



**SUPREME COURT OF
QUEENSLAND**

CHAMBERS OF JUSTICE DAVID JACKSON

COPY

9 June 2015

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

QELI Courts of Law
415 George Street
Brisbane QLD 4000

PO Box 15167
City East QLD 4002

PH 61 7 3006 9098
FX 61 7 3229 9568
www.courts.qld.gov.au

Dear Ms Edwards,

RE: ACCESS UNDER RIGHT TO INFORMATION ACT 2009

Thank you for your letter dated 4 June 2015.

Whilst I have no personal objection to the release of the information concerning me, I am conscious of and personally support the usual policy that communications between the most senior members of the court and the Attorney-General as to future judicial appointments remain private and confidential.

I refer you to Schedule 4, Section 8(2) and 8(3) of the *RTI* Act and the possibility that the President's recommendations were made by way of consultation to the Minister.

I express no personal opinion whether the rights of a person requesting information under the *RTI* Act override that policy.

Yours faithfully


Justice David Jackson

Our reference: 151296
Your reference: 219495/2658816



4 June 2015

Department of
Justice and Attorney-General

Justice David Jackson
Supreme Court of Queensland
Delivered by hand

Dear Justice Jackson

Consultation process – *Right to Information Act 2009*

The Department of Justice and Attorney-General has received an application for access to documents from The Courier Mail under the *Right to Information Act 2009* (the RTI Act) seeking access to: *Correspondence between Court of Appeal president Justice Margaret McMurdo and former Attorney-General Jarrod Bleijie relating to judicial appointments.*

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 letter dated 28 November 2014 from The Hon Justice Margaret McMurdo AC to the Hon Jarrod Bleijie.

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.

State Attorney-General
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
ABN 13 846 673 994

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 **11 June 2015**.

If a response is not received by **11 June 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 **151296**.

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 (2 pages)

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

JAG reference: 151296

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 The 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 4 June 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: _____



**SUPREME COURT OF
QUEENSLAND**

CHAMBERS OF JUSTICE DAVID JACKSON

COPY

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

QELI Courts of Law
415 George Street
Brisbane QLD 4000

PO Box 15167
City East QLD 4002

PH 61 7 3006 9098

FX 61 7 3229 9568

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

A handwritten signature in black ink that reads 'David Jackson' with a long horizontal flourish extending to the right.

Justice David Jackson

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



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.

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.
Courier-Mail RTI 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.

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
ABN 13 846 673 994

Applicant	Request
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 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

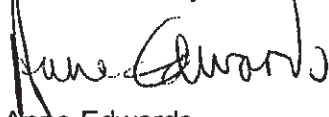
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For further enquiries please contact this office on telephone number 3239 3439 quoting reference number **151295**.

Yours sincerely



Anne Edwards
Director

Right to Information and Privacy Unit

Attachments

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- 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 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: _____