

Notice Under Section 82 of the Financial Management Act 2006

Hon Sue Ellery Minister for Education and Training

Pursuant to section 82(1)(a) of the *Financial Management Act 2006*, I give notice to both houses that I have decided not to provide some information to Parliament in response to Question Without Notice 627.

The information being sought was a copy of the TAFE Student Management System business case.

I have decided that it is reasonable and appropriate not to provide the information being sought on the basis that the information is subject to Public Interest Immunity. The information being sought would reveal the deliberations or decisions of the Cabinet of the former Government. The information consists of a business case that was used to brief a Minister of the previous Government in preparation for Cabinet. I have formed this view based on advice from the Department of Training and Workforce Development (the Department).

Cabinet confidentiality is an essential part of the structure of Government and ensures that Cabinet members can freely exchange differing views as a necessary incident of the maintenance of the principle of collective responsibility. My decision not to provide the information sought is a necessary consequence of upholding the importance of the principle of Cabinet confidentiality.

I have not reviewed the business case myself as it is a Cabinet record of the former Government. In accordance with Cabinet conventions (as set out in the Cabinet Handbook) I am not able to obtain that document without the consent of the Leader of the Opposition. Given the advice I received that the document was Cabinet in Confidence (and Public Interest Immunity would apply), I saw no utility in seeking that consent from the Leader of the Opposition as I was not intending to table the document and I otherwise did not require it.

The reasons set out above are provided in accordance with my obligations under section 82(2) of the *Financial Management Act 2006*. Notice is also being provided to the Auditor General in accordance with section 82(1)(b) of the *Financial Management Act 2006*.

