

OFFICE OF THE INFORMATION COMMISSIONER (QLD)

Decision No. 97008

Application S 190/94

Participants:

KEVIN LINDEBERG

Applicant

DEPARTMENT OF FAMILIES, YOUTH & COMMUNITY CARE

Respondent

DECISION AND REASONS FOR DECISION

FREEDOM OF INFORMATION - refusal of access - Ministerial briefing notes - whether prepared for briefing a Minister in relation to a matter submitted to Cabinet - application of s.36(1)(c) of the *Freedom of Information Act 1992 Qld* - matter relating to considerations of Cabinet - whether disclosure would involve disclosure of consideration of Cabinet - application of s.36(1)(e) of the *Freedom of Information Act 1992 Qld* - extract from Ministerial briefing note - application of s.36(1)(g) of the *Freedom of Information Act 1992 Qld*.

FREEDOM OF INFORMATION - refusal of access - explanatory memorandum to Executive Council - whether submitted to Executive Council - application of s.37(1)(a) of the *Freedom of Information Act 1992 Qld* - copy of an Executive Council Minute - whether a copy of an official record of Executive Council - application of s.37(1)(g), read with s.37(1)(d), of the *Freedom of Information Act 1992 Qld*.

Freedom of Information Act 1992 Qld s.28(1), s.36(1), s.36(1)(c), s.36(1)(e), s.36(1)(g), s.36(2), s.37(1), s.37(1)(a), s.37(1)(d), s.37(1)(g), s.37(2), s.40(c), s.43(1), s.44(1), s.46(1)(a), s.76(2), s.88(2), s.87(1)

Freedom of Information Amendment Act 1993 Qld

Freedom of Information Amendment Act 1995 Qld

Beanland and Department of Justice and Attorney-General, Re (Information Commissioner Qld, Decision No. 95026, 14 November 1995, unreported)

Little & Ors and Department of Natural Resources, Re (Information Commissioner Qld, Decision No. 96002, 22 March 1996, unreported)

Norman and Mulgrave Shire Council, Re (1994) 1 QAR 574

Ryman and Department of Main Roads, Re (Information Commissioner Qld, Decision No. 96021, 19 December 1996, unreported)

DECISION

I vary that part of the decision under review (identified in paragraph 5 of my accompanying reasons for decision) which concerns the matter listed below (by reference to the identifying page numbers used in the decision under review), by finding that:

- (a) pages 65-67, and the printed text on page 1, are exempt matter under s.36(1)(c) of the *Freedom of Information Act 1992* Qld;
- (b) the handwritten note on page 1, and the passage deleted from page 337, are exempt matter under s.36(1)(e) of the *Freedom of Information Act 1992* Qld;
- (c) the sentence deleted from pages 56-57 is exempt matter under s.36(1)(g) of the *Freedom of Information Act 1992* Qld;
- (d) page 250 is exempt matter under s.37(1)(a) of the *Freedom of Information Act 1992* Qld; and
- (e) page 249 is exempt matter under s.37(1)(g) of the *Freedom of Information Act 1992* Qld.

Date of decision: 30 May 1997

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F N ALBIETZ

INFORMATION COMMISSIONER