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Auditor General decides on Cabinet confidentiality

In his latest report released today, the Auditor General found the decision by three Ministers to withhold information from Parliament due to Cabinet confidentiality not reasonable.

Mr Murphy noted that some of the withheld information was already public information.

Under legislation, the Auditor General is required to express an opinion as to whether it is reasonable and appropriate for a Minister not to provide information to Parliament.

The report covers decisions made by:

- Minister for Education Hon Peter Collier MLC on the strategic asset plan for Education
- the then Minister for Health Hon Kim Hames MLA on the strategic asset plan for Health
- Minister for Police Hon Liza Harvey MLA on the maintenance backlog for police facilities.

Auditor General Colin Murphy said this was the first time he had considered Cabinet confidentiality as the reason for not providing information to Parliament.

‘Cabinet confidentiality is a long established principle that aims to protect the deliberations and decisions of Cabinet. It allows Cabinet Ministers to debate freely policies and agency proposals as part of government decision-making.

‘But, the classification of information as Cabinet-in-confidence is not simple. While it is important that Cabinet information is kept in confidence; the principles of public interest, governmental transparency and parliamentary access to information are also vital,’ Mr Murphy said.

In making his decisions, the Auditor General determined that some of the requested information was publicly available statistics and not prepared solely for the purpose of Cabinet deliberations.

‘In determining the decision as not reasonable, I considered that a strategic asset plan is developed using a range of sources and information such as demographic information and statistics, and agency reports on performance,’ he said.

‘The Ministers could have provided those sections of the plans that can be publicly sourced elsewhere such as annual reports, budget papers, websites and other publications.'
'For the content that was confidential and would provide information on the deliberations and decisions of Cabinet this could have, for instance, been redacted with the redacted version of the plan provided to Parliament,' Mr Murphy said.

The report recommends that the Department of Treasury and Department of the Premier and Cabinet provide agencies with guidance on which sections of strategic asset plans are likely to reveal Cabinet deliberations and decisions and therefore are confidential.


ENDS