



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 2022-324

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)	19
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

From: [JACS FOI](#)
To: [CMTEDD FOI](#)
Cc: [JACS Media](#)
Subject: RE: Request for information - regulatory activity
Date: Monday, 17 October 2022 4:03:34 PM
Attachments: [image002.png](#)
[image003.png](#)

OFFICIAL

Thank you Katharine. It will be a full transfer.

The applicant noted “Do let me know if you require any further information or whether an FOI request is necessary” in regards to the information so I assume CMTEDD will choose which approach to take.

I have cc’ed in JACS Media to close the loop with them.

Please feel free to contact me should you wish to discuss.

Kind regards

Angelique Delahaye | A/g Assistant Director – Freedom of Information
Governance, Coordination and Reporting | Justice and Community Safety Directorate
☎ 6205 9975 | ✉ angelique.delahaye@act.gov.au | 📮 GPO Box 158, Canberra ACT 2601

From: Stuart, Katharine <Katharine.Stuart@act.gov.au> **On Behalf Of** CMTEDD FOI
Sent: Monday, 17 October 2022 1:30 PM
To: JACS FOI <JACSFOI@act.gov.au>
Cc: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Subject: FW: Request for information - regulatory activity

OFFICIAL

Apologies JACS FOI,

There has been a mistake. We can accept partial or full transfer.

Katharine

From: Bharadwaj, Vaishnavi <Vaishnavi.Bharadwaj@act.gov.au> **On Behalf Of** Access Canberra
Government Business & Coordination
Sent: Monday, 17 October 2022 12:05 PM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Cc: Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Access Canberra Government
Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: FW: Request for information - regulatory activity

OFFICIAL

Good afternoon Katharine,
Sorry just coming back on this request – we have been notified (as below) that while AC does not use substantive notices, we did issue some notices as the ORS. The relevant team within AC is currently gathering information to respond to this request and will get back to you shortly.

Kind regards,
Vaish

Vaishnavi Bharadwaj | Government Business and Coordination | Access Canberra

Phone: 02 6207 5492 | Email: Vaishnavi.Bharadwaj@act.gov.au

Chief Minister Treasury and Economic Development Directorate | ACT Government

Cosmopolitan Building, 21 Bowes Place, Phillip ACT 2606 | GPO Box 158, Canberra City 2601 |

www.act.gov.au/accessCBR



From: McPherson, Alex <Alex.McPherson@act.gov.au>

Sent: Sunday, 16 October 2022 5:37 PM

To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>

Cc: Kelly, Damien <Damien.Kelly@act.gov.au>

Subject: RE: Request for information - regulatory activity

OFFICIAL

Hi Aaron

As promised, we've done some digging

While we as Access do not use substantiation notices (we tend to rely upon section 52), we as ORS did issue some.

So yes, this question is for us. We'll need some time to gather the correct figures though.

Cheers

Alex

From: Adams, Aaron <Aaron.Adams@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination

Sent: Friday, 14 October 2022 8:38 AM

To: Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; McPherson, Alex <Alex.McPherson@act.gov.au>

Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>

Subject: FW: Request for information - regulatory activity

OFFICIAL

Morning Sep and Alex

Can you confirm we have the below info/should be leading, before we respond to CMTEDD FOI:

I am currently undertaking regulatory research and require information on Fair Trading's utilisation of 'substantiation notices' under Australian Consumer Law (s 219). To this end, does Fair Trading or the Department of Justice and Community Safety have statistics detailing –

- (i) the number of substantiation notices issued between the years 2010-21; and
- (ii) the calendar year each substantiation notice was issued (if applicable).

Happy to discuss

Aaron

Aaron Adams | A/g Assistant Director | AccessCanberraGBC@act.gov.au

Government Business Coordination | Government Operations, Data and Strategy Branch

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

*This email
and any of*

its



I acknowledge and pay my respect to the custodians on whose land I walk, work, and live.



*attachments may be confidential. If you are not the intended recipient please notify the sender and delete immediately.
You should not copy or use it for any purpose, nor disclose its contents to any other person*

From: Stuart, Katharine <Katharine.Stuart@act.gov.au> **On Behalf Of** CMTEDD FOI

Sent: Thursday, 13 October 2022 5:07 PM

To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>

Cc: Matthews, Catherine <Catherine.Matthews@act.gov.au>

Subject: FW: Request for information - regulatory activity

OFFICIAL

Hello

Before we accept a transfer, would this sit with Access Canberra?

Katharine

Katharine Stuart (she/her) | Senior Director, Information Management

Phone: 02 6207 4497 | katharine.stuart@act.gov.au

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

Level 5, 220 London Circuit, Canberra City | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: JACS FOI <JACSFOI@act.gov.au>

Sent: Monday, 10 October 2022 5:10 PM

To: CMTEDD FOI <CMTEDDFOI@act.gov.au>

Subject: FW: Request for information - regulatory activity

OFFICIAL

Good afternoon team

Please see below request forwarded from JACS Media. Could you please confirm if this would sit with Access Canberra/CMTEDD?

Kind regards

Angelique Delahaye | Senior FOI Coordinator – Freedom of Information

Governance, Coordination and Reporting | Justice and Community Safety Directorate

☎ 6205 9975 | ✉ angelique.delahaye@act.gov.au | 📮 GPO Box 158, Canberra ACT 2601

From: JACS Media

Sent: Monday, 10 October 2022 4:57 PM

To: JACS FOI <JACSFOI@act.gov.au>

Cc: JACS Media <JACSmedia@act.gov.au>

Subject: FW: Request for information - regulatory activity

OFFICIAL

Hi. We received below if you can advise where such a request should go? Is it an FOI request?

Tks. FH

Regards,

Fiona Halloran

Assistant Director | Communications and Engagement

Justice and Community Safety Directorate | ACT Government

Teams: [Chat with me](#) P: 6207 5198 E: Fiona.Halloran@act.gov.au

Level 4, 220 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.justice.act.gov.au

Media Contacts

JACS Media: [02 6207 7173](tel:0262077173) or JACSmedia@act.gov.au

ACT Emergency Services Agency 24-hour media line: [02 6207 8564](tel:0262078564) (media enquiries only)

From: [REDACTED]

Sent: Monday, 10 October 2022 4:46 PM

To: JACS Media <JACSmedia@act.gov.au>

Subject: Request for information - regulatory activity

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Good afternoon

I hope this email finds you well.

I am currently undertaking regulatory research and require information on Fair Trading's utilisation of 'substantiation notices' under Australian Consumer Law (s 219). To this end, does Fair Trading or the Department of Justice and Community Safety have statistics detailing –

- (i) the number of substantiation notices issued between the years 2010-21; and
- (ii) the calendar year each substantiation notice was issued (if applicable).

Do let me know if you require any further information or whether an FOI request is necessary.

Best





ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2022-324



via email: 

Dear 

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 17 October 2022. Specifically, you are seeking:

I am currently undertaking regulatory research and require information on Fair Trading’s utilisation of ‘substantiation notices’ under Australian Consumer Law (s 219). To this end, does Fair Trading or the Department of Justice and Community Safety have statistics detailing –

- (i) the number of substantiation notices issued between the years 2010–21; and*
- (ii) the calendar year each substantiation notice was issued (if applicable).*

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 14 November 2022.

Decision on access

A search of CMTEDD records was performed using the information you provided. The information below is what was found in relation to your request:

The number of substantiation notices issued between the years 2010–21	4
The calendar year each substantiation notice was issued (if applicable).	2014 (4)

I have decided to grant full access to the relevant information.

Material considered

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

- the Act,
- the content of the document that falls within the scope of your request.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request as no documents are being released to you.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. A description of the access application and my decision 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 on the 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

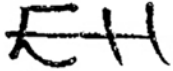
ACT Civil and Administrative Tribunal (ACAT) Review

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.

Yours sincerely,

A handwritten signature in black ink, consisting of the letters 'E' and 'H' in a stylized, cursive font.

Emma Hotham
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

11 November 2022