



Inquiry into Annual and Financial Reports 2023–2024

Answer to question on notice

Asked by: Mr Braddock MLA

Addressed to: Attorney-General

Reference: FOI, Cabinet Information Criteria – Justice and Community Safety

Hearing: 13 February 2025

In relation to: FOI, Cabinet Information Criteria

Question received: 18 February 2025

Answer Due: 26 February 2025

1. Are there any guidelines or supporting material that the Government utilises in interpreting the criteria under Schedule 1.6 of the Freedom of information Act 2016, which forms the basis for allowing the Government to refuse or redact information in response to an FOI request due to it being cabinet information and therefore contrary to the public interest to release?
2. If so, can you provide those guidelines or supporting material?

TARA CHEYNE: The answer to the Member's question is as follows:

1. The ACT Ombudsman has developed a series of guidelines under section 66 of the *Freedom of Information Act 2016* (the FOI Act) to support decision-makers when making an assessment under the FOI Act as to whether government information is contrary to the public interest to disclose. This includes guidance in determining how to apply the criteria under Schedule 1.6 (Cabinet Information) of the Act. The relevant instrument is the *Freedom of Information (Volume 4 - Considering the public interest) Guidelines 2023* - <https://www.legislation.act.gov.au/View/ni/2023-751/current/html/2023-751.html>.

FOI Officers also review published ACT Ombudsman decisions on review of access applications made under Section 75 of the FOI Act to inform recommendations on release of information to decision-makers.

2. The Guidelines are available on the ACT Ombudsman website at https://www.ombudsman.act.gov.au/data/assets/pdf_file/0023/296033/FOI-Volume-4-Considering-the-public-interest-Guidelines-2023.pdf

The review decisions are available on the ACT Ombudsman website at <https://www.ombudsman.act.gov.au/accountability-and-oversight/freedom-of-information/foi-review-decisions>

Approved for circulation to the Standing Committee on Legal Affairs

Signature:



By the Attorney-General, Tara Cheyne MLA

Date:

26/2/25