



**IN THE FEDERAL CIRCUIT COURT  
OF AUSTRALIA  
AT BRISBANE**

**File No:** BRG550/2017

**JACKSON POWELL**  
First Applicant

**CALUM THWAITES**  
Second Applicant

**AUSTRALIAN INFORMATION COMMISSIONER**  
First Respondent

**AUSTRALIAN HUMAN RIGHTS COMMISSION**  
Second Respondent

**ORDER**

**BEFORE:** JUDGE JARRETT

**DATE:** 09 January 2019

**MADE AT:** BRISBANE

**APPEARANCES:** Mr Morris of Queen's Counsel appearing on behalf of the First and Second Applicants  
Mr Venus, Solicitor appearing on behalf of the First Respondent  
The Second Respondent entering a submitting appearance

**THE COURT ORDERS THAT:**

1. The decision of the first respondent made on 5 June, 2017 not to continue to undertake an IC review (as that term is defined in the *Freedom of Information Act 1982* (Cth)) between the applicants and the second respondent be set aside with effect from the date of this order.
2. Remit the matter to which the decision the subject of order 1 hereof relates, to the first respondent for further consideration and determination according to law.
3. The first respondent pay the applicants' costs of and incidental to the application to be agreed between the parties and failing agreement to be fixed by the Court and for that purpose, in the event that the parties are unable to agree on the amount of the costs within twenty-eight (28) days of the date of these orders:



- (a) the applicants shall file and serve written submissions as to the amount of the costs sought by them and the basis upon which the amount sought is calculated;
- (b) the respondents shall, within fourteen (14) days thereafter, file and serve written submissions as to the amount of the costs sought by the applicants; and
- (c) the fixing of such costs be undertaken by the Court without any further oral hearing unless the parties notify the Court of the requirement of a further oral hearing on the question of the amount of the costs within seven days of the filing of the respondents' submissions on costs.

**By the Court**

**DATE ENTERED: 9 January, 2019**

  
**Registrar**