

Request for draft terms of reference for an inquiry

Legislation	Official Information Act 1982, s 9(2)(g)(i)
Agency	Department of the Prime Minister and Cabinet
Ombudsman	Peter Boshier
Case number(s)	391052
Date	15 July 2016

Draft terms of reference largely the same as publicly available final ones—release would not inhibit the future free and frank expression of opinion or provision of advice to the Prime Minister—s 9(2)(g)(i) did not apply

A requester sought information concerning the Terms of Reference (TOR) for an inquiry into allegations regarding the former Minister of Justice and former Director of the Serious Fraud Office. The Department of the Prime Minister and Cabinet (DPMC) withheld four documents, including the draft TOR, and the requester complained to the Ombudsman.

The Chief Ombudsman concluded there was no good reason to withhold the draft TOR. The final TOR had been released. The draft TOR were largely the same. They included minimal corrections, none of which was substantive. In this context, the Chief Ombudsman was not convinced that disclosure of the draft TOR would inhibit the future free and frank expression of opinion or provision of advice to the Prime Minister.

DPMC agreed to release the draft TOR and the complaint as it related to their withholding was resolved.

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