and the Court's 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; and
- 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 service provider for the relevant State or Territory);
- copies of documents filed in the Registry (available upon application, subject to the Rules of Court, and upon payment of the fees set out in the Federal Court of Australia Regulations); and

- reasons for judgment (available upon application 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 Freedom of Information 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 litigants in person);
 - 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
- Video-conferencing Protocol.

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 Freedom of Information Act will be affected by section 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 (iv) at the front of this report.