



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Disclosure Log Publication Coversheet

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

Application Details	
Ref. No.	CMTEDDFOI 2024-079
Date of Application	6 March 2024
Date of Decision	21 March 2024
Processing time (in working days)	10
Fees	N/A
Decision on Access	No Documents Found
<b>Information Requested (summary)</b>	Information, including legal privilege, on point 15 of prior service recognition policy, policy number 12/2022.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input type="checkbox"/> Published <input checked="" type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

**From:** [no-reply@act.gov.au](mailto:no-reply@act.gov.au)  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Wednesday, 6 March 2024 6:50:47 PM

---

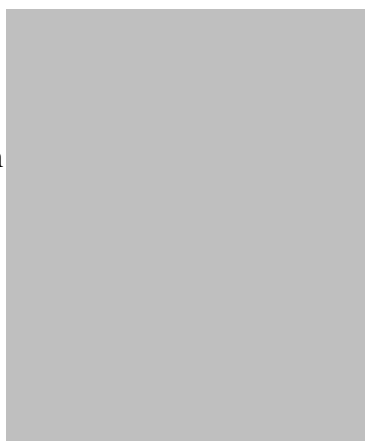
**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

### Your details

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

Title:  
First Name:  
Last Name:  
Business/Organisation  
Address:  
Suburb:  
Postcode:  
State/Territory:  
Phone/mobile:  
Email address:

A large grey rectangular area redacting the user's personal details in the form fields.

### Request for information

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

Under the Freedom of Information Act 2016 I want to access the following document/s (\*required field):

In the ACT Govt's prior service recognition policy, policy number 12/2022, issued June 2022 by Workforce Capability and Governance (CMTEDD) on page 5, under the title "Calculating credits - long service leave" point 15, relates to a negative balance outcome when calculating prior service leave entitlements, the leave credits provided to the employee will be zero. What I am seeking is documents that instigated the necessity for the creation of point 15 and the reasoning as to why it is deemed permissible to change the calculation outcome of a negative number when calculating LSL under section 256(8) of the PSM Standards 2006 to zero. I suspect there may be legal advice surround this and if this is the case, I would like a copy, I know legal advice is privileged, but the privilege can be waived, if it's in the public interest. The Commonwealth Govt has very similar LSL legislation and all Cwth Agencies calculate LSL exactly the same as s.256(8) of the PSM Standards 2006, but some Cwth Agencies will not change a negative LSL balance to zero, resulting in the employee, in some cases not having a positive LSL balance until having worked 7 years in the Cwth and at the end of 7 years the balance will be 9 days. These Cwth Agencies state a negative

balance is a just outcome and consistent with the purpose of the  
Cwth Act (which I don't agree) so I want to know the reasons as  
to why the ACT believes a negative balance is not just outcome  
under ACT legislation. I hope this all makes sense, if not I can be  
contacted on [REDACTED] to discuss it further. Regards [REDACTED]

I do not want to access  
the following personal details of individuals  
documents in relation  
to my request::

Thank you.  
Freedom of Information Coordinator



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDDFOI 2024-079

## **FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION**

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 6 March 2024.

Specifically, you have sought access to the following information:

*"In the ACT Govt's prior service recognition policy, policy number 12/2022, issued June 2022 by Workforce Capability and Governance (CMTEDD) on page 5, under the title "Calculating credits - long service leave" point 15, relates to a negative balance outcome when calculating prior service leave entitlements, the leave credits provided to the employee will be zero. What I am seeking is documents that instigated the necessity for the creation of point 15 and the reasoning as to why it is deemed permissible to change the calculation outcome of a negative number when calculating LSL under section 256(8) of the PSM Standards 2006 to zero. I suspect there may be legal advice surround this and if this is the case, I would like a copy, I know legal advice is privileged, but the privilege can be waived, if it's in the public interest. The Commonwealth Govt has very similar LSL legislation and all Cwth Agencies calculate LSL exactly the same as s.256(8) of the PSM Standards 2006, but some Cwth Agencies will not change a negative LSL balance to zero, resulting in the employee, in some cases not having a positive LSL balance until having worked 7 years in the Cwth and at the end of 7 years the balance will be 9 days. These Cwth Agencies state a negative balance is a just outcome and consistent with the purpose of the Cwth Act (which I don't agree) so I want to know the reasons as to why the ACT believes a negative balance is not just outcome under ACT legislation"*

### **Authority**

I am an Information Officer appointed by the CMTEDD 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 within 30 days. Therefore, a decision is due by **22 April 2024**.

### **Decision on access**

A search of CMTEDD records has failed to identify any documentation in relation to your request. I am satisfied that appropriate searches were completed and that no documents relevant to your request are held by CMTEDD.

## 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](#).

Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

## 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 provided to you, 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  
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,



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

21 March 2024