



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2021-317

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	10 days
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A




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Good Afternoon,

**RE: FOI REQUEST – BETTER REGULATION TASKFORCE BRIEFS**

I write to request under the *Freedom of Information Act 2016* any ministerial briefs regarding the Better Regulation Taskforce

I ask that my request be transferred to other entities that may hold relevant documents. Duplicate documents may be excluded.





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2021-317



## FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 12 November 2021, in which you sought access to: *“any ministerial briefs regarding the Better Regulation Taskforce”*.

On 15 November 2021 you agreed to narrow the scope of your request to: *“any ministerial briefs regarding the setting up of the Better Regulation Taskforce”*.

### Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

### Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 10 December 2021.

### Decision on access

Searches were completed for relevant documents and 6 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to two documents relevant to your request. I have decided to refuse access to four documents as I consider them to be:

- contrary to the public interest information under schedule 1 of the Act.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

### **Statement of Reasons**

In reaching my access decisions, I have taken the following into account:

- the Act, in particular Schedule 1 - 1.6 Cabinet Information
- the content of the documents that fall within the scope of your request.

### **Exemption claimed**

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

#### Contrary to the public interest information under schedule 1 of the Act

Documents 3-6, identified as being within the scope of your request, contain information that was prepared for the Expenditure Review Committee (ERC) which is a committee of Cabinet responsible for examining all proposals in light of the Government's overall fiscal strategy, advising Cabinet on Budget spending priorities and initiating reviews of individual ongoing programs.

This information is considered to be contrary to the public interest under section 1.6 of Schedule 1 of the Act and therefore has been withheld from release. The primary purpose of the 'cabinet exemption' is to maintain the confidentiality of the cabinet process and to uphold the principle of collective ministerial responsibility. This was discussed in *The Commonwealth v Northern Land Council* [1993] HCA 24; (1993) 176 CLR 604 (21 April 1993). Paragraph 6 of the decision, states that:

... it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made.

In reviewing the documents, I consider they contain information which has been developed as part of the Cabinet consideration process (s 1.6(1)(a)) or is directly related to the deliberation and considerations of Cabinet (s 1.6(1)(d)). I am satisfied that release of this information would disclose information which has not been 'officially disclosed'. In making this decision, I note the decision of Deputy President Forgie in *Re Toomer and Department of Agriculture, Fisheries and Forestry and Ors* [2003] AATA 1301 who stated:

.... deliberations are its thinking processes, be they directed to gathering information, analysing information or discussing strategies. They remain its deliberations whether or not a decision is reached. [Cabinet's] decisions are its conclusions as to the courses of action that it adopts be, they conclusions as to its final strategy on a matter or, its conclusions as to the manner in which a matter is to proceed.

Accordingly, I have decided to withhold documents 3-6 from release under the Act.

The remaining information will be released to you in full.

### **Charges**

Pursuant to Freedom of Information (Fees) Determination 2018 processing charges are not applicable for this request as the number of pages released is below the charging threshold.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 3 days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Stuart'.

Katharine Stuart  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

26 November 2021



## FREEDOM OF INFORMATION REQUEST SCHEDULE

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	CMTEDD2021/381 – Budget Summary – Better Regulation	2 Feb 2021	Full release	N/A	Yes
2	4-6	CMTEDD2021-674 – Budget Estimates Brief	18 Feb 2021	Full release	N/A	Yes
3	N/A	CM20/83345	20 Nov 2020	Exempt	Schedule 1 – 1.6 Cabinet Information	No
4	N/A	ERC – Better Regulation Taskforce	8 Dec 2020	Exempt	Schedule 1 – 1.6 Cabinet Information	No
5	N/A	CMTEDD2021-2141	4 May 2021	Exempt	Schedule 1 – 1.6 Cabinet Information	No
6	N/A	CM21/269	10 May 2021	Exempt	Schedule 1 – 1.6 Cabinet Information	No

CMTEDD2021/381

**Portfolio/s:** Business and Better Regulation**2020-21 Budget Summary – Minister for Business and Better Regulation****Talking points:**

- The Government has committed to an agenda of bold regulatory changes and innovations to ensure the ACT economy rebounds from COVID-19 and continues to grow.
- Through the Jobs and Economic Recovery Plan released in August 2020, the ACT Government committed to establish a Better Regulation Taskforce to help drive Canberra's recovery from the COVID-19 pandemic and support long term economic growth.
- Regulatory settings can quickly become outdated as technology and business models evolve. These regulatory limitations can act as a brake on innovation and the productive allocation of resources.
- The Taskforce will undertake a program of review and engagement with internal and external stakeholders to identify and assess these regulatory settings. The focus is to remove any unnecessary impediments for businesses to grow.
  - This will include a focus on issues and barriers facing small business in the ACT.
- Five priority areas for the Taskforce were identified through the Jobs and Economic Recovery Plan:
  - Expanding digital service offerings of the ACT Government's public interactions and support Canberra businesses to transition to greater digital technology operations.
  - Improving labour mobility through automatic recognition of licences from other parts of Australia.
  - Identifying areas of regulatory burden through stakeholder engagement with ACT industry representative groups and businesses.
  - Reviewing key legislation to:
    - reduce the need for businesses to contact multiple Government agencies; and
    - ensure legislation across the ACT supports new business models to grow the digital economy.
  - Removing barriers to investment in the Territory.

Cleared as complete and accurate:	02/02/2021	
Cleared for public release by:	Executive Branch Manager	Ext: 57261
Contact Officer name:	Rachel Wilkie	Ext: 53947
Lead Directorate:	Chief Minister, Treasury and Economic Development	
TRIM Ref:	CMTEDD2021/381	



## Key Information

- Through the 2020-21 budget the Better Regulation Taskforce is receiving funding for:
  - four FTE reprioritised from the Regulatory Reform Program (SES 1.4, SOGA, SOB and SOGC calculated using the Average Salary Costing Model); and
  - procurement of specialist capabilities to the value of \$329,100 over three financial years (\$124,000 in 2020-2021, \$142,900 in 2021-2022, and \$62,200 in 2022-2023).
- The financial impacts summary of the Better Regulation Taskforce is below:

Financial Impacts Summary	2020-21 \$'000	2021-22 \$'000	2022-23 \$'000	2023-24 \$'000	Totals \$'000
<b>Capital Impacts</b>					
Capital					
<b>Expense Impacts<sup>(a)</sup></b>					
Expenses	511	931	877		2,319
Expenses – depreciation					
<b>Revenue/Savings/Offsets Impacts</b>					
Revenue					
Savings					
Offsets <sup>(b)</sup>	390	793	801		1,984

Staffing Impact	2020-21	2021-22	2022-23	2023-24	Total
Total additional FTEs (number)	4	4	4		12

(a) For capital works proposals, this should be the whole of life cost.

(b) Applies also to expenses associated with capital works and ICT proposals, with the exception of Repairs and Maintenance expenses.

(c) includes 6-month staffing impact

- The specialist capabilities to be procured is detailed below, noting that the precise approaches will be further refined following consultation with industry.

Expense Item*	2020-21	2021-22	2022-23 <sup>#</sup>
Communications activities	17,800	15,600	11,800
Facilitated Workshops	22,300	24,300	
Qualitative research activities	33,400	29,400	
Legislative Review	28,200	50,400	50,400
Process Mapping /Time and Motion Studies	22,300	12,300	
Dependency Analysis		12,800	
<b>TOTAL</b>	<b>\$124,000</b>	<b>\$142,900</b>	<b>\$62,200</b>

Notes:

\* The delivery of specialist capabilities will largely occur between March and October 2021 but be single contracts across two financial years.

<sup>#</sup> Funding requirements in 2022-2023 is subject to the decisions of the Government on whether to undertake the Taskforce recommendations on more complex, longer-term and system reforms.

Cleared as complete and accurate: 02/02/2021  
 Cleared for public release by: Executive Branch Manager Ext: 57261  
 Contact Officer name: Rachel Wilkie Ext: 53947  
 Lead Directorate: Chief Minister, Treasury and Economic Development  
 TRIM Ref: CMTEDD2021/381

## Background Information

- On 27 August 2020, the ACT Chief Minister and Treasurer delivered the Jobs and Economic Recovery Plan (the Plan) which was designed to provide strategies for policies to counter the economic effects of the covid-19 pandemic.
- The Plan announced the creation of the ACT Better Regulation Taskforce (the Taskforce). The Plan detailed that the Taskforce would be established to review the regulatory and process changes made to date, the business settings in the current pandemic economy and begin pursuing other reforms.
- The Taskforce will also lead the ACT's contribution to nation-wide regulatory reforms, such as automatic recognition of occupational licenses, as a member of the National Federation Reform Council (NFRC).

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TRIM Ref:	CMTEDD2021/381	

CMTEDD2021/674

**Portfolio/s:** Business and Better Regulation**Better Regulation Taskforce****Talking points:**

- The ACT Government has established the ACT Better Regulation Taskforce (the Taskforce) to help drive Canberra's recovery from the COVID-19 pandemic and support long term economic growth.
- The Government has committed to an agenda of bold regulatory changes and innovations to ensure the ACT economy rebounds from the COVID-19 pandemic and continues to grow.
- Regulatory settings can quickly become outdated as technology and business models evolve. These regulatory limitations can act as a brake on innovation and the productive allocation of resources.
- The Taskforce's job is to make government-business interactions better, faster and simpler.
- Success of the Project will require the Taskforce to effectively listen to business to identify the actions that will make things easier for business.
- In particular, the Taskforce will focus on listening to small business on the challenges they face, and how government can make things easier, not harder.
- Five priority areas for the Taskforce were identified through the Jobs and Economic Recovery Plan:
  - Expanding digital service offerings of the ACT Government's public interactions and support Canberra businesses to transition to greater digital technology operations.
  - Improving labour mobility through automatic recognition of licences from other parts of Australia.
  - Identifying areas of regulatory burden through stakeholder engagement with ACT industry representative groups and businesses.
  - Removing barriers to investment in the Territory.
  - Reviewing key legislation to:
    - reduce the need for businesses to contact multiple Government agencies; and
    - ensure legislation across the ACT supports new business models to grow the digital economy.

Cleared as complete and accurate:	18/02/2021	
Cleared for public release by:	Executive Group Manager	Ext: 50230
Contact Officer name:	Rachel Wilkie	Ext: 53947
Lead Directorate:	Chief Minister, Treasury and Economic Development	

TRIM Ref: CMTEDD 2021/674



- The ACT Jobs and Economic Recovery Plan outlined the broad priority areas for the Taskforce. However, the immediate focus of the Taskforce is on identifying those issues, be they large or small, emerging from regulation or from bad process that are a burden to business.
- The Taskforce will lead the Government's reform of those regulatory and process settings which pose the greatest burden to business and are the biggest barriers to business recovery and growth.
- The Taskforce will employ a number of engagement and review mechanisms to engage with business, and inside government, to identify the regulatory and process issues we can address to drive growth and recovery through better regulatory settings.
- Reforms to regulation, communication and process will reduce regulatory burden, making it quicker and easier for business to interact with Government and reducing barriers to investment. This will contribute to Canberra's economic recovery and the ongoing growth of business in the ACT.

### **Automatic Mutual Recognition of Occupational Registrations (AMR) – (second priority area of Better Regulation Taskforce)**

- Following agreement through National Cabinet, the ACT is working to introduce a uniform scheme to automatically recognise occupational licences from other parts of Australia.
- When this scheme is implemented, a person who is licenced or registered for an occupation in one jurisdiction will be considered to be registered to perform the same activities in another jurisdiction, without the need to go through further application processes or pay additional registration fees.
- The scheme will make it simpler, quicker and less expensive for people to work across jurisdictions.
- It will allow businesses to be more agile, onboarding skilled workers quickly without the need for multiple registrations or additional licence fees.
- Once the legislation has been developed and implemented, automatic mutual recognition will apply to all registrations currently covered by existing mutual recognition arrangements, such as electricians, plumbers, teachers and real estate agents.
- The scheme is planned to commence on 1 July 2021.

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- The Taskforce will also lead the ACT's contribution to nation-wide regulatory reforms, such as automatic recognition of occupational licenses.
- On 13 November 2020, National Cabinet agreed to establish an Intergovernmental Agreement on AMR of Occupational Registration outlining jurisdictions' commitment to implement AMR, potential future reforms and governance arrangements.
- The Agreement was signed by all jurisdictions, **with the exception of the ACT**, at National Cabinet's 11 December 2020 meeting.
- National Cabinet also agreed to release draft legislation by the end of 2020 to amend the Mutual Recognition Act 1992 enabling AMR to commence from 1 July 2021. The draft legislation was made publicly available for comment through the Prime Minister and Cabinet website from 17 December 2020 until 12 February 2021.
- Through the 2020-21 budget the Better Regulation Taskforce received funding for:
  - four FTE reprioritised from the Regulatory Reform Program (SES 1.4, SOGA, SOB and SOGC calculated using the Average Salary Costing Model); and
  - procurement of specialist capabilities to the value of \$329,100 over three financial years (\$124,000 in 2020-2021, \$142,900 in 2021-2022, and \$62,200 in 2022-2023).
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