



**FEDERAL COURT OF AUSTRALIA  
REGISTRY**

COMMONWEALTH LAW COURTS  
3 ANGAS STREET  
ADELAIDE SA 5000

GPO BOX 1350  
ADELAIDE SA 5001

8 July 2022

Marcus  
Right to Know

By email: [foi+request-8865-0e22c4bb@righttoknow.org.au](mailto:foi+request-8865-0e22c4bb@righttoknow.org.au)

Dear Marcus

**Request for an internal review under the Freedom of Information Act**

I refer to your email correspondence of 8 June 2022 (10:57PM) seeking an internal review of the decision made on 6 June 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 7 May 2022 (4:43PM) (**FOI request**);
- the decision letter to you dated 6 June 2022;
- your request for internal review received on 8 June 2022 (10:57PM) (**review request**);
- the documents identified by the decision letter dated 6 June 2022 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
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

## **Decision on Internal Review**

I have reviewed the decision of 6 June 2022 in relation to the documents described in items (a) to (f) of the FOI request. That decision identified documents within the scope of your request. However, I am of the view that the documents identified are not within scope. I am satisfied that all reasonable steps have been taken to find the documents you have requested, but the documents cannot be found or do not exist (see s 24A(1) of the FOI Act). I therefore refuse your access request.

Prior to the decision made on 6 June 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 could find the documents you seek access to. I am satisfied that no 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 \(oaic.gov.au\)](https://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 \(oaic.gov.au\)](https://www.oaic.gov.au/make-an-foi-complaint)

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nicola', with a long horizontal flourish extending to the right.

**Nicola Colbran**  
**National Judicial Registrar &**  
**District Registrar**