

15 February 2024

Mr Bob Neil

By e-mail: foi+request-10462-a791aa4f@righttoknow.org.au

Dear Mr Neil,

Freedom of information request no. 912/2023

The purpose of this letter is to provide you with a decision regarding access to documents that you requested under the *Freedom of Information Act 1982 (FOI Act)* on 19 December 2023.

Summary

I, Andrew Roach, General Manager, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

On 19 December 2023, you emailed Council seeking access to the following documents:

"I seek access to administrative records held by the Norfolk Island Supreme Court, (specifically limited to records relating to the management and administration of resources of the Court and Registry), relating to arrangements for a hearing that was conducted before Wigney J on Norfolk Island on 5 December 2018, in the matter of The Queen v Hooper [2019] NFSC 1, including for example (without limitation) the published cause list or other notice given of the hearing, any necessary travel and accommodation arrangements, allocation of human resources, access to administrative services etc."

On 2 January 2024, Council wrote to you acknowledging receipt of your request.

On 16 January 2024, Council wrote to you seeking your agreement to an extension of time to deal with your FOI request under section 15AA of the FOI Act for a period of 30 days. The deadline for your response was 17 January 2024. Council did not receive a response by 17 January 2024.

On 18 January 2024, Council lodged a request for an extension of time to process and decide your request with the Office of the Australian Information Commissioner (OAIC) under section 15AC of the FOI Act.

On 23 January 2024, the OAIC issued Council with a decision notice agreeing to the requested extension of time to 17 February 2024 to process and decide your request.

Under section 24A of the FOI Act, I refuse your request for access to documents as all reasonable steps to find the documents have been taken and I am satisfied that the documents of the type you have requested do not exist in Norfolk Island Regional Council records.

Decision and reasons for decision

The FOI Act allows agencies to refuse access to a document if:

- (a) all reasonable steps have been taken to find the document; and
- (b) the agency is satisfied that the document does not exist.

I have taken all reasonable steps to search for, and find, the documents of the type you have requested. Despite all reasonable steps, I have not located any *administrative records held by the Norfolk Island Supreme Court, (specifically limited to records relating to the management and administration of resources of the Court and Registry), relating to arrangements for a hearing that was conducted before Wigney J on Norfolk Island on 5 December 2018, in the matter of The Queen v Hooper [2019] NFSC 1, including for example (without limitation) the published cause list or other notice given of the hearing, any necessary travel and accommodation arrangements, allocation of human resources, access to administrative services etc.*

On that basis, I am satisfied that the documents of the type you have requested do not exist in Council's records.

Whilst the documents of the type you have requested do not exist in Council's records, the subject-matter of the documents requested may be more closely connected with the functions of the Supreme Court of Norfolk Island or the Federal Court of Australia.

Your review rights

If you are dissatisfied with my decision (which is a refusal to grant access), you may apply for Information Commissioner review of the decision.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the 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/smartforms/servlet/SmartForm.html?formCode=ICR_10

email: foidr@oaic.gov.au

post: Director of FOI Dispute Resolution, GPO Box 5288, Sydney NSW 2001

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

FOI Complaints

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. Complaints can be lodged in one of the following ways:

online: https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA_1

email: foidr@oaic.gov.au

post: Director of FOI Dispute Resolution, GPO Box 5288 Sydney NSW 2001

More information about complaints is available on the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

If you are not sure whether to lodge an Information Commissioner review or an Information Commissioner complaint, the Office of the Australian Information Commissioner has more information at: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

Questions about this decision

If you wish to discuss this decision, please contact me using the details below:

Andrew Roach
General Manager
Phone: (+6723) 22001 (ext. 128)
E-mail: andrew.roach@nirc.gov.nf

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Roach', with a stylized flourish at the end.

Andrew Roach

General Manager

Norfolk Island Regional Council