



OFFICE OF THE OFFICIAL SECRETARY  
TO THE GOVERNOR-GENERAL

9 April 2021

Ms Leonie McGregor  
Secretary  
Federal Executive Council  
Department of the Prime Minister and Cabinet  
One National Circuit  
BARTON ACT 2600

Dear Ms McGregor

Enclosed is a copy of a letter to the Governor-General from Judge Timothy Heffernan tendering his resignation as a Judge of the Federal Circuit Court of Australia with effect from 11:59pm on 31 March 2021.

A copy of my letter of acknowledgement is also enclosed.

Yours sincerely

s 22(1)(a)(ii)

**Ms Jo Tarnawsky**  
Acting Official Secretary to the Governor-General



FEDERAL CIRCUIT COURT OF AUSTRALIA

Judge Timothy Heffernan

Telephone: s 47F  
Facsimile:

Roma Mitchell Commonwealth Law Courts Building  
3 Angas Street  
Adelaide SA 5000

30 March 2021

His Excellency General the Honourable David Hurley AC DSC (Retd)  
Governor-General of the Commonwealth of Australia  
Government House  
Dunrossil Drive  
YARRALUMLA ACT 2600

Your Excellency

I write to inform you that I have recently been asked by the Attorney General for the State of South Australia, the Hon Vickie Chapman MP, to accept an appointment as a Judge of the District Court of South Australia and that I have accepted her offer. I have been informed that my appointment will be gazetted on 1 April 2021. Contingent upon the Governor making the appointment on 1 April 2021, I advise that I will be resigning as a Judge of the Federal Circuit Court, effective from 11.59pm on 31 March 2021.

I have, with the permission of the Attorney-General (SA), already informed Chief Justice Alstergren of my pending resignation in order to assist with the timely appointment of my replacement.

It has been a tremendous privilege to have served the Commonwealth as a Judge of this Court over the past five and a half years.

Yours Sincerely

s 22(1)(a)(ii)

Judge Timothy Heffernan  
Federal Circuit Court of Australia  
Roma Mitchell Commonwealth Law Courts Building  
3 Angas Street, Adelaide SA 5000



OFFICE OF THE OFFICIAL SECRETARY  
TO THE GOVERNOR-GENERAL

9 April 2021

Judge Timothy Heffernan  
Roma Mitchell Commonwealth Courts Building  
3 Angas Street  
ADELAIDE SA 5000

Dear Judge Hefferan

The Governor-General has asked me to thank you for your letter of 30 March 2021 tendering your resignation as a Judge of the Federal Circuit Court of Australia with effect from 11:59pm on 31 March 2021.

The Governor-General has asked me to express his appreciation of your service in the Federal Court and to convey best wishes for you appointment as a Judge of the District Court of South Australia.

Yours sincerely

s 22(1)(a)(ii)

**Ms Jo Tarnawsky**  
Acting Official Secretary to the Governor-General



ATTORNEY-GENERAL

Departmental No. 54

Minute Paper for the Executive Council

Executive Council Meeting No. 24

Subject

*The Constitution*

*Federal Circuit Court of Australia Act 1999*

Commissions of Appointment of four Judges of the Federal Circuit Court of Australia

Approved in Council

Recommended for the approval of His Excellency the Administrator in Council that, by instrument in the attached form and under subsection 72 of the *Constitution* and subclauses 1(1) of Schedule 1 of the *Federal Circuit Court of Australia Act 1999*, he appoint the persons named in the attached instruments as Judges of the Federal Circuit Court of Australia until each attains the age of 70 years.

s 22(1)(a)(ii)

Paul de Jersey  
Administrator

s 22(1)(a)(ii)

29 OCT 2015

Filed in the Records  
of the Council

s 22(1)(a)(ii)

George Brandis QC  
Attorney-General

Secretary to the Executive Council



*The Constitution*

*Federal Circuit Court of Australia Act 1999*

COMMISSION OF APPOINTMENT OF A JUDGE OF THE  
FEDERAL CIRCUIT COURT OF AUSTRALIA

I, the Honourable Paul de Jersey AC QC, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 72 of the *Constitution* and subclause 1(1) of Schedule 1 of the *Federal Circuit Court of Australia Act 1999*, appoint

**TIMOTHY JAMES HEFFERNAN**

to be a Judge of the Federal Circuit Court of Australia, on a full-time basis, from 23 November 2015, until he attains the age of 70 years.



Signed and Sealed with the  
Great Seal of Australia on  
*29th October* 2015

s 22(1)(a)(ii)

Paul de Jersey  
Administrator

By His Excellency's Command  
s 22(1)(a)(ii)

George Brandis QC  
Attorney-General

ENTERED ON RECORD by me, in Register of Patents No. 50 page 48 on 29 October 2015  
s 22(1)(a)(ii)

Secretary to the Federal Executive Council

EXPLANATORY MEMORANDUM

Minute No. S4 of 2015 – Attorney-General

Subject - *The Constitution*  
*Federal Circuit Court of Australia Act 1999*

Commission of Appointment of four Judges of the  
Federal Circuit Court of Australia

Section 71 of the *Constitution* provides that the Parliament may create federal courts.

Section 72 of the *Constitution* provides that the Justices of the High Court, and of the other courts created by the Parliament, shall be appointed by the Governor-General in Council.

Section 8 of the *Federal Circuit Court of Australia Act 1999* (the Act) establishes the Federal Circuit Court, and subsection 8(4) provides that the Court consists of a Chief Judge and such other Judges as from time-to-time hold office in accordance with the Act.

Subclause 1(1) of Schedule 1 to the Act (the Schedule) provides that a Judge is to be appointed by the Governor-General by commission.

Subclause 1(2) of the Schedule provides that a person is not to be appointed as a Judge unless he or she has been enrolled as a legal practitioner of the High Court or of the Supreme Court of a State or Territory for at least five years, and subclause 1(3) provides that a person must not be appointed as a Judge if he or she has attained the age of 70 years.

Subclause 1(4) of the Schedule provides that a Judge (other than the Chief Judge) holds office on a full-time basis unless the Judge's commission of appointment specifies that the Judge holds office on a part-time basis.

The Minute proposes that the following persons be appointed as full-time Judges, until they attain the age of 70 years:

- s 22(1)(a)(ii)
- Timothy James Heffernan<sup>c</sup> from 23 November 2015
- s 22(1)(a)(ii)
- 

s 22(1)(a)(ii) Mr Heffernan will be appointed to the  
Adelaide registry, s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Mr Heffernan graduated with a Bachelor of Laws and a Bachelor of Arts from the University of Adelaide in 1990 and a Graduate Diploma in Legal Practice in 1991 from the University of South Australia. Mr Heffernan was admitted to practice as a solicitor in the Supreme Court of South Australia in 1990 and enrolled as a practitioner in the High Court of Australia in 1991.

Mr Heffernan commenced his career as a solicitor with Fisher Jeffries in 1990. He served as a solicitor with Ward and Partners (1991 to 1993) and Reilly Basheer Downs & Humphries (1993 to 1996). Mr Heffernan then served as a solicitor and prosecutor with the South Australian Office of the Director of Public Prosecutions until 2010, when he commenced in private practice at the Bar.

s 22(1)(a)(ii)



s 22(1)(a)(ii)

Curricula vitae for Messrs s 22(1) Heffernan, s 22(1)(a)(ii) are at Attachment A. ( ) (ii)

The Minute recommends that the appointment be made in the form proposed.

s 22(1)(a)(ii)

2. Mr Heffernan satisfies the requirement for appointment as a Judge specified at subclause 1(2) of Schedule 1 to the *Federal Circuit Court of Australia Act 1999*, by virtue of having been enrolled as a legal practitioner of the High Court of Australia and Supreme Court of South Australia for at least five years.

s 22(1)(a)(ii)

Attorney-General

Authority: Section 72 of the *Constitution* and subclause 1(1) of Schedule 1 to the *Federal Circuit Court of Australia Act 1999*

## CURRICULUM VITAE

Name: Mr Timothy James Heffernan

Address: Edmund Barton Chambers  
72 Wright Street  
ADELAIDE SA 5000

Date of birth: s 47F

Present position: Barrister, private practice  
Co-author and co-editor, Criminal Law South Australia

Educational and professional qualifications: Enrolled as a practitioner, High Court of Australia, 1991  
Admitted to practice, Supreme Court of South Australia, 1990  
Graduate Diploma in Legal Practice, University of South Australia, 1991  
Bachelor of Laws, University of Adelaide, 1990  
Bachelor of Arts, University of Adelaide, 1990

Relevant experience: 1996 to 2010: Solicitor and Prosecutor, Office of the Director of Public Prosecutions for South Australia  
1993 to 1996: Solicitor, Reilly Basheer Downs & Humphries  
1991 to 1993: Solicitor, Ward & Partners  
1990 to 1991: Solicitor, Fisher Jeffries

Current membership: 2011 to date: Member, South Australian Bar Association

Former membership: 2013 to 2014: Treasurer, South Australia Bar Association  
1990 to 1996: Bachelor of Arts, University of Adelaide, May 1990

s 22(1)(a)(ii)