



**FEDERAL COURT OF AUSTRALIA
PRINCIPAL REGISTRY**

HARRY GIBBS COMMONWEALTH LAW COURTS
119 NORTH QUAY
BRISBANE QLD 4000

11 July 2022

█
Right to Know

By email: █

Dear █

Request for an internal review under the Freedom of Information Act

I refer to your email correspondence of 9 June 2022 seeking internal review of a decision made 30 May 2022 under the *Freedom of Information Act 1982* (Cth) (**FOI Act**).

Authorised decision-maker

I am authorised to make a decision on behalf of the Federal Court of Australia (**Court**) in relation to your internal review request. In conducting the internal review, I acknowledge that an internal review is a merit review process and that I am required to bring a fresh, independent and impartial mind to the review.

Material taken into account

In making my decision on internal review, I have considered the following material:

- your FOI request received on 28 April 2022 (**FOI request**);
- the decision letter to you dated 30 May 2022 (**FOI decision**);
- your correspondence of 9 June 2022 requesting internal review (**review request**);
- the records of the searches conducted by Court staff;
- the FOI Act and relevant case law; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

Searches Undertaken

Prior to the FOI decision dated 30 May 2022, extensive searches were undertaken by staff of the Court to identify any documents falling within the scope of your request. I have reviewed these searches and spoken to Court personnel who were involved in this process.

The process for undertaking the searches involved consultations with senior staff in the Court's People and Culture team, searches of the Court's human resources and recruitment inboxes, searches of staff emails, as well as searches of the Court's human resources shared drive, the Court's electronic documents, records management and information systems.

The searches utilised key words based on Court staff's knowledge of document titling practices in the Court. Staff engaged in extensive consultations to determine appropriate key word searches by reference to the description of the documents in your FOI request.

I am satisfied that the searches undertaken were thorough and comprehensive. I do not believe any further reasonable search or enquiry could find additional documents within the scope of your request.

Decision on Internal Review

I am satisfied that the decision maker has provided you access to all documents within the scope of your FOI request.

Reasons for Decision

In relation to your FOI request, the searches conducted by the Court found four documents which are identified clearly within the FOI decision. I will not specifically identify each of those documents again here but will refer to them collectively as the recruitment documents.

As identified above, I am satisfied that the searches undertaken were thorough and comprehensive. I do not believe any further reasonable search or enquiry could find additional documents within the scope of your request.

In your review request, you assert, in respect of the FOI decision and the documents provided, that the decision maker has "*not provided the documents that I requested in my FOI request*". This is simply not correct. Furthermore, it is not my role as an FOI internal reviewer to provide advice addressing the perceived discrepancies between the documents for which access was granted and those you believe you should have gained access to, or how the specific recruitment was undertaken.

Access format

I agree with the decision maker's finding to grant access to the following documents:

1. Gazette Notice – Senior National Judicial Registrar,
2. Gazette Notice – National Judicial Registrar & District Registrar,
3. Gazette Notice – Judicial Registrar, and
4. Gazette Notice – Deputy District Registrar.

I note that these documents were previously provided to you by reference to the Court's disclosure log.

Your review rights

If you are dissatisfied with my decision, under section 54L of the FOI Act you may apply to the Australian Information Commissioner for review. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter.

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner (OAIC) website. Go to <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

Complaints

If you are dissatisfied with the way the Court has handled your FOI request, you may complain to the Information Commissioner in writing. There is no fee for making a complaint.

More information about making a complaint is available on the OAIC website, including a link to the online complaints form which the OAIC recommends using for complaints. Go to <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint>.

Yours sincerely



Scott Tredwell
General Counsel