



ACT
Government

Justice and Community Safety

2023/22981

“Karen”

Via email: foi+request-10876-fb2cf168@righttoknow.org.au

Dear “Karen”

DECISION ON FREEDOM OF INFORMATION ACCESS APPLICATION

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

“the most recent Declaration of Interests forms submitted by the following ACAT Members:

- *Mary-Therese Daniel*
- *Geoffrey McCarthy*
- *Robert Orr*
- *Peta Spender*
- *Heidi Robinson*
- *George Tomlins”*

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 six 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 five 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. My 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 Your personal contact details will not be published.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: <https://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/complaints/how-to-make-a-complaint>

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact JACSFOI@act.gov.au or phone (02) 6207 2167.

Yours sincerely



Naveen Wijemanne
Information Officer
24 January 2024

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
- consultation with third parties
- *Freedom of Information Act 2016*
- *Human Rights Act 2004*

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 the 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.

3. 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 with some minor redactions. 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:
 - (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:
 - (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 full access to one document under section 48 of the Act as there are no factors identified that favour non-disclosure of this information.

I have decided to grant partial access to five documents under section 50 of the Act with redactions applied to the personal information of ACAT Members to protect their right to privacy under the *Human Rights Act 2004*.

4. Summary of my decision

In conclusion, I have decided to:

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