



## Australian Government

### Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT  
BARTON

FOI

FOI/2020/039

Mr Andy Johnson

By email: [foi+request-6134-7cb27c8d@righttoknow.org.au](mailto:foi+request-6134-7cb27c8d@righttoknow.org.au)

Dear Mr Johnson

I refer to your valid request dated 18 February 2020, made to the Department of the Prime Minister and Cabinet (the **Department**) under the *Freedom of Information Act 1982* (Cth) (the **FOI Act**) in the following terms:

*I would like to request a copy of the recent Gaetjens report as well as all documents that both informed and were informed by the report.*

*Media reports are excluded.*

On 19 March 2020, the Department issued you a Practical Refusal Consultation Notice (**PRCN**), in accordance with section 24AB of the FOI Act, to advise that your request raised a practical refusal reason, namely that it would involve a substantial and unreasonable diversion of the Department's resources to process your request on the basis of the substantial number of documents potentially in scope of your request, and to invite you to consider revising your request.

On 20 March 2020, you responded to the PRCN with the following revised request:

*I would like to revise my request. Can you please provide access to the Gaetjens report itself.*

#### Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

#### Relevant document

The Department has identified one document relevant to the scope of your request (the **requested document**).

## Decision

I have decided to refuse access to the requested document, in full, on the basis that it is exempt under section 34 of the FOI Act (Cabinet documents).

In making this decision, I have had regard to the following material:

- your request;
- the document relevant to your request;
- the FOI Act;
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

## Reasons

### *Cabinet documents (section 34 of the FOI Act)*

Section 34 of the FOI Act provides that:

- (1) *A document is an exempt document if:*
- (a) *both of the following are satisfied:*
- (i) *it has been submitted to the Cabinet for its consideration, or is or was proposed by a Minister to be so submitted;*
- (ii) *it was brought into existence for the dominant purpose of submission for consideration by the Cabinet; or*
- ...
- (3) *A document is an exempt document to the extent that it contains information the disclosure of which would reveal a Cabinet deliberation or decision, unless the existence of the deliberation or decision has been officially disclosed.*

Having regard to the content of the requested document, and my knowledge of its provenance, I am satisfied that it meets the requirement of section 34(1)(a) of the FOI Act on the basis that it:

- was submitted to the Governance Committee of Cabinet for its consideration; and
- was brought into existence for the dominant purpose of submission for consideration by the Governance Committee of Cabinet.

I am also satisfied that the requested document meets the requirement of section 34(3) of the FOI Act, on the basis that it was considered by the Governance Committee of Cabinet, such that its disclosure would reveal Cabinet deliberations or decisions which have not been disclosed.

Accordingly, I have decided that the requested document is exempt from release, in full, under sections 34(1)(a) and 34(3) of the FOI Act.

## Processing and access charges

I have decided not to impose charges to process this request.

## **Review rights**

Information about your rights of review can be found on the website of the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

## **Complaint rights**

Information about your complaint rights can be found on the web site of the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.



Peter Rush  
Assistant Secretary  
Parliamentary and Government Branch

23 March 2020