



ACT

Government

Justice and Community Safety

2022/6583



FREEDOM OF INFORMATION – DECISION NOTICE

I refer to your application under the [Freedom of Information Act 2016](#) (the Act), received by the Justice and Community Safety (JACS) Directorate on 16 June 2022 in which you sought access to:

"the subject line of all final ministerial briefs from 10th of April 2022 to 10th of May 2022 generated for or directed to any ACT Government Minister including briefs prepared for Question Time, but not for Estimates or Annual Reports"

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 one document containing information within the scope of your access application. It is outlined in the *Schedule of documents*.

I have decided to grant partial access to this document. 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 on 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 Your personal contact details will not be published.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

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



Naveen Wijemanne
Information Officer
14 July 2022

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.A Information contrary to public interest to disclose

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

1.2 Information subject to legal professional privilege

Information that would be privileged from production or admission into evidence in a legal proceeding on the ground of legal professional privilege.

One brief title that relates to legal matters has been redacted as the information is subject to legal professional privilege and is contrary to the public interest to release.

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.

- (d) the disclosure of which would reveal any deliberation of Cabinet (other than through the official publication of a Cabinet decision).

Redactions have been applied to the title of briefs that have been or going to be submitted to Cabinet for consideration where a decision has not yet been made or published.

The disclosure of some of this information may also reasonably be expected to pre-empt deliberation of Cabinet.

2.B Public interest test

I have assessed the remaining 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.

2.2 Factors favouring nondisclosure in the public interest

- (a) disclosure of the information could reasonably be expected to do any of the following:
 - (x) prejudice intergovernmental relations;
 - (xi) prejudice trade secrets, business affairs or research of an agency or person.

One brief title has been redacted as negotiations with the Federal Government are ongoing and the release of this information could reasonably be expected to prejudice intergovernmental relations.

Two brief titles have been redacted as the information is not yet publicly known and its release at this time could reasonably be expected to prejudice the business affairs of an agency.

3. Summary of my decision

In conclusion, I have decided to grant partial access to one document.