



ACT

Government

Justice and Community Safety

JACS2021/19

DECISION ON FREEDOM OF INFORMATION ACCESS APPLICATION

I refer to your application received by the Justice and Community Safety Directorate (JACS) on 5 January 2021 in which you sought access to the following information under the *Freedom of Information Act 2016* (the Act):

- *The final report of the review of the Family Violence Act (2016) which was delivered in March 2020.*
- *Any briefing materials prepared or given to the Minister regarding the report.*
- *Any briefing materials given to the new Minister (Mick Gentleman) in relation to addressing issues with the report and options regarding its publication (mentioned in Attachment C, p.14 of the Minister's brief after the election).*

As advised on 20 January 2021, third party consultation was needed in relation to some of the material within scope and the revised due date under the Act is 24 February 2021. Third party consultation has now been finalised.

I note that while the report is referred to as 'final' in the Incoming Government Brief, the March report is a draft of the final report. The report has been revised and the final version is due for release early this year.

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Decision

I have identified three documents containing information within the scope of your access application. These are outlined in the *Schedule of documents*.

I have decided to:

- grant full access to one document
- grant partial access to two documents

Please see the reasons outlined in the 'reasons for decision' at [Attachment A](#).

Online publishing – disclosure log

Under section 28 of the Act, JACS maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in

response to your access application will be published in the JACS disclosure log no later than 10 days after the decision. Your personal contact details will not be published.

You may view the JACS' disclosure log at: <http://www.justice.act.gov.au/disclosure-log>

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published on the JACS disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

The review of decision application form is available at:

https://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601

Ph: (02) 6207 1740

<http://www.acat.act.gov.au/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact JACS FOI via jacsfoi@act.gov.au or phone 6207 2167.

Yours sincerely



Daniel Ng
A/g Executive Group Manager
Legislation, Policy and Programs

24 February 2021

Attachment A – Reasons for decision

1. Material considered

In reaching my decision, I considered:

- your original access application
- the documents containing the information that fall within the scope of your access application
- consultations with JACS officers
- *Freedom of Information Act 2016*

2. Reasons for my decision

As a decision maker, I am required to determine whether the information is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per Schedule 1 of the Act
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in Schedule 2

I have included below the factors relevant to my decision on access.

2.1. Public interest test

I have assessed the information against the factors favouring disclosure and factors favouring non-disclosure in Schedule 2. On balance, I have decided that the information is in the public interest to disclose. I have included below the relevant factors for your information.

Factors favouring disclosure

2.1 Factors favouring disclosure in the public interest

- (a) disclosure of the information could reasonably be expected to do any of the following:
- (i) promote open discussion of public affairs and enhance the government's accountability;
 - (ii) contribute to positive and informed debate on important issues or matters of public interest.

Factors favouring non-disclosure

2.2 Factors favouring nondisclosure in the public interest

- (a) disclosure of the information could reasonably be expected to do any of the following:
- (ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.

I have decided to grant partial access to two documents under section 50 of the Act. Minor redactions have been applied to the personal information of individuals to protect their right to privacy under the *Human Rights Act 2004*.

It is important to note that document #2 is a brief prepared for the Attorney-General prior to the commencement of the caretaker period in the lead up to the 2020 ACT election. As such it was not completed by the Attorney-General's Office and is not signed.

3. Summary of my decision

In conclusion, I have decided to:

- grant full access to one document
- grant partial access to two documents