



## FREEDOM OF INFORMATION REQUEST – DECISION NOTICE

I refer to your application received by the Justice and Community Safety Directorate (JACS) on 9 March 2021 in which you sought access to the following information under the *Freedom of Information Act 2016* (the Act):

*“Final briefs prepared for Minister(s) and other witnesses, whether or not they appeared or were used, for the ACT Legislative Assembly Standing Committee Inquiries into Annual and Financial Reports 2019–2020 and Estimates 2020–2021.”*

### 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 159 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 156 documents
- grant partial access to two documents
- refuse access to one document

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

I note that the document included at number 34 of the schedule is a draft of the response to the ACT Bushfire Council’s Preparedness Report Recommendations. Revisions have since been made to this document and the updated version is publicly available at this [link](#).

### 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 Your personal contact details will not be published.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 in 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](mailto: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](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](mailto:jacsfoi@act.gov.au) or phone 6207 2167.

Yours sincerely



Danielle Krajina  
Executive Branch Manager  
Governance and Business Improvement

20 April 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. Information contrary to public interest to disclose

I have determined that one of the documents within the scope of your request contains information that is taken to be contrary to the public interest to disclose under Schedule 1 of the Act.

#### 1.6 Cabinet information

(1) Information—

- (a) that has been submitted, or that a Minister proposes to submit, to Cabinet for its consideration and that was brought into existence for that purpose

I have decided to refuse access to one document which contains information prepared for a Cabinet submission. As per the above provision, this information is contrary to the public interest to release.

#### 2.2. 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.

#### 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

I have decided to grant full access to 156 documents as the information is in the public interest to release.

**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*;
  - (xiii) prejudice the competitive commercial activities of an agency

I have decided to grant partial access to two documents with minor redactions as follows:

- Redactions have been made to the personal information of individuals to protect their right to privacy under the *Human Rights Act 2004*.
- A minor redaction has been made to a detail of a project that could prejudice the commercial activity of the directorate if released at this time.

**3. Summary of my decision**

In conclusion, I have decided to:

- grant full access to 156 documents
- grant partial access to two documents
- refuse access to one document