



**Australian Government**  
**Attorney-General's Department**

Our ref: FOI22/289; CM22/47019

20 December 2022



Dear Mr. 

**Freedom of Information Request FOI22/289 – Decision letter**

The purpose of this letter is to give you a decision about your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) which you submitted to the Attorney-General's Department (the department).

**Your request**

On 7 November 2022, you requested access to a range of documents pertaining to various Judges of the Federal Court of Australia, including oaths and affirmations administered and instruments of appointment.

On 22 November 2022, the department acknowledged your request and advised you that part of your request (items 57 to 107) has been transferred to the Federal Court of Australia. This decision letter relates to the part of your request that remained with the department.

On 12 December 2022, you agreed to an extension of 7 days. A decision in relation to your request is due by 13 January 2023.

**My decision**

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to freedom of information requests made to the department.

I have identified 51 documents that fall within the scope of your request. I did this by making inquiries of staff likely to be able to identify relevant documents and arranging for comprehensive searches of relevant departmental electronic and hard copy holdings.

In making my decision regarding access to the relevant documents, I have taken the following material into account:

- the terms of your request
- the content of the documents identified as within scope of your request
- the provisions of the FOI Act
- the views of a third party consulted by the department under section 27A
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

I have decided to grant access to the documents you have requested in full.

**Additional information**

Your review rights under the FOI Act are set out at **Attachment A** to this letter.

The schedule of documents at **Attachment B** sets out brief information about each document within the scope of your request and my decision in relation to access to each of those documents.

The documents to which you I have decided to grant access under the FOI Act are at **Attachment C**.

**Questions about this decision**

If you wish to discuss this decision, the FOI case officer for this matter is Sam, who can be reached on (02) 6141 6666 or by email to [foi@ag.gov.au](mailto:foi@ag.gov.au).

Yours sincerely



Liam Demamiel  
Assistant Secretary  
Courts & Tribunals Branch

**Attachments**

- Attachment A: Review rights
- Attachment B: Schedule of documents
- Attachment C: Documents



## **Attachment A - FOI Review rights**

If you are dissatisfied with the decision of the Attorney-General's Department (the department), you may apply for internal review or Information Commissioner review of the decision.

The department encourages applicants to consider seeking internal review as a first step as it may provide a more rapid resolution of your concerns.

### ***Internal review***

Under section 54 of the *Freedom of Information Act 1982* (FOI Act), applications for internal review must be made in writing within 30 days of the date of the decision letter, and be lodged in one of the following ways:

email: [foi@ag.gov.au](mailto:foi@ag.gov.au)

post: Freedom of Information and Privacy Section  
Strategy and Governance Branch  
Attorney-General's Department  
3-5 National Circuit BARTON ACT 2600

An officer of the department other than the officer who made the original decision will complete the internal review within 30 days of receipt of your request.

Providing reasons you believe internal review of the decision is necessary will facilitate the completion of the internal review.

### ***Information Commissioner review***

Under section 54L of the FOI Act, you may apply to the Australian 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 the decision letter, and be lodged in one of the following ways:

online: [https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR\\_10](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10)

email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

post: GPO Box 5218 Sydney NSW 2001

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

Attachment B - Schedule of documents - Freedom of Information Request FOI22/289



Australian Government  
Attorney-General's Department

Document no.	Date	No. pages	Description	Access decision	Exemption/s applied
1	4/4/2019	1	Commission of Appointment of a judge of the Federal Court – Judge Wendy Jane Abraham.	Grant access in full	
2	25/1/2016	1	Commission of Appointment of a judge of the Federal Court – Judge Natalie Charlesworth.	Grant access in full	
3	15/12/2005	1	Commission of Appointment of a judge of the Federal Court – Judge Berna Collier.	Grant access in full	
4	24/6/2008	1	Commission of Appointment of a judge of the Federal Court – Judge Nye Perram.	Grant access in full	
5	31/3/2022	1	Commission of Appointment of a judge of the Federal Court – Judge Elizabeth Raper.	Grant access in full	
6	4/4/2019	1	Commission of Appointment of a judge of the Federal Court – Judge Stewart Maxwell Anderson.	Grant access in full	
7	14/12/2017	1	Commission of Appointment of a judge of the Federal Court – Judge Katrina Frances Banks-Smith.	Grant access in full	
8	12/06/2014	1	Commission of Appointment of a judge of the Federal Court – Judge Jonathan Barry Rashleigh Beach.	Grant access in full	
9	2/3/2006	1	Commission of Appointment of a judge of the Federal Court – Judge Anthony James Besanko.	Grant access in full	

Document no.	Date	No. pages	Description	Access decision	Exemption/s applied
10	25/2/2016	1	Commission of Appointment of a judge of the Federal Court – Judge Robert James Bromwich.	Grant access in full	
11	5/5/2016	1	Commission of Appointment of a judge of the Federal Court – Judge Stephan Carey George Burley.	Grant access in full	
12	18/3/2021	1	Commission of Appointment of a judge of the Federal Court – Judge Elizabeth Anne Cheeseman.	Grant access in full	
13	14/12/2017	1	Commission of Appointment of a judge of the Federal Court – Judge Craig Crierson Colvin.	Grant access in full	
14	23/03/2017	1	Commission of Appointment of a judge of the Federal Court – Judge Roger Marc Derrington.	Grant access in full	
15	30/11/2017	1	Commission of Appointment of a judge of the Federal Court – Judge Sarah Catherine Derrington.	Grant access in full	
16	25/10/2012	1	Commission of Appointment of a judge of the Federal Court – Judge Lucy Kathleen Farrell.	Grant access in full	
17	16/10/2021	1	Commission of Appointment of a judge of the Federal Court – Judge Michael James Feutrill.	Grant access in full	
18	28/10/2021	1	Commission of Appointment of a judge of the Federal Court – Judge Scott Anthony Goodman.	Grant access in full	
19	18/3/2021	1	Commission of Appointment of a judge of the Federal Court – Judge John Allaster Halley.	Grant access in full	
20	17/3/2022	1	Commission of Appointment of a judge of the Federal Court – Judge Lisa Anne Hespe.	Grant access in full	

Document no.	Date	No. pages	Description	Access decision	Exemption/s applied
21	21/2/2019	1	Commission of Appointment of a judge of the Federal Court – Judge Darren John Jackson.	Grant access in full	
22	12/10/2009	1	Commission of Appointment of a judge of the Federal Court – Judge Anna Judith Katzmann.	Grant access in full	
23	25/08/1998	1	Commission of Appointment of a judge of the Federal Court – Judge Susan Coralie Kenny.	Grant access in full	
24	23/3/2017	1	Commission of Appointment of a judge of the Federal Court – Judge Michael Bryan Joshua Lee.	Grant access in full	
25	16/9/2007	1	Commission of Appointment of a judge of the Federal Court – Judge John Alexander Logan.	Grant access in full	
26	6/8/2015	1	Commission of Appointment of a judge of the Federal Court – Judge Brigitte Sandra Markovic.	Grant access in full	
27	9/12/2021	1	Commission of Appointment of a judge of the Federal Court – Judge Shaun Brendan McElwaine.	Grant access in full	
28	3/3/2022	1	Commission of Appointment of a judge of the Federal Court – Judge Timothy James Francis McEvoy.	Grant access in full	
29	22/6/2006	1	Commission of Appointment of a judge of the Federal Court – Judge John Eric Middleton.	Grant access in full	
30	13/6/2013	1	Commission of Appointment of a judge of the Federal Court – Judge Debra Sue Mortimer.	Grant access in full	
31	29/10/2015	1	Commission of Appointment of a judge of the Federal Court – Judge Mark Kranz Moshinsky.	Grant access in full	



Document no.	Date	No. pages	Description	Access decision	Exemption/s applied
32	7/4/2011	1	Commission of Appointment of a judge of the Federal Court – Judge Bernard Michael Murphy.	Grant access in full	
33	22/10/2009	1	Commission of Appointment of a judge of the Federal Court – Judge John Victor Nicholas.	Grant access in full	
34	21/2/2019	1	Commission of Appointment of a judge of the Federal Court – Judge Michael Hugh O’Bryan.	Grant access in full	
35	8/12/2016	1	Commission of Appointment of a judge of the Federal Court – Judge David John O’Callaghan.	Grant access in full	
36	9/12/2021	1	Commission of Appointment of a judge of the Federal Court – Judge Simon Patrick O’Sullivan.	Grant access in full	
37	5/8/2013	1	Commission of Appointment of a judge of the Federal Court – Judge Melissa Anne Perry.	Grant access in full	
38	5/8/2013	1	Commission of Appointment of a judge of the Federal Court – Judge Darryl Cameron Rangiah.	Grant access in full	
39	15/12/2005	1	Commission of Appointment of a judge of the Federal Court – Judge Steven David Rares.	Grant access in full	
40	10/6/2021	1	Commission of Appointment of a judge of the Federal Court – Judge Helen Mary Joan Rofe.	Grant access in full	
41	24/2/2012	1	Commission of Appointment of a judge of the Federal Court – Judge Iain James Kerr Ross AO.	Grant access in full	
42	21/2/2019	1	Commission of Appointment of a judge of the Federal Court – Judge John Leslie Snaden.	Grant access in full	

Document no.	Date	No. pages	Description	Access decision	Exemption/s applied
43	21/2/2019	1	Commission of Appointment of a judge of the Federal Court – Judge Angus Morkel Stewart.	Grant access in full	
44	14/12/2017	1	Commission of Appointment of a judge of the Federal Court – Judge Thomas Michael Thawley.	Grant access in full	
45	27/9/2018	1	Commission of Appointment of a judge of the Federal Court – Judge Michael Francis Wheelahan.	Grant access in full	
46	5/8/2013	1	Commission of Appointment of a judge of the Federal Court – Judge Michael Andrew Wigney.	Grant access in full	
47	22/10/2009	1	Commission of Appointment of a judge of the Federal Court – Judge David Markey Yates.	Grant access in full	
48	23/7/2021	1	Commission of Appointment of a judge of the Federal Court – Judge Kylie Elizabeth Downes.	Grant access in full	
49	27/6/2017	1	Commission of Appointment of a judge of the Federal Court – Judge Thomas.	Grant access in full	
50	31/3/2020	1	Commission of Appointment of a judge of the Federal Court – Judge Fiona Mary Ruth Meagher	Grant access in full	
51	22/10/2009	1	Commission of Appointment of a judge of the Federal Court – Judge Mordecai Bromberg SC.	Grant access in full	