



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2022-059

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	N/A
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	5
7. Decision made by Ombudsman	Under Review
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD FOI](#)
Cc: [REDACTED]
Subject: FOI REQUEST | The Law Courts PPP Post Implementation Review Report
Date: Tuesday, 1 March 2022 10:31:54 AM

Good Morning,

**RE: FOI REQUEST – THE LAW COURTS PPP (PUBLIC PRIVATE PARTNERSHIPS) PROJECT
POST IMPLEMENTATION REVIEW REPORT**

I write to request under the *Freedom of Information Act 2016* a copy of the Post Implementation Review report on Law Courts PPP, undertaken in 2020-2021.

I ask that my request be transferred to other entities that may hold relevant documents. Duplicate documents may be excluded.





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Our ref: CMTEDDFOI2022-059



DECISION ON YOUR ACCESS APPLICATION

I refer to your access application made under the *Freedom of Information Act 2016 (the Act)*, dated 1 March 2022, and received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 1 March 2022.

This application requested access to:

"...a copy of the Post Implementation Review report on Law Courts PPP, undertaken in 2020-2021".

Authority

I am an Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 30 March 2022.

Decision

I have identified one document containing information within the scope of your access application. This is outlined in the below *Schedule of documents*.

For the reasons outlined in the below *Reasons for decision*, I have refused access to the information that you have requested under section 35(1)(c) of the FOI Act.

Reasons for decision

Information identified is contrary to the public interest information under schedule 1 of the Act - Cabinet Information

The Post Implementation Review report on Law Courts PPP, undertaken in 2020-2021 has been identified as being within the scope of your request, however, is entirely composed

of information that is considered to be contrary to the public interest under section 1.6 of Schedule 1 of the Act as it is Cabinet information.

Under section 1.6 Cabinet information is exempt from release to the public. The purpose of this exemption is to maintain the confidentiality of the Cabinet process and to uphold the principle of collective ministerial responsibility. This exemption was discussed in *The Commonwealth v Northern Land Council* [1993] HCA 24; (1993) 176 CLR 604 (21 April 1993). Paragraph 6 of the decision, states that:

... it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made.

The Post Implementation Review report on Law Courts PPP, falls within section 1.6 of the Act as it is information which has been commissioned by the Cabinet to guide it in its decision making and to assist it in its deliberations. The document is therefore exempt from release under the Act.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2018* processing charges are not applicable for this request because no information is being released to you.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision in response to your access application will be published in the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

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 in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: 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/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or by email at CMTEDDFOI@act.gov.au.

Yours sincerely



Katharine Stuart
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

8 March 2022