



COPY

Katy Gallagher MLA

CHIEF MINISTER

MINISTER FOR HEALTH
MINISTER FOR TERRITORY AND MUNICIPAL SERVICES

MEMBER FOR MOLOGLO

Dear

Freedom of Information Request – Kenoss Contractors Pty Ltd

I write following my letter of 26 July 2013 regarding your request for access to documents under the *Freedom of Information Act 1989* (the Act). Specifically you requested:

- Any document created or amended on or after 23 March 2012 relating to the performance of work by Kenoss for the Australian Capital Territory, including any documents relating whether or not Kenoss would or should be awarded work in the future.
- Any document created or amended on or after 23 March 2013 relating to Kenoss' prequalification under the national Prequalification System – Construction Industry – Civil Construction, Road and Bridge – Contractors (National Prequalification System), including any document relating to the applications made by Kenoss for prequalification under the National Prequalification system on 14 and 25 November 2013 and 19 February 2013.

I am the duly authorised decision maker under the Act in the Office of the Chief Minister. Pursuant to your request, a thorough search has been made for all documents relevant to the scope of your request.

I enclose with this letter a copy of the documents which I release in accordance with the Act. I have detailed below my formal decision in relation to your request.

Detailed decision

Documents 1-5

A total of fourteen documents were discovered which fell within the scope of your request. Of these documents, a number contained duplicate documents and were part of email threads relating to office procedure in preparing a response from the Chief Minister. In effect, there is one piece of correspondence (16 May, 2012 Kenoss to the Chief Minister) duplicated five times with covering emails. These documents are numbered 1-5, 9, in the accompanying schedule. **Full Release**

ACT LEGISLATIVE ASSEMBLY

Document 6

Correspondence Chief Minister to Kenoss, 22 May, 2012. **Full release.**

Document 7

Unsigned (copy), Brief to Attorney-General from Executive Director, Office of Regulatory Services, Prohibition Notice on Kenoss Contractors Pty Ltd, 26 March, 2012. **Full release**

Document 8

Email from Tony Gill to TAMS officers, Kenoss media contact, 18 July 2012. **Full release**

Document 9

Email from Sarah Bourne to GALLAGHER email, cc V Smorhun, copy of correspondence 16 May, Kenoss to the Chief Minister) duplicate. **Full release**

Document 10

Email from Gary Byles to Adina Cirson, cc Vic Smorhun, Advice of site incident Barry Drive, 23 March 2012. **Full Release**

Document 11

Email from Gary Byles to Geoff Virtue, Scott Howard, Vic Smorhun, Advice of site incident Barry Drive, 23 March 2012. **Full release**

Document 12

Email from Geoff Virtue to Scott Howard, Vic Smorhun, Adina Cirson, Sue Morrell Incident at Barry Dve and Boldrewood Street, 24 March, 2012. Contains email trail of three related emails dated 23 March, 2012. One email (Ben McHugh to Tony Gill, 24 March, 2012, 9.06.20am) summarises latest update as provided by Kenoss Contractors 8am Saturday 24 March 2012. I intend to release the document in full, however, I intend to request that details of the injured workers condition are redacted from the online documentation to protect the privacy of the injured worker and his family. I believe this to be in keeping with S27A of the Act (*Procedure on request in relation to document containing personal information*) together with Section 111 of the FOI Online Publication Policy. **Full release with redacted online version**

Document 13

Email from Helen Willson to Vic Smorhun and Sarah Bourne – notes on meeting with (redacted third party)

This document summarises a meeting with a redacted third party. I have written to them seeking their views in relation to disclosure of the document. Once I have received a response, I will advise you formally of my decision in relation to this document. There is a 28 day right of appeal for third parties under the Act. I will notify you after this time frame has been exhausted in relation to an appeal rights being exercised. **Pending third party consultation**

Document 14

Covering email from Vic Smorhun to Sarah Bourne, notes on meeting. **Pending third party consultation**

I have also assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that the documents relevant to your request, including your original application and this decision letter will be published online. For more information about the ACT Government's Online Freedom of Information Publication Policy, visit www.cmd.act.gov.au.

If you are dissatisfied with the outcome of this decision you may appeal to the ACT Civil and Administrative Appeals Tribunal. The Tribunal is located at the Magistrates Court, Knowles Place, Canberra City. Telephone: 62174261 and Facsimile: 62174505. The website address for the Tribunal is www.courts.act.gov.au.

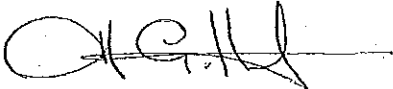
The Tribunal is an independent body able to agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with the Tribunal recommendations.

You will have 28 days from the date of receiving your decision letter in which to appeal to the Tribunal.

You have the right to complain to the Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

The Ombudsman
GPO Box 442
CANBERRA act 2601

Yours sincerely



Margaret Gillespie
Chief of Staff
Office of the Chief Minister

() - 19th August 2013