

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 20/09/2022 11:06:45 AM AEST 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: Notice of Objection to Competency - Form 68 - Rule 31.05(1)(a)
File Number: VID519/2021
File Title: REX PATRICK v AUSTRALIAN INFORMATION COMMISSIONER
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 20/09/2022 11:55:35 AM AEST

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.



Notice of objection to competency

No. VID519 of 2021

Federal Court of Australia
District Registry: Victoria
Division: General

Rex Patrick

Applicant

Australian Information Commissioner

Respondent

The Respondent objects to the competency of the amended originating application dated 10 December 2021 (**Amended OA**).

Grounds of objection

1. In respect of each of the Information Commissioner reviews (**IC reviews**) in Appendix A to the Amended OA, to the extent that the respondent has not formed the state of satisfaction that the IC review has been undertaken under Part VII of the *Freedom of Information Act 1982* (Cth) (**FOI Act**), alternatively to the extent that the respondent is in fact continuing to undertake an IC review under Part VII of the FOI Act:
 - (a) the statutory precondition to the existence of a duty under s 55K(1) of the FOI Act is not satisfied;
 - (b) the respondent does not have a duty to make a decision to which the *Administrative Decisions (Judicial Review) Act 1977* (Cth) (**ADJR Act**) applies; and
 - (c) a necessary precondition for an application for an order of review pursuant to s 7(1) of the ADJR Act is not satisfied.

Filed on behalf of (name & role of party)	Australian Information Commissioner (the Respondent)		
	Andrew Morrison Riordan of Norton Rose Fulbright and Zoe		
Prepared by (name of person/lawyer)	Maud of counsel		
Law firm (if applicable)	Norton Rose Fulbright Australia		
Tel	+61 3 8686 6680	Fax	+61 3 8686 6505
Email	andrew.riordan@nortonrosefulbright.com		
Address for service (include state and postcode)	Level 38, Olderfleet, 477 Collins Street, Melbourne, VIC 3000		

Date: 20 September 2022



Signed by Norton Rose Fulbright
Solicitor for the Respondent