

15 June 2015

Justice A Lyons  
Supreme Court of Queensland  
Delivered by hand

Dear Justice Lyons

### **Right to Information access application – Contrary to Views**

Thank you for your facsimile of 26 May 2015 concerning applications made under the *Right to Information Act 2009* (the RTI Act) by several media organisations and by Mr Alex McKean seeking access to correspondence between judges.

As you will no doubt know by this stage, I have refused access by the applicants to a number of documents that I sent you attached to my letter of 25 May 2015, on grounds that I considered some of the material related to the holder of a judicial office in relation to the court's judicial functions. Other grounds that I decided were relevant public interest factors for consideration included the right to privacy of some individuals, including the Chief Justice, and the potential for the material to undermine public confidence in the judiciary. I have appended to this letter my decision letter of 5 June 2015 addressed to one of the applicants for your information.

As part of my decision-making process, I noted your view that all the documents you had authored should be released in full, and that you did not agree with the redactions I had made regarding Schedule 2,2,(1).

In coming to my decision I carefully considered all the relevant factors under the RTI Act. Particularly, and ultimately, my decision aims to serve the public interest.

### **Review rights**

I have reviewed the meaning of a reviewable decision under Schedule 6 of the RTI Act and have noted that, where a review may be lodged by a relevant third party whose views have been obtained under section 37 of the Act, the right of review is defined as follows:

*A decision: (i) to disclose a document contrary to the views of a relevant third party obtained under section 37; or (ii) to disclose a document if an agency or Minister should have taken, but has not taken, steps to obtain the views of a relevant third party under section 37.*

As you have not objected to the disclosure of the information, and in fact have clearly supported its release, and you are not the applicant for access to the documents, I note you have no review rights under the RTI Act in relation to my decision.

However, I advise that several of the applicants have lodged an external review request with the Office of the Information Commissioner already, and you may well be considered under section 89(2) to be a person affected by the decision the subject of an external review, as a person consulted under section 37 of the RTI Act, in which case you may apply to the Information Commissioner to participate in any external review relating to this subject matter.

Any application you wish to make in relation to participating in an existing external review should be addressed to:

Office of the Information Commissioner  
PO Box 10143  
Adelaide Street  
BRISBANE QLD 4000  
Phone: 3405 1111

For further enquiries please contact this office on telephone number 3239 3439 quoting reference number **151295**.

Yours sincerely



Anne Edwards  
**Director**  
**Right to Information and Privacy Unit**

Our reference No: 151295, 151297, 151326, 151327, 151328, 151329, 151330, 151341  
Your reference No: 219494/2658816

15 June 2015

Justice Atkinson  
Supreme Court of Queensland  
Delivered by hand

Dear Justice Atkinson

### **Right to Information access application – Contrary to Views**

Thank you for your letter of 28 May 2015 concerning applications made under the *Right to Information Act 2009* (the RTI Act) by several media organisations and by Mr Alex McKean seeking access to correspondence between judges.

As you will no doubt know by this stage, I have refused access by the applicants to a number of documents that I sent you attached to my letter of 25 May 2015, on grounds that I considered some of the material related to the holder of a judicial office in relation to the court's judicial functions. Other grounds that I decided were relevant public interest factors for consideration included the right to privacy of some individuals, including the Chief Justice, and the potential for the material to undermine public confidence in the judiciary. I have appended to this letter my decision letter of 5 June 2015 addressed to one of the applicants for your information.

As part of my decision-making process, I noted that you identified a number of passages that you did not consider were exempt or that they contained 'contrary to public interest' information. I also noted that you objected to the non-disclosure of many of the documents.

In coming to my decision I carefully considered all the relevant factors under the RTI Act. Particularly, and ultimately, my decision aims to serve the public interest.

### **Review rights**

I have reviewed the meaning of a reviewable decision under Schedule 6 of the RTI Act and have noted that, where a review may be lodged by a relevant third party whose views have been obtained under section 37 of the Act, the right of review is defined as follows:

*A decision: (i) to disclose a document contrary to the views of a relevant third party obtained under section 37; or (ii) to disclose a document if an agency or Minister should have taken, but has not taken, steps to obtain the views of a relevant third party under section 37.*

As you have not objected to the disclosure of the information, and in fact have clearly supported its release, and you are not the applicant for access to the documents, I note you have no review rights under the RTI Act in relation to my decision.

However, I advise that several of the applicants have lodged an external review request with the Office of the Information Commissioner already, and you may well be considered under section 89(2) to be a person affected by the decision the subject of an external review, as a person consulted under section 37 of the RTI Act, in which case you may apply to the Information Commissioner to participate in any external review relating to this subject matter.

Any application you wish to make in relation to participating in an existing external review should be addressed to:

Office of the Information Commissioner  
PO Box 10143  
Adelaide Street  
BRISBANE QLD 4000  
Phone: 3405 1111

For further enquiries please contact this office on telephone number 3239 3439 quoting reference number **151295**.

Yours sincerely



Anne Edwards  
Director  
**Right to Information and Privacy Unit**

Our reference No: 151295, 151297, 151926, 151327, 151328, 151329, 151330, 151341  
Your reference No: 219494/2658816

15 June 2015

Justice Applegarth  
Supreme Court of Queensland  
Delivered by hand

Dear Justice Applegarth

**Right to Information access application – Contrary to Views**

Thank you for your letter of 26 May 2015 concerning applications made under the *Right to Information Act 2009* (the RTI Act) by several media organisations and by Mr Alex McKean seeking access to correspondence between judges.

As you will no doubt know by this stage, I have refused access by the applicants to a number of documents that I sent you attached to my letter of 25 May 2015, including your letter to the Chief Justice of 25 March 2015, on grounds that I considered some of the material related to the holder of a judicial office in relation to the court's judicial functions. Other grounds that I decided were relevant public interest factors for consideration included the right to privacy of some individuals, including the Chief Justice, and the potential for the material to undermine public confidence in the judiciary. I have appended to this letter my decision letter of 5 June 2015 addressed to one of the applicants for your information.

As part of my decision-making process, I noted that you did not consider that any information in your letter of 25 March 2015, nor any of the other material, relates to exempt or 'contrary to public interest' information. I also noted that you had no objection to your letter being released. In fact, your letter to me requests that the 25 March letter be disclosed in full.

In coming to my decision I carefully considered all the relevant factors under the RTI Act. Particularly, and ultimately, my decision aims to serve the public interest.

**Review rights**

I have reviewed the meaning of a reviewable decision under Schedule 6 of the RTI Act and have noted that, where a review may be lodged by a relevant third party whose views have been obtained under section 37 of the Act, the right of review is defined as follows:

*A decision: (i) to disclose a document contrary to the views of a relevant third party obtained under section 37; or (ii) to disclose a document if an agency or Minister should have taken, but has not taken, steps to obtain the views of a relevant third party under section 37.*

As you have not objected to the disclosure of the information, and in fact have clearly supported its release, and you are not the applicant for access to the documents, I note you have no review rights under the RTI Act in relation to my decision.

However, I advise that several of the applicants have lodged an external review request with the Office of the Information Commissioner already, and you may well be considered under section 89(2) to be a person affected by the decision the subject of an external review, as a person consulted under section 37 of the RTI Act, in which case you may apply to the Information Commissioner to participate in any external review relating to this subject matter.

Any application you wish to make in relation to participating in an existing external review should be addressed to:

Office of the Information Commissioner  
PO Box 10143  
Adelaide Street  
BRISBANE QLD 4000  
Phone: 3405 1111

For further enquiries please contact this office on telephone number 3239 3439 quoting reference number **151295**.

Yours sincerely



Anne Edwards  
Director  
**Right to Information and Privacy Unit**



**SUPREME COURT OF  
QUEENSLAND**

CHAMBERS OF JUSTICE JEAN DALTON

RECEIVED  
05 JUN 2015

BY: .....

3 June 2015

Ms Anne Edwards  
Director  
Right to Information and Privacy Unit  
Department of Justice and Attorney-General  
GPO Box 149  
BRISBANE QLD 4001

415 George Street  
Brisbane QLD 4000

PO Box 15167  
City East QLD 4002

PH 61 7 32474383  
FX 61 7 3229 4364

[www.courts.qld.gov.au](http://www.courts.qld.gov.au)

Dear Ms Edwards

I refer to your letter of 25 May 2015 together with enclosures.

You enquire whether I wish to object to the release of any of the information you propose to disclose. I do object to your disclosing the Memo from the Chief Justice to me (13 February 2015) unless you also disclose my handwritten notes of the meeting with him to which that memo responds. It is misleading not to do so, it gives no context to his thanking me. Other than this I do not have any objections to you disclosing documents.

I have concerns that there are inconsistencies between the disclosure you propose to make in response to different requests:

- The minutes of meeting 10 February 2015 9.00 am are redacted differently in the bundle you label RTI 151326 to the version given in response to other requests.
- The minutes of meeting 10 March 2015 9.00 am are redacted differently when included in RTI 151326 and RTI 151327.
- The enclosure to the memo Chief Justice to Dalton J 13 February 2015 is included in your bundle RTI 151327 but not in your bundle RTI 151341.

I have a further concern that documents I gave you, which I thought plainly responsive to requests, are not being disclosed. Please confirm to me in writing that the person who has received the requests is the Department of Justice and Attorney-General and not me personally. For clarity, if it were me personally, I would look to making my own compliance with the requests because I cannot see that the compliance you propose to make is proper.

Yours faithfully

The Honourable Justice J H Dalton



**QUEENSLAND  
COURTS**

**RECEIVED**  
**26 MAY 2015**

BY:.....

CHAMBERS OF Justice Ann M Lyons

TO: Right to Information and Privacy Unit  
Department of Justice and Attorney-general  
GPO Box 149  
BRISBANE QLD 4001

Supreme Court  
Q&I Courts of Law Complex  
415 George Street  
Brisbane QLD 4000

PO Box 15167  
City East QLD 4002

FH (07) 32474467  
FX (07) 32294364  
[www.courts.qld.gov.au](http://www.courts.qld.gov.au)

FAX: 07 30065929

DATE: 26 May 2015

FROM: JUSTICE ANN LYONS  
SUPREME COURT OF QLD  
415 GEORGE STREET  
BRISBANE 4000

FAX: 07 3229 4364

PAGES: 2 (INCLUDING COVER SHEET)

Faxed herewith is Response to Third Party Consultation Process form.

You will note my handwritten notation on this document. For clarity, appended herewith this is quoted in typewritten form:

“I consider that all the documents which have been authorised by me should be released in FULL.

I do not agree with the redactions by you or the reasons you give namely Sch.2,2,(1). The redacted parts of the documents authored by me relate to decisions which are administrative in nature – they are not judicial. Redaction also reduces the meaning of the memos.”

**AM Lyons 25.5.15”**



# Response to Third Party Consultation Process under the **Right to Information Act 2009**

JAG reference: 151285, 151297, 151326, 151327, 151328, 151329, 151330, 151341, 151345

To: Right to Information and Privacy Unit  
Department of Justice and Attorney-General  
GPO Box 149  
BRISBANE QLD 4001

Fax: 07 3006 5929

Date: 25 May 2015

From: Ann Lyons J. (Name)

Supreme Court of Qld (Business name, if applicable)

415 George St. (Address)

The Department of Justice and Attorney-General (the Department) has received applications for access to documents under the *Right to Information Act 2009*. The applicants seek access to certain documents held in the possession of the department.

On 25 May 15 (date), pursuant to section 37 of the RTI Act I received a Third Party Consultation letter of 25 May 2015. A copy of each of the documents was provided to me.

Please tick this box if you have no objections to the release of the documents

I have no objections to the release of the documents to the applicant

Signature: A Lyons Print name: Ann Lyons J.

I consider that all the documents which have been authored by me should be released in Full.

I do not agree with the redactions by you or the reasons you give namely Sch. 2, 2; the redacted parts of the documents authored by me relate to decisions which are administrative in nature - they are not judicial. Redaction also reduces the  
RTI 151718 - File 02 - Page 9  
A Lyons 25.5.15



**QUEENSLAND  
COURTS**

CHAMBERS OF JUSTICE ROSLYN ATKINSON AO

RECEIVED  
29 MAY 2015

BY: *clj*

Brisbane Supreme Court  
415 George Street  
Brisbane QLD 4000

PO Box 15167  
City East QLD 4002

PH (07) 32424799  
[www.courts.qld.gov.au](http://www.courts.qld.gov.au)

28 May 2015

Ms Anne Edwards  
Director  
Right to Information and Privacy Unit  
GPO Box 149  
BRISBANE QLD 4001

Dear Ms Edwards

Thank you for providing me with the documents attached to your letter of 25 May 2015. I make the following comments.

I am unable to comment on the documents you have omitted altogether. However unfortunately I have formed the view that the omission of many relevant documents and the redaction of many documents for reasons which seem unsustainable mean that the disclosure intended to be made is uninformative and misleading and arguably does not comply with the Act.

I will address each request in turn but the comments above apply to all of the requests.

**RTI 151295**

- (1) You have redacted a number of passages from a memorandum from the Chief Justice to Jackson J and I dated 20 February 2015 on the basis that the passages are out of scope. The request is for, "correspondence between Chief Justice Tim Carmody and Judges relating to the Chief Justice's court sitting arrangements."

I believe in addition to what you have disclosed this part of the redacted portion of the document is within the scope of the request.

"The SJA's responsibilities will be reinstated except:

- He will not control my calendar."

That passage should not be redacted since his calendar relates to the Chief Justice's court sitting arrangements.

- (2) Content of email from Byrne SJA to the Chief Justice dated 11 February 2015

This should not be redacted as it relates to the administration of the Court and who should do certain of that work, rather than the Court's judicial functions.

- (3) The attached response from the Chief Justice itself refers to the "administration of the Court" but has not been disclosed. The exemption in Schedule 2 Part 2 Clause 1 does not appear to apply to it.
- (4) You have not disclosed any of the memo attached to the email from me to the Chief Justice and Trial Division Judges even though some of it is clearly disclosable and has been disclosed. (see item 1)
- (5) You have not disclosed the attachments to Justice MA McMurdo's first email to me of 6 March 2015 even though the attachments deal with the administrative functions of the Court.
- (6) You have not disclosed the attachments to Justice MA McMurdo's email to me of 10 March 2015 even though the attachments deal with the administrative functions of the Court.
- (7) With reference to my email of 16 March 2015, without the attachments sent by Justice MA McMurdo to me on that date to which that email is a reply, my email makes no sense. The attachments which should be disclosed if you are to disclose my email are the many memos dated 13 March 2015 from the Chief Justice to the President of the Court of Appeal. If you do not propose to disclose the attachments then I object to your disclosing my email on the basis of the exemption found in Schedule 4/3/3 on the basis that prejudices my privacy, by revealing a personal opinion about a matter which has not been disclosed. The same objection applies to each time it is proposed to be disclosed.

**RTI151297 Correspondence between Chief Justice Tim Carmody and Judges relating to the Court of Disputed Returns and the Electorate of Ferny Grove**

- (1) Minutes of the meeting of the Judges of both Divisions of the Court 10 February 2015. You redacted the reference to the Court of Disputed Returns. This is an administrative matter related to protocol for the appointment of the Judges to constitute the Court of Disputed Returns and the exemption which you have applied to redact it does not apply. I agree that the rest of the Minutes are out of scope.
- (2) There is much correspondence between the Chief Justice and Judges relating to the Court of Disputed Returns prior to the next document which is the email from Justice Daubney to Justice MA McMurdo on 11 February 2015 at 2.02pm.
- (3) Email from Justice Byrne to Justice MA McMurdo with copies to Chief Justice Carmody and the Trial Division Judges. You have not attached the email sent by Justice Byrne to the Chief Justice which is not covered by the exemption in Schedule 2/2(1) nor have you attached the Chief Justice's email which again in my view is not covered by the exemption in Schedule 2/2(1).

- (4) In my view this response comprehensively fails to deal with the request in RTI151297.

**RTI151326 Minutes of all meetings of Supreme Court Judges, with or without their District Court colleagues, excluding any case related information, for the period 31 January to 27 March 2015**

- (1) The redacted part of the Minutes of 10 February 2015 is in my view disclosable as it relates to administrative function of the Court.
- (2) Minutes of 19 February 2015. In my view all of the Minutes are disclosable as they relate to the administrative functions of the Court.

**RTI151327**

- (1) Email from Justice Byrne to the Trial Division Judges of 11 February 2015. The attached email from Justice Byrne to the Chief Justice together with the Chief Justice's responses deal with the administrative function of the Court in determining the composition of the Court of Disputed Returns. It is not about the judicial function of the Court and as so is not exempt.
- (2) You have failed to disclose the Minutes of the Meeting of the Trial Division Judges held on 19 February 2015 dealing with the appointment process for the Court of Disputed Returns which appear to me to be disclosable under this RTI application.
- (3) Also disclosable is the memo sent to Jackson J and me by the Chief Justice as a result of our giving the resolutions passed at the meeting to him. That is the attachment to my email of 20 February 2015 sent at 1.02pm.
- (4) The emails between Justice North and myself as to the resolutions at the meeting make no sense without a copy of the Minutes of the meeting. There can be no reason to disclose them without disclosing the Minutes.
- (5) The emails from Justice McMurdo to myself dated 6 March 2015 make no sense without the memoranda which were attached to them. They are clearly disclosable under the terms of the application that was made.
- (6) Minutes of Meeting of the Judges of 10 February 2015. The redacted part said to be exempted under Schedule 2/2 (1) is in my view disclosable under the request and not exempt for that reason.
- (7) You have not included my memo to the Chief Justice of 13 February 2015 which is in my view clearly disclosable. Neither do you include Chief Justice Carmody's response which is also disclosable. You have not included Chief Justice Carmody's memorandum to Byrne SJA of 16 February 2015 nor Chief Justice Carmody's memo to me of 16 February 2015 or my response.
- (8) You have failed to include the resolutions passed by the Judges at their meeting of 19 February 2015 and the Minutes of that Meeting.
- (9) You have failed to include the memorandum sent by the Chief Justice to Jackson J and myself in response to those resolutions and yet you have included some but not all of our response to the Chief Justice dated 23 February 2015 without the memorandum from him dated 20 February 2015 which sets out what we were responding to. You have also redacted the part of the memo that deals with a purely administrative function of the Court and that is the Chief Justice's decision to reverse his action of 13 February 2015 when he informed the SJA that he intended to take over the responsibilities of the SJA and oversee the Trial Division calendar and manage the lists. This is, I would have thought, clearly an administrative function of the Court.

- (10) So far as the emails between myself and Justice North on 23 to 24 February 2015 are concerned they are disclosable but make no sense whatsoever without the resolutions of the meeting to which they relate if the Minutes are not disclosable then neither is the discussion as to the Minutes.
- (11) 20 February 2015 email from me to Chief Justice Carmody and the Trial Division Judges. You have not included the memo sent to Jackson J and me which was attached to that memo.
- (12) You have redacted the portion of the memorandum of 23 February 2015 which deals with the administrative functions of the Court.
- (13) You have excluded from the email sent by me on 23 February 2015 to all Supreme Court Judges including that received by Chief Justice Carmody the Minutes of the Meeting of 19 February 2015 which were attached.

#### **RTI 151328**

All the comments I have made with regard to the previous RTI requests apply to this as well. The disclosure is incomplete, inadequate and does not comply in my view with the request.

#### **RTI 151329**

All the comments I have made apply equally to this request which in my view has not been answered in a satisfactory way.

#### **RTI 151330**

For similar reasons to that previously set out in my view you have failed to comply with this request. In particular you have failed to disclose many relevant documents including the memorandum from Chief Justice Carmody to Justice Byrne SJA of 13 February 2015 in which he purported to take over the Senior Judge Administrator's administrative responsibilities. You have failed to disclose my memoranda to the Chief Justice asking him to reconsider that action, his memorandum to me in response and his memoranda to me and Byrne SJA on 16 February 2015 which are the reasons why the Judges were obliged to meet on 19 February 2015. Again you have failed to disclose the resolutions of 19 February 2015 and failed to disclose the memo from the Chief Justice in which he reinstated the Senior Judge Administrator to his administrative responsibilities.

#### **RTI 151341**

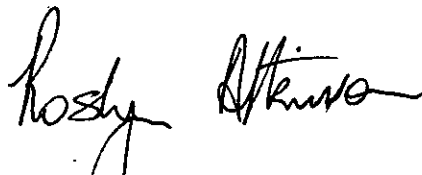
You have failed to disclose all of the documents relating to the composition of the Court of Disputed Returns including but not limited to the memorandum sent to the Chief Justice of 10 February 2015 by Byrne SJA setting out the administrative manner of appointing a Judge to constitute the Court of Disputed Returns. Once again for reasons already set out it appears to me that your response to the request has failed to deal with it in a comprehensive and candid way.

#### **RTI 151345**

I note that this request is not identical to the request in RTI 151297.

I must inform you that if you intend to release the documents as they are I object to the whole of the release because it will not be informative, will misrepresent what has happened at the Court and is, in those circumstances, likely to severely damage the administration of justice in this State.

Yours faithfully

A handwritten signature in black ink, appearing to read "Roslyn Atkinson". The signature is written in a cursive style with a large initial 'R' and 'A'.

**Justice Roslyn Atkinson AO**



# Response to Third Party Consultation Process under the **Right to Information Act 2009**

JAG reference: 151295, 151297, 151326, 151327, 151328, 151329, 151330, 151341, 151345

To: Right to Information and Privacy Unit  
Department of Justice and Attorney-General  
GPO Box 149  
BRISBANE QLD 4001

Fax: 07 3006 5929

Date: 26 May 2015

From: Justice Peter Applegarth (Name)

Spruce Court of Qld (Business name, if applicable)

415 George St (Address)

The Department of Justice and Attorney-General (the Department) has received applications for access to documents under the *Right to Information Act 2009*. The applicants seek access to certain documents held in the possession of the department.

On 25/5/15 (date) pursuant to section 37 of the RTI Act, I received a Third Party Consultation letter of 25 May 2015. A copy of each of the documents was provided to me.

Please tick this box if you have no objections to the release of the documents

I have no objections to the release of the documents to the applicant

I wish my letter of 25 March 2015 to be released in an unredacted form.

Signature: Peter Applegarth Print name: PETER APPLGARTH

Please see my attached letter dated 26 May 2015 in this regard. Peter Applegarth

26.5.15



**SUPREME COURT OF  
QUEENSLAND**

CHAMBERS OF THE SENIOR JUDGE ADMINISTRATOR

RECEIVED  
27 MAY 2015

BY:.....

25 May 2015

Ms Anne Edwards  
Director  
Right to Information and Privacy Unit  
Department of Justice and Attorney-General  
State Law Building  
50 Ann Street  
BRISBANE QLD 4000

Queen Elizabeth II Courts of Law  
415 George Street  
Brisbane QLD 4000  
PO Box 15167  
City East QLD 4002  
PH 61 7 3247 4282  
FX 61 7 3224 4217  
[justice.byrne@courts.qld.gov.au](mailto:justice.byrne@courts.qld.gov.au)

Dear Ms Edwards

**Consultation Process - *Right to Information Act 2009***

Thank you for your letter of 22 May.

I have no objection to the release of the documents referred to in your letter.

I enclose a signed "Response to Third Party Consultation Process" confirming that.

Yours sincerely

Justice John H Byrne AO RFD  
Senior Judge Administrator



Response to Third Party Consultation Process  
under the  
**Right to Information Act 2009**

JAG reference: 151295, 151297, 151326, 151327, 151328, 151329, 151330, 151341, 151345

To: Right to Information and Privacy Unit  
Department of Justice and Attorney-General  
GPO Box 149  
BRISBANE QLD 4001

Fax: 07 3006 5929

Date: 25 May 2015

From: HON JUSTICE JOHN H BYRNE (Name)

Senior Judge Administrator, (Business name, if applicable)

Supreme Court of Queensland (Address)

The Department of Justice and Attorney-General (the Department) has received an application for access to documents from on behalf of Courier Mail made under the *Right to Information Act 2009*. The applicant seeks access to certain documents held in the possession of the department.

On 22 May 2015 (date) pursuant to section 37 of the RTI Act I/we received a Third Party Consultation letter of 22 May 2015. A copy of each of the documents was provided to me.

Please tick this box if you have no objections to the release of the documents

I have no objections to the release of the documents to the applicant

Signature: 

Print name: JOHN H BYRNE

# Response to Third Party Consultation Process under the **Right to Information Act 2009**

JAG reference: 151295, 151297, 151326, 151327, 151328, 151329, 151330, 151341, 151345

To: Right to Information and Privacy Unit  
Department of Justice and Attorney-General  
GPO Box 149  
BRISBANE QLD 4001

Fax: 07 3006 5929

RECEIVED  
26 MAY 2015  
BY: .....

Date: 26.5.15

From: SAMUEL D. HENLEY (Name)

FAST NORTHERN SAGE (Business name, if applicable)

CAIRNS SUPREME COURT (Address)

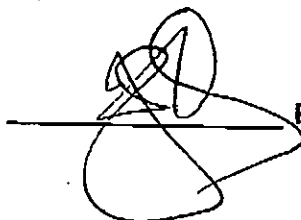
The Department of Justice and Attorney-General (the Department) has received applications for access to documents under the *Right to Information Act 2009*. The applicants seek access to certain documents held in the possession of the department.

On \_\_\_\_\_ (date) pursuant to section 37 of the RTI Act, I received a Third Party Consultation letter of 25 May 2015. A copy of each of the documents was provided to me.

Please tick this box if you have no objections to the release of the documents

I have no objections to the release of the documents to the applicant

Signature:



Print name:

26.5.15



**SUPREME COURT OF  
QUEENSLAND**

CHAMBERS OF JUSTICE DAVID JACKSON

RECEIVED  
L 27 MAY 2015 D

By:.....

26 May 2015

Ms Anne Edwards  
Director  
Right to Information and Privacy Unit  
Department of Justice and Attorney-General  
GPO Box 149  
BRISBANE QLD 4001

QEI Courts of Law  
415 George Street  
Brisbane QLD 4000

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City East QLD 4002

PH 61 7 3006 9098  
FX 61 7 3229 9568  
[www.courts.qld.gov.au](http://www.courts.qld.gov.au)

Dear Ms Edwards,

**RE: ACCESS UNDER RIGHT TO INFORMATION ACT 2009**

Thank you for your letter dated 25 May 2015.

I have no objection to access being given to any of the documents appended to the letter.

I offer no opinion as to whether the proposed access is compliant with the relevant requests under the Act. I make that reservation because I am conscious that many documents that fall within the scope of the requests for access are not included in the appended documents proposed for access.

Yours faithfully

**Justice David Jackson**

25 May 2015

Justice North  
Supreme Court of Queensland

Dear Justice North

**Consultation process – *Right to Information Act 2009***

As you may know, the Department of Justice and Attorney-General has received a number of applications under the *Right to Information Act 2009* (RTI Act) for access to documents from the Supreme Court. The table below details these applications.

Applicant	Request
Courier-Mail RTI 151295	Correspondence between Chief Justice Tim Carmody and judges relating to the Chief Justice's court sitting arrangements.
Courier-Mail RTI 151297	Correspondence between Chief Justice Tim Carmody and judges relating to the Court of Disputed Returns and the electorate of Ferny Grove.
The Australian RTI 151326	Minutes of all meetings of Supreme Court judges, with or without their District Court colleagues, excluding any case-related information, for the period 31 January to 27 March 2015.
ABC RTI 151327	Emails and/or correspondence and/or documents regarding discussions between the Chief Justice Tim Carmody and John Byrne and/or other judges regarding: 1. The appointment process for the Court of Disputed Returns 2. The workload of the Chief Justice and his appearance on the Supreme Court trial division calendar.
Guardian Australia RTI 151328	All communications between judicial officers relating to the process of appointment of a judge to the court of disputed returns. I note these documents relate to the administration functions of the court - rather than judicial functions - and should not be appropriately considered exempt under Schedule 2 of the Right to Information Act 2009.
Seven Network RTI 151329	Any documents, including briefing notes and correspondence involving Chief Justice Tim Carmody, such as emails, since 31 January 2015, relating to: 1. The seat of Ferny Grove 2. The possibility of a challenge in the seat of Ferny Grove. Please exclude duplicates, documents that have already been publicly released, media reports/articles/releases and correspondence with media.
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Applicant	Request
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### Timeframes

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### Disclosure Log

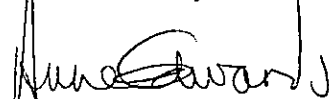
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For further enquiries please contact this office on telephone number 3239 3439 quoting reference number **151295**.

Yours sincerely



Anne Edwards  
Director

**Right to Information and Privacy Unit**

### Attachments

- Response to third party consultation process
- Schedules 3 and 4 —*Right to Information Act 2009 Note these pages are to be printed from the current legislation*
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# Response to Third Party Consultation Process

under the

## **Right to Information Act 2009**

JAG reference: 151295, 151297, 151326, 151327, 151328, 151329, 151330, 151341, 151345

To: Right to Information and Privacy Unit  
Department of Justice and Attorney-General  
GPO Box 149  
BRISBANE QLD 4001

Fax: 07 3006 5929

Date: \_\_\_\_\_

From: \_\_\_\_\_ (Name)

\_\_\_\_\_ (Business name, if applicable)

\_\_\_\_\_ (Address)

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*Please tick this box if you have no objections to the release of the documents*

I have no objections to the release of the documents to the applicant

Signature: \_\_\_\_\_ Print name: \_\_\_\_\_



25 May 2015

Department of  
**Justice and Attorney-General**

Justice Henry  
Supreme Court of Queensland

Dear Justice Henry

**Consultation process – *Right to Information Act 2009***

As you may know, the Department of Justice and Attorney-General has received a number of applications under the *Right to Information Act 2009* (RTI Act) for access to documents from the Supreme Court. The table below details these applications.

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### Timeframes

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### Disclosure Log

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Yours sincerely



Anne Edwards  
Director

**Right to Information and Privacy Unit**

### Attachments

- Response to third party consultation process
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under the

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JAG reference: 151295, 151297, 151326, 151327, 151328, 151329, 151330, 151341, 151345

To: Right to Information and Privacy Unit  
Department of Justice and Attorney-General  
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BRISBANE QLD 4001

Fax: 07 3006 5929

Date: \_\_\_\_\_

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\_\_\_\_\_ (Business name, if applicable)

\_\_\_\_\_ (Address)

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*Please tick this box if you have no objections to the release of the documents*

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Signature: \_\_\_\_\_ Print name: \_\_\_\_\_



25 May 2015

Department of  
**Justice and Attorney-General**

Justice Jackson  
Supreme Court of Queensland  
Delivered by hand

Dear Justice Jackson

**Consultation process – *Right to Information Act 2009***

As you may know, the Department of Justice and Attorney-General has received a number of applications under the *Right to Information Act 2009* (RTI Act) for access to documents from the Supreme Court. The table below details these applications.

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Yours sincerely



Anne Edwards  
Director

**Right to Information and Privacy Unit**

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JAG reference: 151295, 151297, 151326, 151327, 151328, 151329, 151330, 151341, 151345

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BRISBANE QLD 4001

Fax: 07 3006 5929

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Signature: \_\_\_\_\_ Print name: \_\_\_\_\_



Queensland  
Government

25 May 2015

Department of  
Justice and Attorney-General

Justice Dalton  
Supreme Court of Queensland  
Delivered by hand

Dear Justice Dalton

**Consultation process – Right to Information Act 2009**

As you know, the Department of Justice and Attorney-General has received a number of applications under the *Right to Information Act 2009* (RTI Act) for access to documents from the Supreme Court. The table below details these applications.

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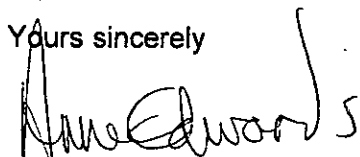
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Director

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under the

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BRISBANE QLD 4001

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Signature: \_\_\_\_\_ Print name: \_\_\_\_\_

25 May 2015

Department of  
**Justice and Attorney-General**

Justice Boddice  
Supreme Court of Queensland  
Delivered by hand

Dear Justice Boddice

**Consultation process – *Right to Information Act 2009***

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Applicant	Request
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I have formed the opinion that you may be concerned by the release of the appended documents.

If you wish, you may object to the release of the information in question. Any concerns you raise will then be taken into account when a decision is made as to whether the information is to be released.

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- **If you have no objections to the release of the consulted documents please complete the attached form and return to me;** or
- You may advise in writing any explanation of concerns you may have. It is desirable that you provide supporting arguments as it will assist us in understanding the nature of your concerns. However, such arguments are not essential. This agency will then apply those concerns to the provisions in the RTI Act that it considers are relevant; or
- You may provide a written submission citing sections of the RTI Act that you consider relevant, accompanied by detailed supporting arguments.

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### Timeframes

To enable a decision to be made within the time prescribed by the RTI Act, it would be appreciated if you could advise me of your views in writing by **29 May 2015**.

If a response is not received by **29 May 2015**, it will be assumed that you have no objections to the release of the documents and a decision will be made accordingly. If there is any difficulty in your meeting this deadline, please contact this office to arrange an alternative due date.

### Disclosure Log

The Department of Justice and Attorney-General is obliged under the legislation to notify you that information released under the RTI Act must also be considered for publication in a disclosure log. The department's disclosure log provides details of information released in accordance with sections 78 and 78B of the RTI Act. Documents published in the disclosure log can be accessed at: <http://www.justice.qld.gov.au/corporate/accessing-departmental-information/disclosure-log>.

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If it is decided to release the documents against your wishes, you will be advised of the decision and you will have 20 business days after the date on the decision letter to request a review of the decision. The documents in question will not be disclosed to the applicant until the period of 20 business days has passed, or the avenues of review have been exhausted. I will enclose further details of your rights to review if I make such a decision.

For further enquiries please contact this office on telephone number 3239 3439 quoting reference number **151295**.

Yours sincerely



Anne Edwards  
Director

**Right to Information and Privacy Unit**

### Attachments

- Response to third party consultation process
- Schedules 3 and 4 —*Right to Information Act 2009* Note these pages are to be printed from the current legislation
- Consultation documents



# Response to Third Party Consultation Process

under the

## ***Right to Information Act 2009***

JAG reference: 151295, 151297, 151326, 151327, 151328, 151329, 151330, 151341, 151345

To: Right to Information and Privacy Unit  
Department of Justice and Attorney-General  
GPO Box 149  
BRISBANE QLD 4001

Fax: 07 3006 5929

Date: \_\_\_\_\_

From: \_\_\_\_\_ (Name)

\_\_\_\_\_ (Business name, if applicable)

\_\_\_\_\_ (Address)

The Department of Justice and Attorney-General (the Department) has received an application for access to documents from on behalf of Courier Mail made under the *Right to Information Act 2009*. The applicant seeks access to certain documents held in the possession of the department.

On \_\_\_\_\_ (date) pursuant to section 37 of the RTI Act, I received a Third Party Consultation letter of 25 May 2015. A copy of each of the documents was provided to me.

*Please tick this box if you have no objections to the release of the documents*

I have no objections to the release of the documents to the applicant

Signature: \_\_\_\_\_ Print name: \_\_\_\_\_



25 May 2015

Department of  
Justice and Attorney-General

Justice Applegarth  
Supreme Court of Queensland  
Delivered by hand

Dear Justice Applegarth

**Consultation process – Right to Information Act 2009**

As you may know, the Department of Justice and Attorney-General has received a number of applications under the *Right to Information Act 2009* (RTI Act) for access to documents from the Supreme Court. The table below details these applications.

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State Law Building  
50 Ann Street Brisbane 4000  
GPO Box 149 Brisbane  
Queensland 4001 Australia  
Telephone 07 3239 3439  
Facsimile (07) 3006 5929  
Website [www.justice.qld.gov.au](http://www.justice.qld.gov.au)  
ABN 13 846 673 994



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### Disclosure Log

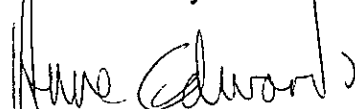
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Director

**Right to Information and Privacy Unit**

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under the

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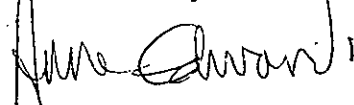
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Yours sincerely



Anne Edwards  
Director

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under the

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JAG reference: 151295, 151297, 151326, 151327, 151328, 151329, 151330, 151341, 151345

To: Right to Information and Privacy Unit  
Department of Justice and Attorney-General  
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BRISBANE QLD 4001

Fax: 07 3006 5929

Date: \_\_\_\_\_

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\_\_\_\_\_ (Address)

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I have no objections to the release of the documents to the applicant

Signature: \_\_\_\_\_ Print name: \_\_\_\_\_



Our reference: 151295, 151297, 151326, 151327, 151328, 151329, 151330, 151341, 151345  
Your reference: 219494/2658816

25 May 2015

Justice A Lyons  
Supreme Court of Queensland  
Delivered by hand

Dear Justice Lyons

**Consultation process – Right to Information Act 2009**

As you may know, the Department of Justice and Attorney-General has received a number of applications under the *Right to Information Act 2009* (RTI Act) for access to documents from the Supreme Court. The table below details these applications.

Applicant	Request
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### **Timeframes**

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Signature: \_\_\_\_\_ Print name: \_\_\_\_\_

Our reference: 151295, 151297, 151326, 151327, 151328, 151329, 151330, 151341, 151345  
Your reference: 219494/2658816

22 May 2015

The Hon J Byrne SJA  
Supreme Court of Queensland  
Delivered by hand

Dear Justice Byrne

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Courier-Mail RTI 151345	I am seeking any correspondence and/or documents shared between judicial officers on the topic of the Court of Disputed Returns and sitting following the election in 2015. Specifically I would seek any documents and/or correspondence between 1 January 2015 and 30 March 2015. I am very interested in any correspondence from 13 February 2015. Please include reports, statistics and audits (if appropriate). Please exclude duplicates, media clippings and any information that has already been made publicly available.

### Request for Information

The RTI Act gives the community a right of access to information held by the Queensland Government, subject only to limited exceptions. Where an application is received for documents which, if released, could reasonably be expected to be of concern to another person, the department is required under section 37 of the RTI Act to take such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the matter in the documents contain any exempt information or contrary to public interest information.

I have formed the opinion that you may be concerned by the release of the appended documents.

If you wish, you may object to the release of the information in question. Any concerns you raise will then be taken into account when a decision is made as to whether the information is to be released.

The RTI Act requires the department to release information unless it demonstrates that the information is either exempt from release, or that its release is contrary to the public interest. I have attached copies of schedules 3 and 4 of the RTI Act which outlines the conditions under which we may or may not release information.

While the conditions that apply to RTI applications are complicated, you do not need to be an RTI expert to exercise your lawful rights under the RTI Act. Rather, you have three options available to you:

- **If you have no objections to the release of the consulted documents please complete the attached form and return to me;** or
- You may advise in writing any explanation of concerns you may have. It is desirable that you provide supporting arguments as it will assist us in understanding the nature of your concerns. However, such arguments are not essential. This agency will then apply those concerns to the provisions in the RTI Act that it considers are relevant; or

- You may provide a written submission citing sections of the RTI Act that you consider relevant, accompanied by detailed supporting arguments.

If you object to the release of the information, it would be appreciated if, where possible, you specifically identify the information about which you are concerned (for example, page number, paragraph number).

#### **Timeframes**

To enable a decision to be made within the time prescribed by the RTI Act, it would be appreciated if you could advise me of your views in writing by **29 May 2015**.

If a response is not received by **29 May 2015**, it will be assumed that you have no objections to the release of the documents and a decision will be made accordingly. If there is any difficulty in your meeting this deadline, please contact this office to arrange an alternative due date.

#### **Disclosure Log**

The Department of Justice and Attorney-General is obliged under the legislation to notify you that information released under the RTI Act must also be considered for publication in a disclosure log. The department's disclosure log provides details of information released in accordance with sections 78 and 78B of the RTI Act. Documents published in the disclosure log can be accessed at: <http://www.justice.qld.gov.au/corporate/accessing-departmental-information/disclosure-log>

#### **Review Rights**

If it is decided to release the documents against your wishes, you will be advised of the decision and you will have 20 business days after the date on the decision letter to request a review of the decision. The documents in question will not be disclosed to the applicant until the period of 20 business days has passed, or the avenues of review have been exhausted. I will enclose further details of your rights to review if I make such a decision.

For further enquiries please contact this office on telephone number 3239 3439 quoting reference number **151295**.

Yours sincerely



Anne Edwards  
Director  
**Right to Information and Privacy Unit**

#### **Attachments**

- Response to third party consultation process
- Schedules 3 and 4 —*Right to Information Act 2009* Note these pages are to be printed from the current legislation
- Consultation documents



# Response to Third Party Consultation Process

under the

## **Right to Information Act 2009**

JAG reference: 151295, 151297, 151326, 151327, 151328, 151329, 151330, 151341, 151345

To: Right to Information and Privacy Unit  
Department of Justice and Attorney-General  
GPO Box 149  
BRISBANE QLD 4001

Fax: 07 3006 5929

Date: \_\_\_\_\_

From: \_\_\_\_\_ (Name)

\_\_\_\_\_ (Business name, if applicable)

\_\_\_\_\_ (Address)

The Department of Justice and Attorney-General (the Department) has received an application for access to documents from on behalf of Courier Mail, made under the *Right to Information Act 2009*. The applicant seeks access to certain documents held in the possession of the department.

On \_\_\_\_\_ (date), pursuant to section 37 of the RTI Act, I/we received a Third Party Consultation letter of 22 May 2015. A copy of each of the documents was provided to me.

*Please tick this box if you have no objections to the release of the documents*

I have no objections to the release of the documents to the applicant

Signature: \_\_\_\_\_ Print name: \_\_\_\_\_

Our reference: 151295, 151297, 151326, 151327, 151328, 151329, 151330, 151341, 151345  
Your reference: 219494/2658816

22 May 2015

The Hon Margaret McMurdo AC  
President  
Court of Appeal  
Delivered by hand

Dear President

**Consultation process – *Right to Information Act 2009***

As you may know, the Department of Justice and Attorney-General has received a number of applications under the *Right to Information Act 2009* (RTI Act) for access to documents held by members of the Supreme Court of Queensland. The details of these applications are outlined in the table below.

Applicant	Request
Courier-Mail RTI 151295	Correspondence between Chief Justice Tim Carmody and judges relating to the Chief Justice's court sitting arrangements.
Courier-Mail 151297	Correspondence between Chief Justice Tim Carmody and judges relating to the Court of Disputed Returns and the electorate of Ferny Grove.
The Australian RTI 151326	Minutes of all meetings of Supreme Court judges, with or without their District Court colleagues, excluding any case-related information, for the period 31 January to 27 March 2015.
ABC RTI 151327	Emails and/or correspondence and/or documents regarding discussions between the Chief Justice Tim Carmody and John Byrne and/or other judges regarding: 1. The appointment process for the Court of Disputed Returns 2. The workload of the Chief Justice and his appearance on the Supreme Court trial division calendar.
Guardian Australia 151328	All communications between judicial officers relating to the process of appointment of a judge to the court of disputed returns. I note these documents relate to the administration functions of the court - rather than judicial functions - and should not be appropriately considered exempt under Schedule 2 of the Right to Information Act 2009.
Seven Network RTI 151329	Any documents, including briefing notes and correspondence involving Chief Justice Tim Carmody, such as emails, since 31 January 2015, relating to: 1. The seat of Ferny Grove 2. The possibility of a challenge in the seat of Ferny Grove. Please exclude duplicates, documents that have already been publicly released, media reports/articles/releases and correspondence with media.
Courier-Mail 151330	All documents relating to Chief Justice Tim Carmody dismissing Justice John Byrne from the role of senior judge administrator, and Justice Byrne's reinstatement.

Applicant	Request
Alex McKean 151341	Subject matter of the documents the applicant is seeking: 1. The Court of Disputed Returns ('the Court') 2. The constitution of the Court 3. The roster for selecting the Justice who would sit as the Court 4. Any change, or proposal to change, the roster, or the roster system 5. Any proposal that the Chief Justice sit at the Court himself, or select who would sit as the Court 6. Any communication, or attempted communication, with any Justice on the roster about their role, or anticipated role, sitting as the Court 7. The position of the Senior Judge Administrator 8. Any proposal to remove, or attempt to remove, the Senior Judge Administrator 9. Any action taken to remove, or attempt to remove the Senior Judge Administrator.
Courier-Mail 1513245	I am seeking any correspondence and/or documents shared between judicial officers on the topic of the Court of Disputed Returns and sitting following the election in 2015. Specifically I would seek any documents and/or correspondence between 1 January 2015 and 30 March 2015. I am very interested in any correspondence from 13 February 2015. Please include reports, statistics and audits (if appropriate). Please exclude duplicates, media clippings and any information that has already been made publicly available.

### Request for Information

The RTI Act gives the community a right of access to information held by the Queensland Government, subject only to limited exceptions. Where an application is received for documents which, if released, could reasonably be expected to be of concern to another person, the department is required under section 37 of the RTI Act to take such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the matter in the documents contain any exempt information or contrary to public interest information.

I have formed the opinion that you may be concerned by the release of a range of documents which I have appended to this letter (I apologise in advance for the multiple copies of some documents, but the approach I have taken will assist when I consider each separate application).

If you wish, you may object to the release of the information in question. Any concerns you raise will then be taken into account when a decision is made as to whether the information is to be released.

The RTI Act requires the department to release information unless it demonstrates that the information is either exempt from release, or that its release is contrary to the public interest. I have attached copies of schedules 3 and 4 of the RTI Act which outlines the conditions under which we may or may not release information.

While the conditions that apply to RTI applications are complicated, you do not need to be an RTI expert to exercise your lawful rights under the RTI Act. Rather, you have three options available to you:

- **If you have no objections to the release of the consulted documents please complete the attached form and return to me;** or
- You may advise in writing any explanation of concerns you may have. It is desirable that you provide supporting arguments as it will assist us in understanding the nature of your concerns. However, such arguments are not essential. This agency will then apply those concerns to the provisions in the RTI Act that it considers are relevant; or

- You may provide a written submission citing sections of the RTI Act that you consider relevant, accompanied by detailed supporting arguments.

If you object to the release of the information, it would be appreciated if, where possible, you specifically identify the information about which you are concerned (for example, page number, paragraph number).

### **Timeframes**

To enable a decision to be made within the time prescribed by the RTI Act, it would be appreciated if you could advise me of your views in writing by **Friday 29 May 2015**.

If a response is not received by **Friday 29 May 2015** it will be assumed that you have no objections to the release of the documents and a decision will be made accordingly. If there is any difficulty in your meeting this deadline, please contact this office to arrange an alternative due date.

### **Disclosure Log**

The Department of Justice and Attorney-General is obliged under the legislation to notify you that information released under the RTI Act must also be considered for publication in a disclosure log. The department's disclosure log provides details of information released in accordance with sections 78 and 78B of the RTI Act. Documents published in the disclosure log can be accessed at: <http://www.justice.qld.gov.au/corporate/accessing-departmental-information/disclosure-log>

### **Review Rights**

If it is decided to release the documents against your wishes, you will be advised of the decision and you will have 20 business days after the date on the decision letter to request a review of the decision. The documents in question will not be disclosed to the applicant until the period of 20 business days has passed, or the avenues of review have been exhausted. I will enclose further details of your rights to review if I make such a decision.

For further enquiries please contact this office on telephone number 3239 3439 quoting reference number **151295**.

Yours sincerely



Anne Edwards  
Director

**Right to Information and Privacy Unit**

### **Attachments**

- Response to third party consultation process
- Schedules 3 and 4 —*Right to Information Act 2009* Note these pages are to be printed from the current legislation
- Consultation documents

**Response to Third Party Consultation Process**  
under the  
**Right to Information Act 2009**

JAG reference: 151295, 151297, 151326, 151327, 151328, 151329, 151330, 151341, 151345

To: Right to Information and Privacy Unit  
Department of Justice and Attorney-General  
GPO Box 149  
BRISBANE QLD 4001

Fax: 07 3006 5929

Date: \_\_\_\_\_

From: \_\_\_\_\_ (Name)

\_\_\_\_\_ (Business name, if applicable)

\_\_\_\_\_ (Address)

The Department of Justice and Attorney-General (the Department) has received an application for access to documents from a number of applicants, made under the *Right to Information Act 2009*. The applicants seek access to certain documents held in the possession of the department.

On \_\_\_\_\_ (date), pursuant to section 37 of the RTI Act, I/we received a Third Party Consultation letter of 22 May 2015. A copy of each of the documents was provided to me.

*Please tick this box if you have no objections to the release of the documents*

I have no objections to the release of the documents to the applicant

Signature: \_\_\_\_\_ Print name: \_\_\_\_\_

Our reference: 151295, 151297, 151326, 151327, 151328, 151329, 151341, 151345  
 Your reference: 219515

20 May 2015

The Hon Tim Carmody CJ  
 Delivered by hand

Dear Chief Justice

**Consultation process – Right to Information Act 2009**

As you would be aware, the Department of Justice and Attorney-General has received a number of applications for access to documents from the Supreme and District Court and from your office. These applications are detailed in the table below.

Applicant	Request
Courier-Mail RTI 151295	Correspondence between Chief Justice Tim Carmody and judges relating to the Chief Justice's court sitting arrangements.
Courier-Mail 151297	Correspondence between Chief Justice Tim Carmody and judges relating to the Court of Disputed Returns and the electorate of Ferny Grove.
The Australian RTI 151326	Minutes of all meetings of Supreme Court judges, with or without their District Court colleagues, excluding any case-related information, for the period 31 January to 27 March 2015.
ABC RTI 151327	Emails and/or correspondence and/or documents regarding discussions between the Chief Justice Tim Carmody and John Byrne and/or other judges regarding: 1. The appointment process for the Court of Disputed Returns 2. The workload of the Chief Justice and his appearance on the Supreme Court trial division calendar.
Guardian Australia RTI 151328	All communications between judicial officers relating to the process of appointment of a judge to the court of disputed returns.
Seven Network RTI 151329	Any documents, including briefing notes and correspondence involving Chief Justice Tim Carmody, such as emails, since 31 January 2015, relating to: 1. The seat of Ferny Grove 2. The possibility of a challenge in the seat of Ferny Grove. Please exclude duplicates, documents that have already been publicly released, media reports/articles/releases and correspondence with media.
Alex McKean RTI 151341	Subject matter of the documents the applicant is seeking: 1. The Court of Disputed Returns ('the Court') 2. The constitution of the Court 3. The roster for selecting the Justice who would sit as the Court 4. Any change, or proposal to change, the roster, or the roster system 5. Any proposal that the Chief Justice sit at the Court himself, or select who would sit as the Court 6. Any communication, or attempted communication, with any Justice on the roster about their role, or anticipated role, sitting as the Court 7. The position of the Senior Judge Administrator 8. Any proposal to remove, or attempt to remove, the Senior Judge Administrator 9. Any action taken to remove, or attempt to remove the Senior Judge Administrator.
Courier-Mail RTI 151345	I am seeking any correspondence and/or documents shared between judicial officers on the topic of the Court of Disputed Returns and sitting following the election in 2015. Specifically I would seek any documents and/or correspondence between 1 January 2015 and 30 March 2015. I am very interested in any correspondence from 13 February 2015. Please include reports, statistics and audits (if appropriate). Please exclude duplicates, media clippings and any information that has already been made publicly available.

## Request for Information

The RTI Act gives the community a right of access to information held by the Queensland Government, subject only to limited exceptions. Where an application is received for documents which, if released, could reasonably be expected to be of concern to another person, the department is required under section 37 of the RTI Act to take such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the matter in the documents contain any exempt information or contrary to public interest information.

I have formed the opinion that you may be concerned by the release of documents which I have detailed in the attached schedule, and which I have included for your consideration.

If you wish, you may object to the release of the information in question. Any concerns you raise will then be taken into account when a decision is made as to whether the information is to be released.

The RTI Act requires the department to release information unless it demonstrates that the information is either exempt from release, or that its release is contrary to the public interest. I have attached copies of schedules 3 and 4 of the RTI Act which outlines the conditions under which we may or may not release information.

While the conditions that apply to RTI applications are complicated, you do not need to be an RTI expert to exercise your lawful rights under the RTI Act. Rather, you have three options available to you:

- **If you have no objections to the release of the consulted documents please complete the attached form and return to me;** or
- You may advise in writing any explanation of concerns you may have. It is desirable that you provide supporting arguments as it will assist us in understanding the nature of your concerns. However, such arguments are not essential. This agency will then apply those concerns to the provisions in the RTI Act that it considers are relevant; or
- You may provide a written submission citing sections of the RTI Act that you consider relevant, accompanied by detailed supporting arguments.

If you object to the release of the information, it would be appreciated if, where possible, you specifically identify the information about which you are concerned (for example, page number, paragraph number).

## Timeframes

To enable a decision to be made within the time prescribed by the RTI Act, it would be appreciated if you could advise me of your views in writing by **27 May 2015**.

If a response is not received by **27 May 2015**, it will be assumed that you have no objections to the release of the documents and a decision will be made accordingly. If there is any difficulty in your meeting this deadline, please contact this office to arrange an alternative due date.

## Disclosure Log

The Department of Justice and Attorney-General is obliged under the legislation to notify you that information released under the RTI Act must also be considered for publication in a disclosure log. The department's disclosure log provides details of information released in accordance with sections 78 and 78B of the RTI Act. Documents published in the disclosure log can be accessed at: <http://www.justice.qld.gov.au/corporate/accessing-departmental-information/disclosure-log>



**Review Rights**

If it is decided to release the documents against your wishes, you will be advised of the decision and you will have 20 business days after the date on the decision letter to request a review of the decision. The documents in question will not be disclosed to the applicant until the period of 20 business days has passed, or the avenues of review have been exhausted. I will enclose further details of your rights to review if I make such a decision.

For further enquiries please contact this office on telephone number 3239 3439 quoting reference number **151327**.

Yours sincerely



Anne Edwards  
Director

**Right to Information and Privacy Unit**

**Attachments**

- Response to third party consultation process
- Schedules 3 and 4 —*Right to Information Act 2009 Note these pages are to be printed from the current legislation*
- Consultation documents

**Response to Third Party Consultation Process**  
under the  
***Right to Information Act 2009***

JAG reference: 151295, 151297, 151326, 151327, 151328, 151329, 151341, 151345

To: Right to Information and Privacy Unit  
Department of Justice and Attorney-General  
GPO Box 149  
BRISBANE QLD 4001

Fax: 07 3006 5929

Date: \_\_\_\_\_

From: \_\_\_\_\_ (Name)

\_\_\_\_\_ (Business name, if applicable)

\_\_\_\_\_ (Address)

The Department of Justice and Attorney-General (the Department) has received several applications for access to documents under the *Right to Information Act 2009*. The applicants seek access to certain documents held in the possession of the department.

On \_\_\_\_\_ (date), pursuant to section 37 of the RTI Act, I received a Third Party Consultation letter of 19 May 2015. A copy of each of the documents was provided to me.

*Please tick this box if you have no objections to the release of the documents*

I have no objections to the release of the documents to the applicant

Signature: \_\_\_\_\_ Print name: \_\_\_\_\_