

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 10:32:35 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

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


No. VD519 of 2021

Senator Rex Patrick

Applicant

Australian Information Commissioner

Respondent

Affidavit of: **Mark Dreyfus** 
Address: 566 Main Street, Mordialloc VIC 3195
Occupation: Member of Parliament
Date: 8 October 2021

On 8 October 2021 I, Mark Dreyfus of 566 Main Street, Mordialloc VIC 3195, say on oath:

1. I am a Federal Member of Parliament. I have been a Member of Parliament since 2007.
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. I use the Freedom of Information ("FOI") system to obtain information that assists me to perform my role as a Federal Member of Parliament, including to engage in scrutiny, discussion, comment and review of the Government's activities.
5. On occasions I have been aggrieved by the decision of an agency and sought a review of the decision with the Australian Information Commissioner ("IC").

Filed on behalf of (name & role of party) Mark Dreyfus
Prepared by (name of person/lawyer) Houston Ash
Law firm (if applicable) _____
Tel 02 6277 4205 Fax _____
Email Mark.Dreyfus.MP@aph.gov.au
Address for service 566 Main Street, Mordialloc VIC 3195 (Electorate Office)
(include state and postcode)

- 6. I currently have a number of FOI applications which have been referred to the IC for merit review, including one that has been with the IC for more than a year, of which one has been with the IC for more than 18 months, and one for more than two years.
- 7. I believe that each of the FOI applications referred to in paragraph 6 relate to matters of significant public importance.
- 8. The effect of these delays has been to prevent me from accessing the relevant documents or from lodging an application for review under paragraph 57A(1)(a) of the FOI Act. This has, in turn, hindered me in performing my role as a Federal Member of Parliament which includes scrutinising, discussing commenting and reviewing the Government's activities.

~~Sworn~~/ Affirmed by the deponent
 at Melbourne
 in Victoria
 on 8 October 2021
 Before me:

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Signature of deponent

Signature of witness

Name and qualification of witness

LIONEL JERROLD APPELBOOM
 AUSTRALIAN LEGAL PRACTITIONER
 3 NOTT STREET
 MALVERN EAST
 VIC 3145