

### Principal Registrar and Chief Executive Officer

Dear [REDACTED]

#### DECISION ON YOUR ACCESS APPLICATION

I refer to your access application made under the [Freedom of Information Act 2016](#) (FOI Act), emailed to [feedback@courts.act.gov.au](mailto:feedback@courts.act.gov.au) on 14 July 2021 and received by the ACT Courts and Tribunal on the same day. I replied to you on 19 July 2021 (Attachment A) providing the data for part 3 of your request and advising of my intention to refuse your application for parts 1 and 2.

I received your response on 20 July 2021 (Attachment B) in relation to parts 1 and 2 of your request being:

- 1) the number taxation /costs assessments filed each year over the last 10 years.
- 2) the breakdown of these costs assessments into.
  - a) contract
  - b) human rights
  - c) administrative law
  - d) tort/negligence
  - e) Probate
  - f) equity.

#### Authority

I am an information officer authorised to make decisions about access to information held by the ACT Courts and Tribunal, in accordance with section 18 of the [FOI Act](#).

#### Decision

In relation to parts 1 and 2 of your request, the ACT Courts and Tribunal does not hold this information in a discrete form. Your request would require an investigation and integration of our case management system to investigate if the data sought could be extrapolated and may also require the development of software coding scripts by staff. The data extraction would require an extensive examination and quality assurance process by staff to verify the data and it is expected the data would then need to be manually broken down into sub-categories. This would inhibit the ability of our small team in our systems area to exercise its functions and I am satisfied that the public

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interest being advanced by giving access to the information does not justify the use of the required resources. On this basis, in relation to requests 1 and 2, I have refused your application on the grounds set out in the following section of the Act:

**43 Refusing to deal with application—general**

- (1) A respondent may refuse to deal with an access application wholly or in part only if—
- (a) dealing with the application would require an unreasonable and substantial diversion of the respondent's resources (see section 44).

**44 Refusing to deal with application—unreasonable and substantial diversion of resources**

- (1) For section 43 (1) (a), dealing with an access application would require an unreasonable and substantial diversion of the respondent's resources only if—
- (a) the resources required to identify, locate, collate and examine any information held by the respondent, including the resources required in obtaining the views of relevant third parties under section 38, would substantially inhibit the ability of the respondent to exercise its functions; and
  - (b) the extent to which the public interest would be advanced by giving access to the information does not justify the use of the required resources.

**Online publishing – disclosure log**

Under section 28 of the Act, Justice and Community Services (JACS) maintains an online record of access applications called a disclosure log. Your access application, my decision and documents released to you in response to your access application will be published on the JACS disclosure log no later than 10 days after the decision. Your personal contact details will not be published.

You may view the JACS' disclosure log at:

<http://www.justice.act.gov.au/page/view/4049/title/disclosure-log>

**Ombudsman review rights**

You may apply to the ACT Ombudsman to review my decision under section 73 of the FOI Act. An application for review must be made within 20 days of receipt of this decision notice. You may submit a request for review of my decision to the ACT Ombudsman by writing in one of the following ways:

Email (preferred):	<a href="mailto:actfoi@ombudsman.gov.au">actfoi@ombudsman.gov.au</a>
Post:	The ACT Ombudsman GPO Box 442 CANBERRA ACT 2601

More information about ACT Ombudsman review is available on the ACT Ombudsman website at: <http://www.ombudsman.act.gov.au/improving-the-act/freedom-of-information>.

### **ACT Civil and Administrative Tribunal (ACAT) review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal

Level 4, 1 Moore St

GPO Box 370

Canberra City ACT 2601

Ph: (02) 6207 1740

<http://www.acat.act.gov.au/>

Yours sincerely



Amanda Nuttall

Principal Registrar and Chief Executive Officer

10 August 2021