



**ACT**

Government

Justice and Community Safety

2024/3772

'B'

Via email: [foi+request-11062-eb79c3ab@righttoknow.org.au](mailto:foi+request-11062-eb79c3ab@righttoknow.org.au)

Dear 'B'

### **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 5 February 2024, in which you sought access to:

*"A list of briefs provided by JACS to Minister Davidson since 12 December 2023."*

#### **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. 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 Your personal contact details will not be published.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.

## Freedom of Information Access Application - Decision Notice 2024/3772

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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/accountability-and-oversight/freedom-of-information/foi-complaints-and-reviews>

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

Yours sincerely



Naveen Wijemanne  
Information Officer  
19 March 2024

## Attachment A – Reasons for decision

### A. 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*
- *Human Rights Act 2004*

### B. 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.

#### B.1 Information contrary to public interest to disclose

I have determined that part 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.

##### 1.6 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.

A redaction has been applied to the title of a brief that that has been submitted to Cabinet and is still under consideration as its release is contrary to public interest to release.

#### B.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.

**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*.

Redactions have been applied to the personal information of individuals to protect their right to privacy under the *Human Rights Act 2004*.

**C. Summary of my decision**

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