



[REDACTED]

FEDERAL COURT OF AUSTRALIA

Your Ref:
Our Ref:

LEVEL 17
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

29 October 2020

[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

Request under the Freedom of Information Act

I refer to your email to the Federal Court of Australia (the **Court**) of 30 August 2020, requesting access to documents under the *Freedom of Information Act 1982* (Cth) (**FOI Act**). Your email refers to documents released to you on 13 August 2020 in response to an FOI request you made to the Court on 14 June 2020. With reference to the documents released to you 13 August 2020, your email of 30 August 2020 requests the following:

Request 1

I would like access to the Public Service Commissioner's representative's certificate of compliance for each of the selection processes to:

- * *recruit each ongoing and non-ongoing SES employee from outside the Australian Public Service (APS) from 1 July 2016 to 14 June 2020 into the 'single administrative entity';*
- * *promote each ongoing and non-ongoing APS employee (including an SES employee) from within the APS to an SES position in the 'single administrative entity' from 1 July 2016 to 14 June 2020; and*
- * *transfer each ongoing and non-ongoing SES employee from another public service agency to the 'single administrative entity' from 1 July 2016 to 14 June 2020.*

Request 2

In the document entitled "8 SAC Report Senior National Judicial Registrar Redacted" (and other similar documents) the members of the selection panel agree that they "are aware of the correct policy and procedures for merit selection and certify that these have been followed."

Please release any and all documents containing the "correct policy and procedures for merit selection" that the panel members certified that they had followed.

Request 3

The names of all members of the selection advisory committees in the documents released on 13 August 2020 have been redacted. Please release the documents that were released on 13 August 2020 without the redactions to the names of the members of the selection advisory committees (including any representatives of the Public Service Commissioner). The other redactions can be left in place.

On 4 September 2020, the Court acknowledged receipt of your FOI request and advised you that, because your request covered documents that contained personal information about

several public officials, the Court was required under section 27A of the FOI Act to consult with the persons concerned before making a decision about the release of documents. For that reason, the period for processing your request was extended by a further period of 30 days in accordance with subsection 15(6) of the FOI Act.

Authorised decision-maker

I am authorised under section 23 of the FOI Act to make decisions on behalf of the Court in relation to requests made under the FOI Act.

Searches undertaken

In relation to ‘Request 1’ (extracted above), searches were undertaken by senior staff of the Court’s People and Culture team to identify all Public Service Commissioner’s representative’s certificates of compliance that were captured by the terms of that request. A total of eleven (11) certificates were identified, with a more precise description for each certificate provided in the schedule that accompanies this letter.

With respect to ‘Request 2’ (extracted above), senior staff of the Court’s People and Culture team identified the following document as being captured by the terms of that request: ‘*Human Resource Management Policy: Recruitment, Selections and Engagement of Employees*’ dated April 2014. This document is listed in the schedule that accompanies this letter.

Given the terms of ‘Request 3’ (extracted above), there was no need for the Court to conduct searches. A list of the relevant documents with the un-redacted names of the members of the selection advisory committees is provided in the schedule that accompanies this letter.

Decision

I have decided to grant you access in full to each of the documents captured by the terms of ‘Request 1’ and ‘Request 2’. In relation to ‘Request 3’, I have decided to grant you access to the documents released on 13 August 2020 with the names of all members of the selection advisory committees un-redacted, as requested. A list of all documents to be released to you is provided in the schedule that accompanies this letter.

I have taken the following into account in making my decision:

- your request
- the content of the documents that fall within the scope of your request
- the FOI Act
- the *Freedom of Information (Charges) Regulations 1982* (**FOI Charges Regulations**)
- the FOI Guidelines issued by the Office of the Australian Information Commissioner (**FOI Guidelines**)

Access Format

In your email of 30 August 2020, you stated that the “documents can be released to me by email in PDF format”. On that basis, I have decided to grant you access to all documents in

PDF format and release these documents to you by email. These documents accompany this letter.

Charges

You have not been charged for the processing of your request.

Your review rights

If you are dissatisfied with my decision, you may apply for internal review or to the Information Commissioner for review of those decisions. The decision maker encourages you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Court for an internal review of this decision. The internal review application must be made within 30 days of the date of this letter.

Where possible, please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australia Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter and be lodged in one of the following ways:

online: <https://forms.business.gov.au/aba/oaic/foi-review-/>

email: enquiries@oaic.gov.au

post: GPO Box 2999, Canberra ACT 2601

in person: Level 3, 175 Pitt Street, Sydney NSW

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

Yours sincerely



C Hammerton Cole
Registrar