



**FEDERAL COURT OF AUSTRALIA
REGISTRY**

COMMONWEALTH LAW COURTS
3 ANGAS STREET
ADELAIDE SA 5000

GPO BOX 1350
ADELAIDE SA 5001

22 June 2022

Marek
Right to Know

By email: foi+request-8564-79ab1d54@righttoknow.org.au

Dear Marek

Request for an internal review under the Freedom of Information (FOI) Act

I refer to your email correspondence of 24 May 2022 (6:33PM) seeking an internal review of the decision made on 5 May 2022.

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 6 March 2022 (6:25PM) (**FOI request**);
- the decision letter to you dated 5 May 2022;
- your request for internal review received on 24 May 2022 (6:33PM) (**review request**);
- the documents identified as falling within the scope of your request;
- the records of the searches conducted by Court staff;
- the *Freedom of Information Act 1982* (Cth) (**FOI Act**) and relevant case law; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

Decision on Internal Review

On 5 May 2022 you were provided with the documents described in items (i) to (iv) of your FOI request, redacted as indicated in the decision made on that date. Your review request does not seek to review the decision made in relation to those documents. I have therefore not considered this in my internal review.

Your review request makes reference to the decision to provide the Commissioner's Representative Certificate – Senior National Judicial Registrar in response to item (v) of the FOI request. I am satisfied that the decision maker was correct to identify and provide this document. In addition, the Commissioner's Representative Certificate – National Judicial Registrar and District Registrar, WA and the Commissioner's Representative Certificate – National Judicial Registrar and District Registrar, VIC are within the scope of item (v) of your FOI request. These are the three Certificates that relate to the individuals named in item (v) of your FOI request, although I acknowledge the Certificates do not contain the sole position title of "National Judicial Registrar".

Each of these Certificates was provided to you via the decision letter dated 5 May 2022, subject to the redaction of the signature of a public servant. I agree with the reasons provided in the decision letter as to why the redaction of that signature is appropriate.

Searches Undertaken

Prior to the decision made on 5 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 of the Court, 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 would find additional documents within the scope of your request. I am satisfied that, other than the documents already found, no other documents exist or they cannot be found.

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 website. Go to [Information Commissioner review - Home \(oaic.gov.au\)](http://www.oaic.gov.au/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 [Make an FOI complaint - Home \(oaic.gov.au\)](http://www.oaic.gov.au/make-an-foi-complaint)

Yours sincerely



Nicola Colbran
National Judicial Registrar &
District Registrar