

FOI

From: FOI
Sent: Monday, 28 July 2025 10:31 AM
To: FOI
Cc: s 47F; FOI
Subject: PM&C Ref: C25/167 - APSC LEX 1534 & 1543 - RESPONSE [SEC=PROTECTED, CAVEAT=SH:CABINET]
Attachments: s.34 Cabinet Consultation Schedule - LEX 1534 and LEX 1543.xlsx; Document 1 - Briggs Review - Final Report (Protected Cabinet).pdf; Document 2 - Briggs Review - Interim report (Protected Cabinet).pdf

PROTECTED//CABINET

PM&C Ref C25/167

Dear s 47F

Thank you for consulting the Department of the Prime Minister and Cabinet (PM&C) on this FOI request. Please see below advice provided by PM&C's Cabinet Division regarding your consultation request.

Consistent with our previous advice provided to the ASPC, we consider it is open for the decision-maker to claim a section 34(1)(a) exemption over the document. There are various factors (set out below) which might support a characterisation of dominant purpose for the purposes of section 34(1)(a).

Section 34(1)(a) exemption – principles

A document is an exempt document if it was brought into the existence for the dominant purpose of submission for consideration by Cabinet **AND** either has been submitted to Cabinet for its consideration, or is or was proposed by a Minister to be so submitted (s 34(1)(a)). The [OAIC Guidelines](#) (at [5.72]-[5.77]) provide guidance on dominant purpose principles. **It is for the Department to confirm this dominant purpose test.**

s 47C

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o s 47C, s 34(2)

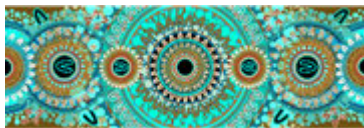
- We have provided the above information to inform the decision-maker – it is sensitive/Cabinet-in-confidence. The decision-maker may have additional information available to them.
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- If there is anything further you need please do not hesitate to contact us.

Kind regards,

s 47F
Adviser

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The Department of the Prime Minister and Cabinet (PM&C) would like to acknowledge the Traditional Custodians of Country throughout Australia and their continuing spiritual, social and cultural relationship with the land, waters, skies and community. We pay our respects to their Elders past and present, and to their community leaders, and extend that respect to all Aboriginal and Torres Strait Islander peoples.