



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Open Access – Reasons for Withholding Access

**Document Category (s23):** Open Access Information of a Minister

**Title:** Cabinet Decision 19/39/CAB

### Description of the information

A summary of a decision made by Cabinet on 5 February 2019 and the triple bottom line assessment for the decision.

### Decision

I have decided to not release the Cabinet Decision and the triple bottom line assessment for the decision. This decision has been made under section 24(1) of the *Freedom of Information Act 2016* (FOI Act) on the basis that it is contrary to the public interest to disclose.

### Statement of reasons

In reaching my access decision, I have taken the following into account:

- the *Freedom of Information Act 2016* (the Act); and
- the information considered by Cabinet and decision made.

Sections 24(2)(b) and (c) allow for the Decision to be withheld on the basis that it is taken to be contrary to the public interest to disclose under schedule 1.

### Contrary to the public interest information under schedule 1 of the Act

1.2 *Information subject to legal professional privilege.*

1.14(e) *prejudice a person's fair trial or the impartial adjudication of a matter before a court or tribunal.*

This submission is formed based on advice from the Government Solicitor's Office. I consider the advice is subject to legal professional privilege as it was brought into existence for the dominant purpose of providing a legal opinion in relation to this matter. I am satisfied that the legal advice that formed the basis of the submission was provided by an independent legal adviser satisfying the requirements to attract legal professional privilege. Additionally, I consider that schedule 1.14(e) applies on the basis that the submission contains information the disclosure of which could reasonably be expected to

prejudice a person's fair trial or the impartial adjudication of a matter before a court or tribunal.

Accordingly, I am satisfied that the provisions within schedule 1 of the Act apply and release of the Cabinet Decision and triple bottom line assessment is not within the public interest.

**Authorised by:**

A handwritten signature in black ink, appearing to read 'Andrew Barr', written in a cursive style.

Andrew Barr  
Chief Minister

**08 MAR 2019**

**Decision review options:****Ombudsman review**

The decision to withhold this document is a reviewable decision as identified in Schedule 3 of the FOI 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 the decision is published on [https://www.cmtedd.act.gov.au/open\\_government/inform/cabinet-decisions](https://www.cmtedd.act.gov.au/open_government/inform/cabinet-decisions) 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](mailto:actfoi@ombudsman.gov.au)

**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  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

