

## MINUTE


**ACT**  
 Government

 Chief Minister, Treasury and  
 Economic Development

Date \_\_\_\_\_ TRIM No: EXC:2016/00432  
 File No: \_\_\_\_\_

To \_\_\_\_\_ Director-General



From \_\_\_\_\_ A/g Executive Director, Strategic Policy and Cabinet

Subject \_\_\_\_\_ Executive documents release – 2016, Part 1

**Critical date and reason**

1. **18 May 2016.** Your signature by this date will authorise the release of the 10 year old Executive documents attached to this brief.

**Background**

1. Under the *Territory Records Act 2002*, after 10 years, Cabinet papers must be released to the public unless they would be exempt under the Freedom of Information Act 1989. You are the authorised officer as Head of Service to determine whether any documents or parts of documents should be withheld.
2. Documents withheld from release must be either released after another 5 years (section 31G(7)). Only documents that would impact personal privacy may be withheld from release indefinitely (section 31G(2)).
3. 
4. Each Cabinet file contains the complete record of a Cabinet submission, including all drafts of a submission, records of distribution, letters and briefings about the Cabinet submission, and Directorate comments. All of these are subject to request under the Executive Documents release scheme. In order to speed release, 
5. The files attached to this brief are final submissions and records of decision only, with attachments. You will be briefed separately if further materials are requested.

## Issues

6. The top ten documents requested by [REDACTED] have been provided to Economic Development, Access Canberra, and Environment and Planning Directorate for review and briefing their respective Directors-General and Deputy-Directors General about the content.
7. The documents relate to Casino control, gaming machines, [REDACTED]  
[REDACTED] A summary table, including notes on review of the documents, is at Attachment A.
8. Only two redactions have been proposed after review, by EDD and Treasury:
  - a. Attachment B, File 978, covers negotiations between Intercontinental Hotels Group and the Territory for National Convention Centre upgrades. The file contained an attachment that gave details about the current contract arrangements for operating the centre. That contract has been redacted on the basis of it being commercially sensitive information. A release restraint instrument is at Attachment B for your signature.
  - b. Attachment D, file 880, includes a hand written note referencing [REDACTED]  
[REDACTED] The note has been redacted on the basis that release may impact relations with the Commonwealth and States. A release restraint instrument is at Attachment D.
9. The gaming and casino submissions cover the Government's response to an ACT Gaming and Racing Commission review of the *Casino Control Act 1988*. The Government's response to the review, and the legislation drafted to implement it, were all publicly released.
10. Gaming machine tax rates are the subject of an information paper on file 880. The taxation options presented to Cabinet in this submission sought to benefit smaller to medium clubs by reducing their tax liabilities provided their gaming machine revenue was under the minimum threshold. This reduction in tax revenue was offset by increased tax rates for higher revenue earners (the 'big clubs'). The submission did not change Government policy and only discussed proposals.
11. The release of the submission may draw attention to claims that ACT Clubs require financial assistance. Talking points prepared by EDD are attached to file 880 for your approval.
12. Environment Protection Directorate did not recommend any redactions or note any particular sensitivities after a review of the documents. The Director-General of EPD cleared this position.

## Consultation

13. As Executive document requests are received, the relevant files are scanned and provided to responsible Directorates for briefing. Each submission here has been reviewed and covered in a brief to the relevant Director-General.

## Financial

14. Nil

## Risks/ Sensitivities

15.




## Media

16. EDD and Access Canberra have provided talking points relating to gaming regulation and casino control files proposed for release. Each set of points is with the relevant file. Further talking points will be provided on request in relation to any media or public queries about these files.

## Recommendations

That you:

- 
- Sign the release restraint determination at Attachment D, redacting a hand written note from file 880 on the basis that it would impact relations with the Commonwealth and States;
- Note the talking points provided by Access Canberra and Economic Development on Attachments C through E, regarding gaming regulation and gaming machine tax rates, which will be provided to the Chief Minister after the release of these documents;
- Approve the release in full of Attachments C through J; and
- Note that copies of all documents released will be made available on Ministers' secure drives following your approval.

Sam Engele

Action Officer: Sam Engele

Phone: 50230

Kathy Leigh...

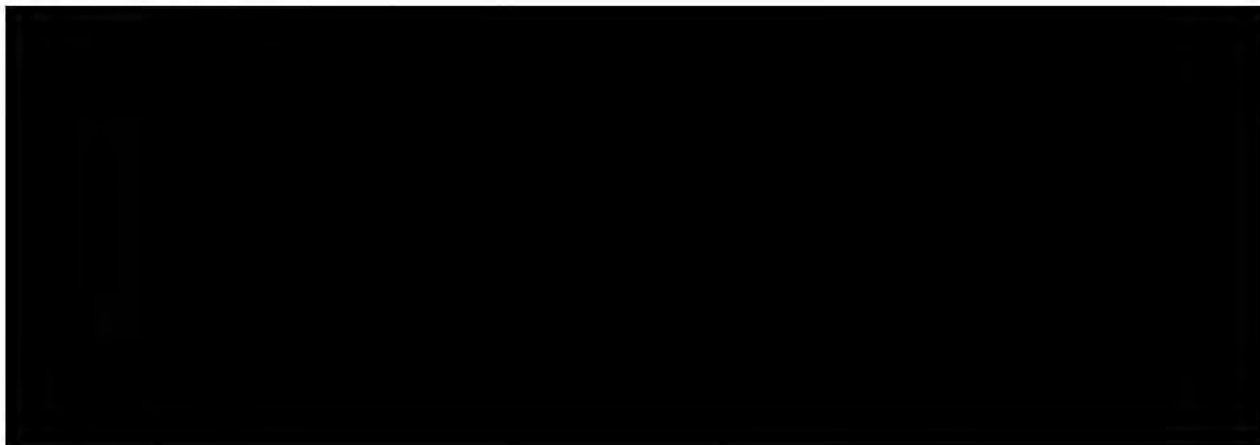


25/5/16


AGREED/NOT AGREED/NOTED/PLEASE DISCUSS

## Executive Documents Release 2016

### Partial Release

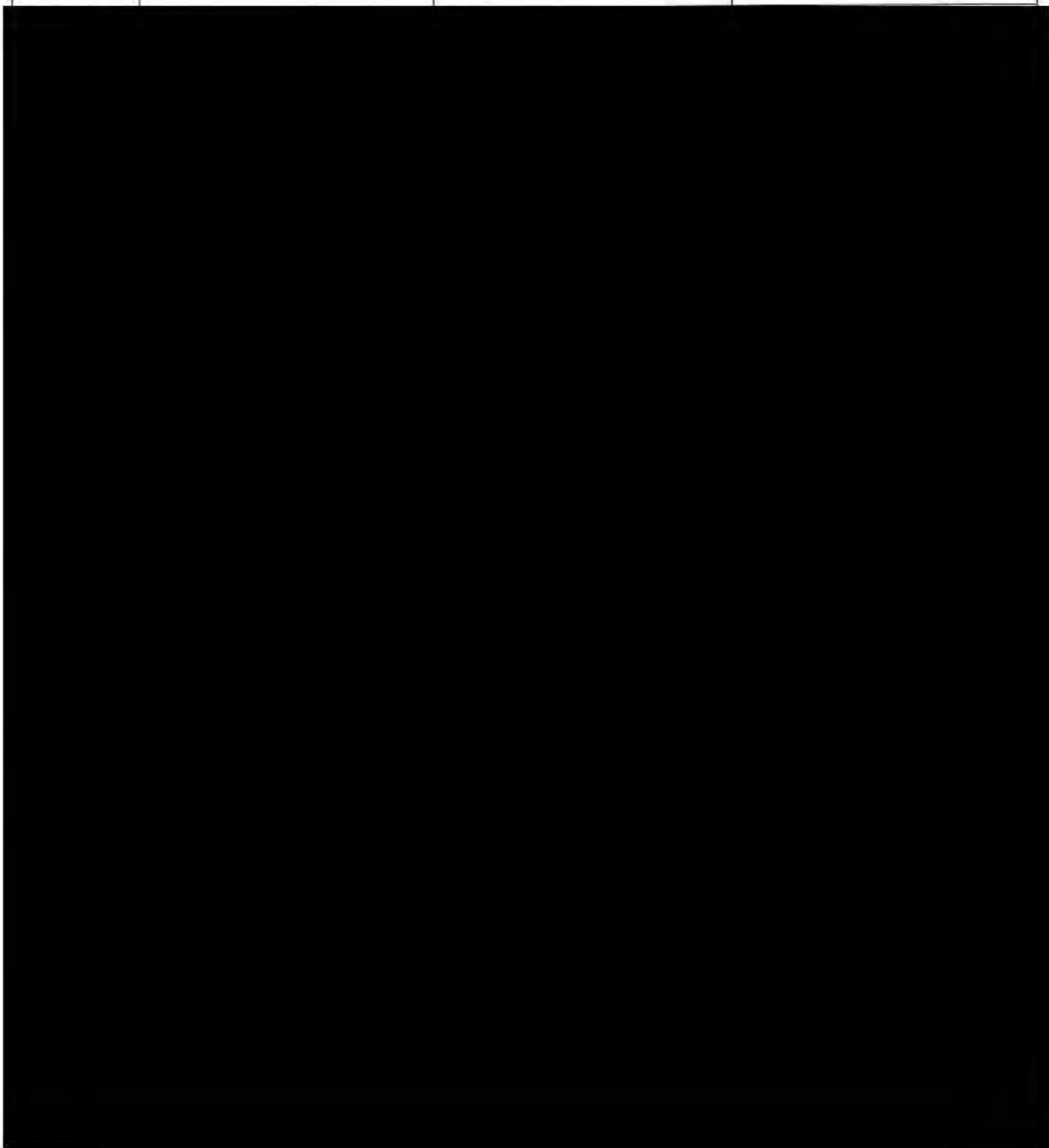


### Full Release

File No.	Title	Comment	Reviewed by
			
S-0880	Gaming Machine Tax Rates	Submission provides information to Cabinet on a revenue option considered by Cabinet in March 2005 that proposed changing gaming machine tax rates. Submission advises that the GST credit allowance, which offsets the cost of the GST payable on ACT club gaming revenue, should be removed before taxes are adjusted and tax rates decreased	EDD/Access Canberra both reviewed and briefed. EDD comments are attached on top of the file.



		accordingly.	
S-1031	Casino Control Bill 2005	The Bill was developed to implement outcomes of the ACT Gambling and Racing Commission's Review of the <i>Casino Control Act 1998</i> .	EDD reviewed - no redactions proposed, and talking points attached on top of the file.



SENSITIVE: CABINET  
NOT FOR RELEASE WITH EXECUTIVE DOCUMENTS PACKAGE

**BRIEFING NOTE FOR HEAD OF SERVICE REVIEW**

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**CABINET FILE 880: *Gaming Machine Tax Rates***

**REVIEWED BY:**

- Office of the Director-General, Economic Development. These briefing notes were prepared for David Dawes and cleared by him prior to inclusion in this package.
- David Nicol, Under-Treasurer.

**PROPOSED TREATMENT OF FILE:**

- Partial release – Redaction of handwritten note on page 5.
  - Talking points outlining issues and possible comments provided by ED below.
- 

Outline

On 19 March 2005, Cabinet considered a revenue option that indicated \$14.6m could be raised by changing gaming machine tax rates. This option was based on applying the Victorian flat tax rate of 24.24% applied to gaming machine revenue. Submission 0880 appears to be providing further information to this Cabinet meeting.

The taxation options presented to Cabinet in this submission sought to benefit smaller to medium clubs by reducing their tax liabilities provided their gaming machine revenue was under the minimum threshold. This reduction in tax revenue was offset by increased tax rates for higher revenue earners (the 'big clubs').

The Submission highlighted the role clubs play in providing broader services to the ACT community. This was contrasted with the commercial nature of the Victorian gaming environment.

The submission advises that the GST credit allowance, which offsets the cost of the GST payable on ACT club gaming revenue, should be removed before taxes are adjusted and tax rates decreased accordingly. This allowance was cited as the reason the ACT collects less gaming tax revenue than most other jurisdictions.

Sensitivities:

Given the industry's ongoing assertions about financial difficulties, including for larger clubs, the submission's content could be construed as a decade-long imposition of ever increasing taxes on community clubs – particularly in light of some of the statements made during last year's PAC inquiry. As such, the focus on supporting small/medium clubs and ongoing commitment to their viability should be highlighted in response (if required) – see suggested points below.

The Executive Document does not include the Cabinet decision – as decisions are provided with other submissions, it may be requested. However, taxation rates are a matter of public record through the Budget papers and consequential changes to the taxation rates in the *Gaming Machine Act 2004*.

A handwritten note on the submission by Minister Quinlan, [REDACTED]

[REDACTED] is proposed for redaction under s34 'documents affecting relations with Commonwealth and States'.

**SENSITIVE: CABINET  
NOT FOR RELEASE WITH EXECUTIVE DOCUMENTS PACKAGE**

Proposed speaking points (if required):

- The Government recognises the value of our community clubs. We continue to work with the industry to support its ongoing viability. Recent reforms include:
  - Amendments to gaming machine taxation rates introduced in July 2015 as part of the ACT Government's Gaming Machine Reform Package. These reforms provided relief to small and medium sized clubs through a reduction in tax liabilities, while increasing tax rates for larger, higher revenue earning clubs.
  - The Electronic Gaming Machine (EGM) Trading Scheme was also introduced as part of the Reform Package and allows licensed clubs to buy and sell EGM authorisations, thereby providing a mechanism for clubs to generate revenue through the sale of unwanted gaming machines.
  - Establishing the Community Clubs Taskforce. The Taskforce is the key point of contact on matters relating to the future viability of community clubs. The Taskforce:
    - Provides advice to individual clubs or ClubsACT (representing community clubs) on proposals put forward to diversify operations - primarily concentrating on the development or sale of club land. However, this may also include other land related activities such as relocation, amalgamation, and the like.
    - Provides the opportunity to discuss other matters that may assist in the clubs' operational longevity where a clear economic or social benefit is demonstrated.
  - An ongoing program of reducing unnecessary red tape on the industry and introducing contemporary regulatory arrangements including the establishment of Access Canberra as a one-stop-shop.

**SENSITIVE: CABINET**  
**NOT FOR RELEASE WITH EXECUTIVE DOCUMENT PACKAGE**

**BRIEFING NOTE FOR HEAD OF SERVICE REVIEW**

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**CABINET FILE 1031: *Casino Control Bill 2005***

**REVIEWED BY:**

- Office of the Director-General, Economic Development. These briefing notes were prepared for David Dawes and cleared by him prior to inclusion in this package.
- Access Canberra – no comments provided.

**PROPOSED TREATMENT OF FILE:**

- Full release
  - Talking points outlining issues and possible comments were drafted by Economic Development below.
- 

Outline

This Submission relates to Cabinet's agreement to introduce the Casino Control Bill 2005. Although the attachments are not included with the submission, the Bill, Explanatory Statement, Presentation Speech and Human Rights Compatibility are all on the public record through either the ACT Legislation Register or Hansard. There is no issue with releasing the PCO Memorandum.

The Bill was developed to implement outcomes of the ACT Gambling and Racing Commission's Review of the *Casino Control Act 1998*. A rewrite of the Act was undertaken to provide for technical and minor improvements, the removal of duplication and the updating of offence provisions.

Sensitivities:

None

Proposed speaking points (if required):

- The Casino Control Bill 2005 was developed following extensive community consultation by the ACT Gambling and Racing Commission.
- The Bill implemented outcomes of the ACT Gambling and Racing Commission's Review of the *Casino Control Act 1998* and rewrote the existing Act to provide for technical and minor improvements, the removal of duplication the updating of offence provisions, in line with good drafting practice.
- The *Casino Control Act 2006* has been amended a number of times since, but it remains the primary Act regulating casino operations in conjunction with the *Gambling and Racing Control Act 1999*.

## MINUTE


**ACT**  
 Government

 Chief Minister, Treasury and  
 Economic Development

Date	20 May 2016	TRIM No: CMTEDD2016/1
		File No: _____
To	Director-General	
From	A/g Executive Director, Strategic Policy and Cabinet	
Subject	Executive documents release – 2016, Part 2	

**Critical date and reason**

1. **25 May 2016.** Your signature by this date will authorize the release of the 10 year old Executive documents attached to this brief.

**Background**

1. Under the *Territory Records Act 2002*, after 10 years, Cabinet papers must be released to the public unless they would be exempt under the Freedom of Information Act 1989. You are the authorised officer as Head of Service to determine whether any documents or parts of documents should be withheld.
2. Documents withheld from release must be either released after another 5 years (section 31G(7)). Only documents that would impact personal privacy may be withheld from release indefinitely (section 31G(2)).
3. Three individuals have now requested executive documents from 10 years ago. [REDACTED]
4. Each Cabinet file contains the complete record of a Cabinet submission, including all drafts of a submission, records of distribution, letters and briefings about the Cabinet submission, and Directorate comments. All of these are subject to request under the Executive Documents release scheme. [REDACTED]
5. The files attached to this brief (Attachments C through E) are final submissions and records of decision only, with attachments. You will be briefed separately if further materials are requested.

**Issues**

1. This is the second batch of executive documents for release. A summary table, including notes on review of the documents, is at Attachment A.
2. The documents relate to:



- [REDACTED]
- b. legal recognition of same sex marriage; and
  - c. a ministerial statement on medicinal cannabis.

- 3. The documents have been reviewed by JACS and A/g Executive Director, Strategic Policy. No grounds were identified for non-release or redaction.

### Consultation

- 4. The documents attached to this brief have been cleared by the Danielle Krajina, Executive Director of JACS for full release. JACS have briefed the Attorney-General (Attachment B).

### Financial

- 5. Nil

### Risks/ Sensitivities

- 6. Nil

### Media

- 7. Past executive document releases have generated media attention. The documents in this batch of releases are not anticipated to generate significant media attention.
- 8. The ministerial statement on medicinal cannabis was tabled in the assembly at the time.

### Recommendations

That you:

- approve the release in full of Attachments C through E; and
- note that copies of all documents released will be made available on Ministers' secure drives following your approval.

Sam Engele

Action Officer: Sam Engele

Phone: 50230

Kathy Leigh.....

AGREED/NOT AGREED/NOTED/PLEASE DISCUSS

## Executive Documents Release 2016 – Batch 2

## Full Release

File No.	Title	Comment	Reviewed by
S-1018	(Memorandum) Report and Ministerial Statement on the Medicinal Use of Cannabis	A ministerial statement that was tabled in the Assembly.	JACS reviewed and briefed the Attorney-General
S-1024	Relationships Legislation - In-Principle Agreement	The submission seeks agreement to draft legislation that would legalise same sex marriage.	JACS reviewed and briefed the Attorney-General



UNCLASSIFIED

TRIM No.: 2016/2231

Date Rec'd Minister's Office 10/5/16

To: Attorney-General

From: Executive Director Governance

Subject: 2016 Release of Executive Documents

Critical Date: 10 May 2016

Critical Reason: Comments are to be provided to the Head of Service as soon as possible to allow processing of documents within 30 days.

- DDG CS 09/05/16 DP
- DDG J 09/05/16 VP

### Purpose

1. To provide you with information regarding the 2016 Release of Executive Documents.

### Background

2. The *Territory Records Act 2002* (the Act) provides for the public release of Cabinet papers ten years after they have been considered by Cabinet. The list of accessible Executive Documents required by the Act is produced by the Cabinet Office and updated on Canberra Day each year at the following website: <http://www.cmd.act.gov.au/functions/publications>.
3. On 14 March 2016 a list of, documents from 2005/06 were published online. Members of the public can request access to any documents, at which time they will be reviewed by the relevant directorate for any material that would be exempt under the *Freedom of Information Act 1989* (FOI Act) – other than relying on the exemption that the document is an 'executive document' to deny release.

### Issues

4. On 19 April 2016, [REDACTED] contacted the Cabinet Office seeking access to six Executive Documents which fall under the Justice and Community Safety Directorate (JACS) and the Attorney-General and Police and Emergency Services portfolios:
  - a. [REDACTED]
  - b. [REDACTED]
  - c. [REDACTED]
  - d. [REDACTED]
  - e. S-1024 – Relationships Legislation – In-Principle Agreement; and
  - f. S-1018 – Memorandum – Report and Ministerial Statement of the Medicinal Use of Cannabis.

UNCLASSIFIED

5. Cabinet Office has requested JACS review the above documents to identify any content which may be exempt under the FOI Act. Upon completion of this review, the Head of Service has requested a brief outlining any issues identified with the release of the requested Executive Documents. Copies of Executive Documents can be provided on request to the Cabinet Office.

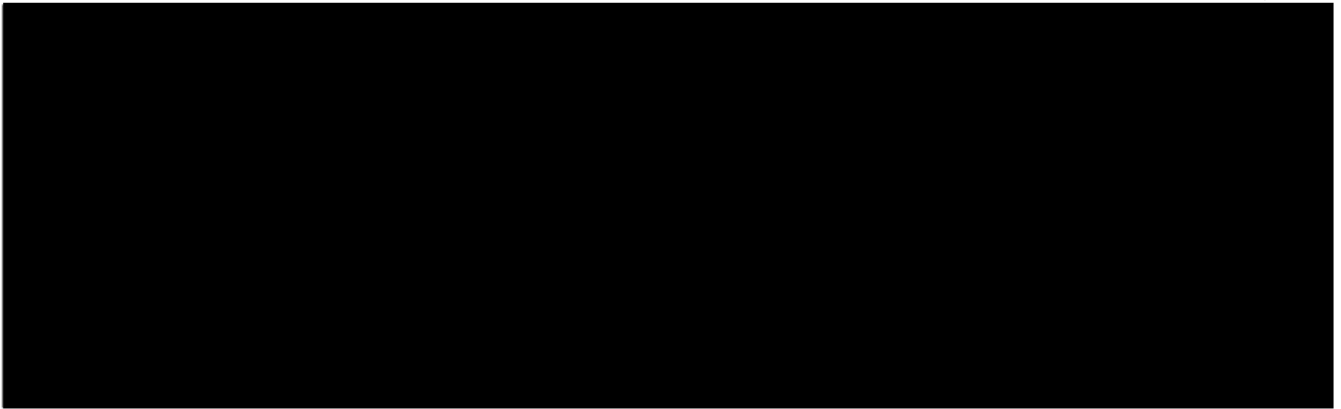
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



*S-1024 – Relationships Legislation – In-Principle Agreement*

15. The Civil Law Team of the Legislation, Policy and Programs branch has reviewed the Executive Documents and has not identified any issues associated with their release.

*S-1018 – Memorandum – Report and Ministerial Statement of the Medicinal Use of Cannabis*

16. The Criminal Law Team of the Legislation, Policy and Programs Branch has reviewed the Executive Documents and has not identified any issues associated with their release.

**Financial Implications**

17. Nil with this brief.

**JACS Directorate and Cross Directorate Consultation**

18. JACS Legislation, Policy and Programs, ACT Government Solicitor, ESA and the Security and Emergency Management Branch were consulted in the preparation of this brief.

**Benefits/Sensitivities**

19. Nil with this brief.

**Media Implications**

20. Release of Executive Documents has the potential to generative media comment. Talking points can be provided on request.



**Recommendations**

That you:

1. note the information contained in this brief; and

**Noted / Please Discuss**

2. agree to this brief being provided to the Head of Service.

**Agreed / Not Agreed / Please Discuss**

Simon Corbell MLA

16/5/10  
...../...../.....

Minister's Comments

Signatory Name:	Danielle Krajina	Phone:	X74813
Title:	Executive Director Governance		
Date:	5 May 2016		
Action Officer:	Karen Schofield	Phone:	X54775

## MINUTE



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Date	20 May 2016	TRIM No: CMTEDD2016/2
		File No: _____
To	Director-General	
From	A/g Executive Director, Strategic Policy and Cabinet	
Subject	Executive documents release – 2016, Part 4	

### Critical date and reason

1. **25 May 2016.** Your signature by this date will authorise the release of the 10 year old Executive documents attached to this brief.

### Background

1. Under the *Territory Records Act 2002*, after 10 years, Cabinet papers must be released to the public unless they would be exempt under the Freedom of Information Act 1989. You are the authorised officer as Head of Service to determine whether any documents or parts of documents should be withheld.
2. Documents withheld from release must be either released after another 5 years (section 31G(7)). Only documents that would impact personal privacy may be withheld from release indefinitely (section 31G(2)).
3. Three individuals have now requested executive documents from 10 years ago.  
[REDACTED]
4. Each Cabinet file contains the complete record of a Cabinet submission, including all drafts of a submission, records of distribution, letters and briefings about the Cabinet submission, and Directorate comments. All of these are subject to request under the Executive Documents release scheme.  
[REDACTED]
5. The files attached to this brief (Attachments C through E) are final submissions and records of decision only, with attachments. You will be briefed separately if further materials are requested.

## Issues

1. This is the fourth batch of executive documents for release. A summary table, including notes on review of the documents, is at Attachment A.
2. The documents relate to:
  - a. two direct land sales;
  - b. consideration of the timing of a land transaction by the LDA; and
  - c. an extension of the mobile speed camera network.
3. The documents have been reviewed by the relevant directorate and A/g Executive Director, Strategic Policy. No grounds were identified for non-release or redaction.

## Consultation

1. The documents attached to this brief have been cleared by Economic Development and Justice and Community Safety Directorate for full release.
2. JACS have briefed the Minister for Road Safety (Attachment B).

## Financial

3. Nil

## Risks/ Sensitivities

4. Nil

## Media

5. Past executive document releases have generated media attention. The documents in this batch of releases are not anticipated to generate significant media attention.

## Recommendations

That you:

- approve the release in full of Attachments C through F; and
- note that copies of all documents released will be made available on Ministers' secure drives following your approval.

Sam Engele

Action Officer: Sam Engele

Phone: 50230

Kathy Leigh.....

AGREED/NOT AGREED/NOTED/PLEASE DISCUSS

### Executive Documents Release 2016 – Batch 4

#### Full Release

File No.	Title	Comment	Reviewed by
S-915	Possible impact of deferral of land sales	Refers to consideration of the LDA deferring settlement of a land sale between financial years	Economic Development Directorate
S-862	Block 21 Section 52 Belconnen - Direct Grant	A submission relating to Westfield Belconnen seeking a direct sale of land. Cabinet deferred consideration.	Economic Development Directorate
S-872	Direct Sale of Part Block 12 Section 56 Lyneham	A direct land sale to the Sisters of St Joseph	Economic Development Directorate
S-1013	Extension of the mobile speed camera network	A submission to increase the mobile speed camera network.	Justice and Community Safety Directorate





UNCLASSIFIED

TRIM No.: 2016/2322

Date Rec'd Minister's Office .../.../...

**To:** Minister for Justice and Consumer Affairs

**From:** Executive Director Governance

**Subject:** 2016 Release of Executive Documents

**Critical Date:** 28 April 2016

**Critical Reason:** Comments are to be provided to the Head of Service by 28 April 2016

• DDG J 27/04/16 VP

### Purpose

1. To provide you with information regarding the 2016 Release of Executive Documents.

### Background

2. The *Territory Records Act 2002* provides for the public release of Cabinet papers ten years after they have been considered by Cabinet. The list of accessible Executive Documents required by the Act is produced by the Cabinet Office and updated on Canberra Day each year at the following website: <http://www.cmd.act.gov.au/functions/publications>.
3. On 14 March 2016, documents from 2005/06 were published online. Members of the public are able to request access to any documents, at which time they will be reviewed by the relevant directorate for any material that would be exempt under the *Freedom of Information Act 1989* (with the exception of Executive Documents that are older than 10 years).

### Issues

4. On 19 April 2016, [REDACTED] contacted the Cabinet Office seeking access to one Executive document which falls under your portfolio as the Minister for Justice and Consumer Affairs:
  - a. S-1013 – Extension of the mobile speed camera network.
5. Cabinet Office has requested the Justice and Community Safety Directorate (JACS) review the above document to identify any content which may be exempt under the *Freedom of Information Act 1989*. Upon completion of this review, the Head of Service has requested a brief outlining any issues identified with the release of the requested Executive documents. A copy of the Executive Document can be provided to you by Cabinet Office on request.

### *S-1013 – Extension of the mobile speed camera network*

6. Justice Planning and Safety Programs of the Legislation, Policy and Programs Branch (LPP) and ACT Policing have reviewed this Executive Document, which relates to a proposal to expand the range of ACT roads on which mobile speed cameras could be used in order to improve road safety outcomes. The position taken in the submission is broadly consistent with the current ACT Road Safety Camera Strategy released in 2015.

UNCLASSIFIED



7. The document includes reference to the legislated degree of accuracy of cameras (a 2km/h technical tolerance) which is public information. The document also makes reference to the existence of an enforcement tolerance. The Government does not publish the enforcement tolerance (a tolerance level which is set above the technical tolerance) as this would effectively create a de facto speed limit. The document does not disclose the enforcement tolerance but identifies the role ACT Policing had at the time in setting the relevant tolerance level. JACS does not propose seeking non-disclosure of any document or redaction of any text including the above.
8. While road safety camera operations are of general media and community interest, there are no other matters referred to in the document identified as raising potential issues or likely to raise media or community concern.

**Financial Implications**

9. Nil with this brief.

**JACS Directorate and Cross Directorate Consultation**

10. JACS LPP and ACT Policing were consulted in the preparation of this brief.

**Benefits/Sensitivities**

11. Nil with this brief.

**Media Implications**

12. Should release of the Executive documents generate media interest, media materials can be provided.

**Recommendations**

That you:

1. note the contents of this brief; and

Noted / Please Discuss

2. agree to provide this brief to the Head of Service.

Agreed / Not Agreed / Please Discuss

Shane Rattenbury MLA ..... /...../.....

Minister's Comments

Signatory Name:	Danielle Krajina	Phone:	X74813
Title:	Executive Director Governance		
Date:	26 April 2016		
Action Officer:	Karen Schofield	Phone:	X54775

## MINUTE


**ACT**  
 Government

 Chief Minister, Treasury and  
 Economic Development

Date 28 June 2016 TRIM No: CMTEDD2016/21  
 File No: \_\_\_\_\_

To Acting Director-General [REDACTED] 1/7

From A/g Executive Director, Strategic Policy and Cabinet

Subject Executive documents release – 2016, Batch 3

### Critical date and reason

1. **4 July 2016.** Your signature by this date will authorise the release of the 10 year old Executive documents attached to this brief.

### Background

1. Under the *Territory Records Act 2002*, after 10 years, Cabinet papers must be released to the public unless they would be exempt under the Freedom of Information Act 1989. You are the authorised officer as Head of Service to determine whether any documents or parts of documents should be withheld.
2. Documents withheld from release must be either released after another 5 years (section 31G(7)). Only documents that would impact personal privacy may be withheld from release indefinitely (section 31G(2)).
3. Three individuals have now requested executive documents from 10 years ago.  
 [REDACTED] On  
 17 March 2016, [REDACTED] requested 14 documents.  
 [REDACTED] Documents have also been provided to  
 [REDACTED] on a rolling basis.
4. Each Cabinet file contains the complete record of a Cabinet submission, including all drafts of a submission, records of distribution, letters and briefings about the Cabinet submission, and Directorate comments. All of these are subject to request under the Executive Documents release scheme. In order to speed release, [REDACTED] has requested that only final submissions and decisions be provided in the first instance, after which they will separately request additional file materials if required. It is recommended that the same arrangement be applied for [REDACTED]

5. The files attached to this brief are final submissions and records of decision only, with attachments. You will be briefed separately if further materials are requested.

### Issues

6. The attached documents requested by [REDACTED] and [REDACTED] have been provided to Health and JACS for review and briefing their respective Directors-General and Deputy-Directors General about the content.
7. The documents relate to the governance of Calvary Public Hospital [REDACTED]  
[REDACTED] A summary table, including notes on review of the documents, is at Attachment A.
8. A number of documents have been proposed for non-release after review, by Health and JACS:
  - a. File 952 (requested by [REDACTED] [REDACTED]) relate to the governance of Calvary Public Hospital. The documents have been withheld in their entirety on the basis that their release would disclose information concerning the business affairs of The Little Company of Mary (LCM), and would impact adversely on the relationship between the Territory and LCM. Release restraint instruments for both files are attached for your signature.



9. Policy and Cabinet Division have reviewed each record and support the proposal for non-release by Health and JACS.

### Consultation

10. As Executive document requests are received, the relevant files are scanned and provided to responsible Directorates for briefing. Each submission here has been reviewed and covered in a brief to the relevant Director-General.

### Financial

11. Nil

### Risks/ Sensitivities

12. Nil

### Media

13. No media is proposed at this time.

## Recommendations

That you:

- Sign the attached release restraint determinations, withholding files 952 (requested by [REDACTED] and [REDACTED] on the basis that release of the documents would disclose business affairs of The Little Company of Mary;



- Note that copies of all documents released will be made available on Ministers' secure drives following your approval.

Sam Engele

Action Officer: Sam Engele

Phone: 50230

David Nicol....

AGREED/NOT AGREED/NOTED/PLEASE DISCUSS

Sam I assume that the  
other documents we are  
releasing are non confidential?  
Thanks.

[REDACTED]  
1/7/16



## Executive Documents Release 2016

Non Release



## MINUTE


**ACT**  
 Government

 Chief Minister, Treasury and  
 Economic Development

Date	22 August 2016	TRIM No: CMTEDD2016/93
		File No:
To	Head of Service	
From	Executive Director, Strategic Policy and Cabinet	
Subject	Executive Document release – 2016, Batch 14	

**Critical date and reason**

1. **30 August 2016.** Your signature by this date will authorise the release of the 10 year old Executive documents attached to this brief.

**Background**

2. Under the *Territory Records Act 2002* (the Act), after 10 years, Cabinet papers must be released to the public unless they would be exempt under the *Freedom of Information Act 1989* (the FOI Act). You are the authorised officer as Head of Service to determine whether any documents or parts of documents should be withheld.
3. Documents withheld from release must be released after another 5 years (section 31G(7) of the Act). Only documents that would impact personal privacy may be withheld from release indefinitely (section 31G(2) of the Act).
4. The documents attached to this brief are final submissions and records of decision only, with attachments. A summary of the documents is provided at Attachment A. You will be briefed separately if further materials are requested.
5. The documents listed below were requested by [REDACTED]
  - a. S-0929 Development of Private Sector Investment in Affordable Housing (Attachment B); and
  - b. S-0970 Restricted: Joint Study into ACT Policing: Policing for the Future – Final Report (Attachment C).
6. Relevant directorates (Community Services (CSD) (S-929) and Justice and Community Safety (JACS) (S-970)) have reviewed the documents.

**Issues**

7. S-0929 Development of Private Sector Investment in Affordable Housing: Policy and Cabinet Division identified potential exemptions on the basis of legal privilege and sought further advice from the ACT Government Solicitor (GSO):



b. It is recommended you sign the release restraint determination (Attachment B1), schedule (Attachment B2), and letter to [REDACTED] (Attachment B3).

- a. S-0970 Joint Study into ACT Policing: Policing for the Future – Final Report: JACS recommend that the document be released in full. Policy and Cabinet Division supports this recommendation.

#### Consultation

8. As Executive document requests are received, the files are scanned and provided to responsible directorates for briefing. Each submission attached to this brief has been reviewed and covered in a brief to the relevant Director-General.
9. Policy and Cabinet Division will alert the Chief Minister's Office and relevant Minister's Office to the Executive documents as they are released to the applicant.

#### Financial

10. Nil.

#### Risks/ Sensitivities

11. Executive document S-0929 includes information subject to legal professional privilege and therefore should be exempt under the FOI Act.

#### Media

12. Previous Executive documents have been the basis for media articles.

#### Recommendations

That you:

- agree to the partial release of S-0929 (Attachment B) and sign the release restraint determination (Attachment B1) and schedule (Attachment B2);
- sign the letter to [REDACTED] advising of the release restraint applying to S-0929 (Attachment B3);
- agree to release S-0970 in full (Attachment C); and

see 5/9/14

see my  
policy. rel

- note that copies of all documents released will be made available on Ministers' secure drives following your approval.

Sam Engele

Action Officer: Mark Kalleske (x75989)

*but not  
3rd bullet  
joint pent  
further  
1/25/11*  
Kathy Leigh.....

AGREED/NOT AGREED/NOTED/PLEASE DISCUSS

*Has the ~~policy~~ Joint Policy on  
Policing ~~been~~ never been  
released?*

*apart for release.*

S-0970

*5/9/16*

**Executive Document Release 2016 – Batch 14****Full Release**

<b>File No.</b>	<b>Title</b>	<b>Reviewed by</b>
S-0970	Joint Study into ACT Policing: Policing for the Future – Final Report	Justice and Community Safety Directorate and Policy and Cabinet Division

**Partial Release**

<b>File No.</b>	<b>Title</b>	<b>Reviewed by</b>
S-0929	Development of Private Sector Investment in Affordable Housing	Community Services Directorate and Policy and Cabinet Division



## MINUTE


**ACT**  
 Government

 Chief Minister, Treasury and  
 Economic Development

Date	24 August 2016	TRIM No: CMTEDD2016/158
		File No: _____
To	Head of Service	
From	Executive Director, Policy and Cabinet	
Subject	Executive Document release – request for additional information – Public Interest Disclosure Bill 2006: In-principle agreement	

**Critical date and reason**

1. **31 August 2016.** Your signature by this date will authorise the release of the 10 year old Executive documents attached to this brief.

**Background**

1. Under the *Territory Records Act 2002* (the Act), after 10 years, Cabinet papers must be released to the public unless they would be exempt under the *Freedom of Information Act 1989* (the FOI Act). You are the authorised officer as Head of Service to determine whether any documents or parts of documents should be withheld.
2. Documents withheld from release must be released after another five years (section 31G(7)). Only documents that would impact personal privacy may be withheld from release indefinitely (section 31G(2)).

**Issues**

1. S-1053 was requested by [REDACTED] earlier this year. You approved full release of the submission in May 2016 (Attachment A). In line with the practice adopted for this year's Executive Document release, the final submission and decision record was provided to [REDACTED].
2. On 1 August 2016, [REDACTED] requested all documents on file for this submission. The additional documents (as highlighted in Attachment B) are not considered to be contentious and include:
  - a. **28 July 2005:** a brief to the Chief Minister requesting postponement of introduction for the Public Interest Disclosure Amendment Bill noting there had been a delay for finalising the Cabinet submission as several matters needed attention including:
    - i. clarification of the proposed 'supervisory agency' scheme;
    - ii. Identification of budget impacts; and

- iii. further consideration of implications arising from the introduction of the Human Rights Commission Bill in April 2005.

The brief does make reference to a report on the outcomes of a Review for the existing Act and that it is attached – it is not included on the file.

- b. **Undated:** a draft (unsigned) copy of the Cabinet submission and accompanying drafting instructions.
  - c. **27 October 2005:** a brief to the Chief Minister seeking agreement to circulate the Cabinet submission.
  - d. **8 November 2005:** a request for comments on the draft Cabinet submission from the Chief Executive of the then Chief Minister's Department to agency heads.
  - e. **Various dates (November 2005):** email communications and receipts showing 'nil' comment from the majority of agencies plus circulation checklists. Two letters from the then Department of Disability, Housing and Community Services provided the following comments:
    - i. 17 November 2005: suggested changes to the drafting instructions in relation to *duplication of complaints* and clarification of references in the submission relating to *confidentiality provisions*; and
    - ii. 18 November 2005: the same comments in relation to *confidentiality provisions* appear to have been provided again.
  - f. **Undated:** a Chief Minister's Cabinet Brief – primarily summarises the final submission going to Cabinet.
3. The Legislation and Policy area of the Workforce Capability and Governance Division of this Directorate was provided an opportunity to review the additional documents. After explanation of the documents was provided, the area was satisfied that no further review by them was necessary. Policy and Cabinet Division recommend all additional documents be released in full.
  4. In addition to the above documents, on 9 August 2016 [REDACTED] requested relevant pages out of the Cabinet notebook relating to consideration of this submission. While Policy and Cabinet Division are awaiting final advice from the ACT Government Solicitor on whether the Cabinet notebook is captured as an Executive Document for the purposes of the Act, it is expected that it will be. Cabinet Office is in the process of retrieving the relevant notebook and will brief you separately on whether it is recommended this be released.

### Consultation

5. Policy and Cabinet Division will alert the Chief Minister's Office of these additional Executive Documents when they are released to the applicant.

### Financial

6. Nil.

### Risks/ Sensitivities

7. While the additional documents are not considered contentious, the inclusion of the Cabinet notebook as an Executive Document and thus captured under release arrangements has not previously been contemplated.

### Media

8. Previous Executive Documents have been the basis for media articles.

### Recommendations

That you:

- agree to release the additional documents as highlighted in Attachment B; and
- note further advice will be provided to you on the status of the Cabinet notebook including a recommendation on whether information should be released.

**AGREED/NOT AGREED/PLEASE DISCUSS**

**NOTED/PLEASE DISCUSS**

Sam Engele

Action Officer: Mark Kalleske (x75989)

Kathy Leigh .....



..... 24/1/14



## MINUTE


**ACT**  
 Government

 Chief Minister, Treasury and  
 Economic Development

Date 9 May 2016 TRIM No: EXC:2016/00566-001  
 File No:

To Head of Service

- Deputy Director-General, Workforce Capability and Governance  
*(Cleared by BOC 9/5/2016)*

From Director, Public Sector Management Group

Subject Release of Executive Records in accordance with the Territory Records Act

*discussed all documents with my  
 Chief of Staff and  
 he understands they  
 will be released.*

### Critical date and reason

1. **12 May 2016** – to seek your agreement to the release of Executive Records at **Attachment A, Attachment B and Attachment C.**

### Background

2. Part 3A of the *Territory Records Act 2002* (the Act) requires the release of Executive Records (including cabinet submissions) after a period of 10 years has elapsed.
3. After 10 years the documents are assessed to ensure they do not contain any politically sensitive or protected personal information.
4. Possible outcomes following assessment include full release, partial release with redactions, or a decision not to release the document.

### Issues

5. **Attachment A** relates to a cabinet submission by then Chief Minister, Mr John Stanhope, seeking to reform the ACT Public Interest Disclosure legislation.

8. The three attachments have been assessed by Workforce Capability and Governance (WCAG). **Attachment A** contains no personal information or politically sensitive matters.

### Consultation

11. Nil.

### Financial

12. Nil

### Risks/ Sensitivities

13. Potential sensitivities outlined above.

### Media

14. Nil

### Recommendations

That you:

- Note the information in this brief; and

**AGREED/NOT AGREED/NOTED/PLEASE DISCUSS**

- Authorise the full release of submissions 1053 of 2006 (**Attachment A**), 0976 of 2006 (**Attachment B**) and 0868 of 2006 (**Attachment C**).

**AGREED/NOT AGREED/NOTED/PLEASE DISCUSS**

Judi Childs

Action Officer: Justin Wunsch

Phone: 52391

*Kathy Leigh..... / /*



**SENSITIVE: CABINET**  
**NOT TO BE RELEASED WITH EXECUTIVE DOCUMENT PACKAGE**

**BRIEFING NOTE FOR HEAD OF SERVICE REVIEW**

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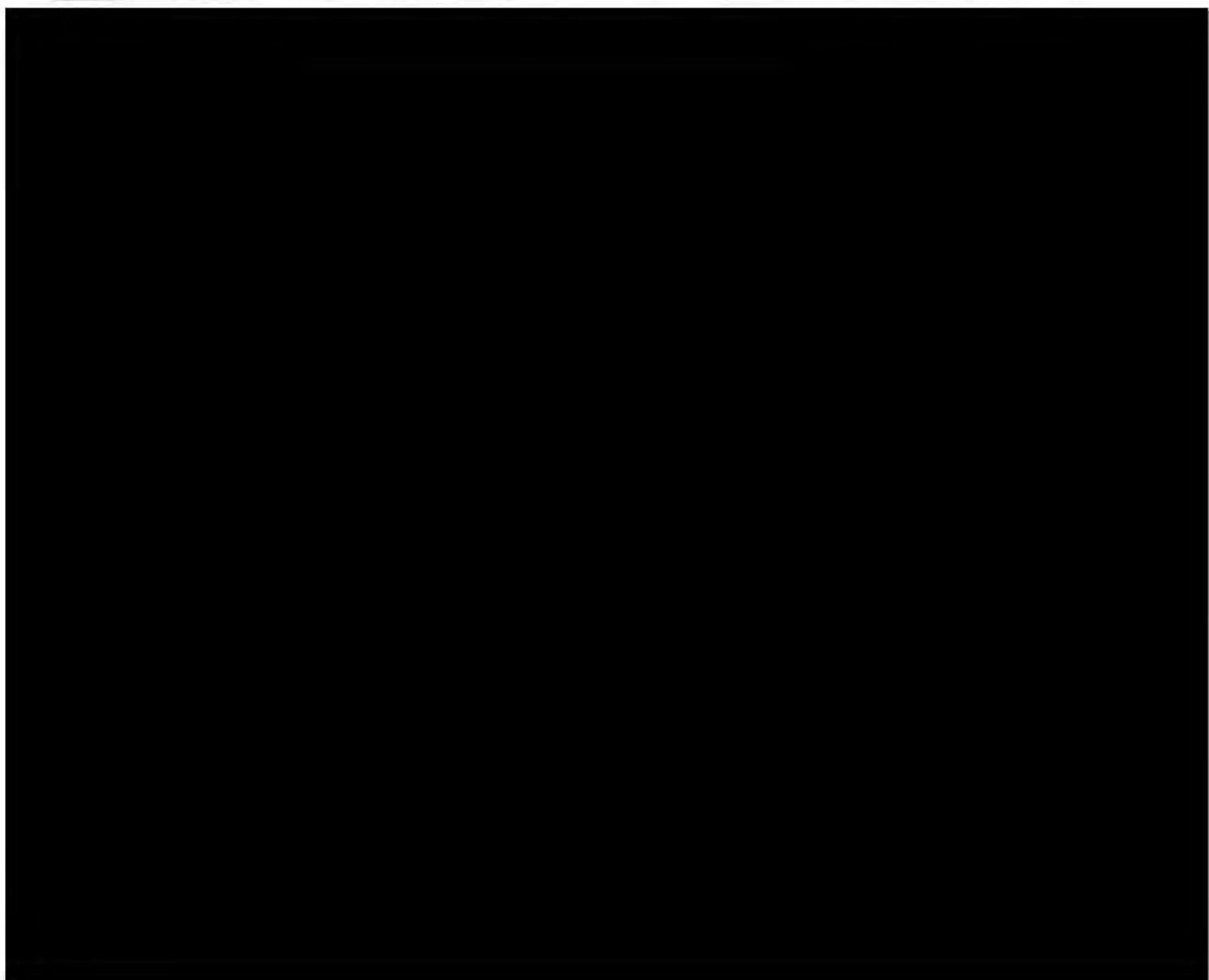
**CABINET FILE 1053:** *Public Interest Disclosure Bill 2006: In-principle agreement*

**REVIEWED BY:**

- Workforce Capability and Governance. The Deputy Director-General endorsed release with no comment.

**PROPOSED TREATMENT OF FILE:**

- Full release. No issues identified.
  - This submission was signed by the former Chief Minister, Mr Jon Stanhope.
- 



MINUTE


**ACT**  
Government

 Chief Minister, Treasury and  
Economic Development

Date 4 October 2016 TRIM No: CMTEDD2016/197  
File No:  
 To Head of Service  
 From Executive Director, Policy and Cabinet  
 Subject URGENT: Executive Document release – 2016, Batch 20

#### Critical date and reason

1. ASAP. It is preferable to make any release as soon as possible noting the general delays in executive document release this year, proximity to the upcoming election and escalating frustration of the requestor, [REDACTED]

#### Background

2. Under the *Territory Records Act 2002*, after 10 years, Cabinet papers must be released to the public unless they would be exempt under the *Freedom of Information Act 1989* (the FOI Act). You are the authorised officer as Head of Service to determine whether any documents or parts of documents should be withheld.
3. Documents withheld from release must be released after another five years (section 31G(7)). Only documents that would impact personal privacy may be withheld from release indefinitely (section 31G(2)).
4. The documents attached to this brief are final submissions and records of decision only, with attachments. A summary of the documents is provided at Attachment A. You will be briefed separately if further materials are requested.

#### Issues

5. The documents listed below were requested by [REDACTED] and [REDACTED]
  - a. S-0888 Progress of the ACT Asbestos Task Force (Attachment B); and
  - b. S-0983 Asbestos Task Force Report (Attachment C).
6. The Asbestos Response Taskforce (ART) Head (Mr Andrew Kefford) has reviewed both submissions and supports their full release. Given the sensitive nature of the topic, Strategic Policy and Cabinet (SPC) also sought review by the ACT Government Solicitor (ACTGS) on whether any exemption of the FOI Act may apply particularly in relation to legal professional privilege (section 42).

7. The full advice provided by the ACTGS on 30 September 2016 is at Attachment D. The advice provides the following conclusions:

8. A summary of the exemption categories that may apply and the proposed response from SPC is at Attachment E.
9. While it is considered prudent to undertake further consultation and research prior to recommending a release decision for S-0888, SPC considers the information in question re S-0983 (projected or estimated resource and budget implications) is not contentious given time elapsed and should be released in full.

### **Consultation**

10. As Executive Document requests are received, the files are scanned and provided to relevant directorates for briefing.
11. Policy and Cabinet Division will alert the Chief Minister's Office and relevant ministers' offices to the Executive Documents as they are released to the applicant.

### **Financial**

12. Nil.

### **Risks/ Sensitivities**

11. The media and general community continue to have a keen interest in the information available to the ACT Government about the risk of asbestos affected properties in Canberra leading up to the ART's establishment.
12. Both documents raise the opportunity for criticism to be leveled at government noting their focus on minimising future financial risk to the Territory, a reduction in available funding to the accelerated program of condition audits and an easing of information requirements related to asbestos affected properties.
13. A timing risk also applies. Noting the general delay in releasing executive documents this year and proximity to the upcoming election, it is preferable to release S-0983 (if you agree to its release) as soon as possible.

### **Media**

14. There is a heightened level of scrutiny in relation to all asbestos related matters.

## Recommendations

That you:

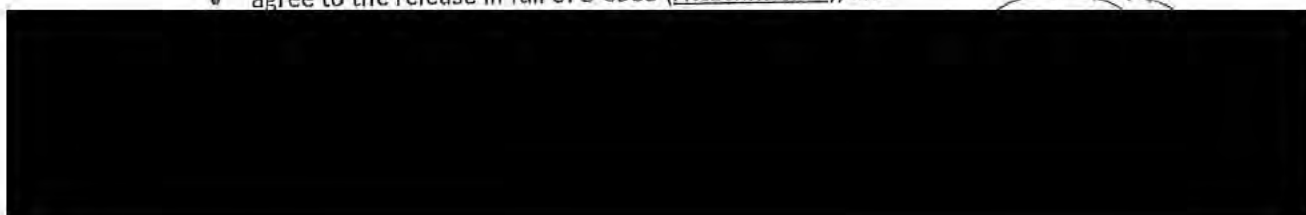
- note further consultation is required with various parties, starting with the ART, prior to settling a recommendation for the release of S-0888 (Attachment B);

*NOTED/PLEASE DISCUSS*

- note while every effort will be made to finalise the above consultation as soon as possible (noting third party consultation is required with the Commonwealth), it is likely that a recommendation on S-0888 will not be provided prior to the election on 15 October 2016;

*NOTED/PLEASE DISCUSS*

- agree to the release in full of S-0983 (Attachment C); and



Sam Engele

Action Officer: Mark Kalleske (x75989)

Kathy Leigh .....



4/10/16

## Executive Document release 2016 – Batch 20

### Full Release

File No.	Title	Reviewed by
S-0983	Asbestos Task Force Report	<ul style="list-style-type: none"> <li>Asbestos Response Taskforce (ART)</li> <li>ACT Government Solicitor (ACTGS)</li> <li>Strategic Policy and Cabinet (CMTEDD)</li> <li>Australian Government Department of the Prime Minister and Cabinet (PM&amp;C)</li> </ul>

### Partial Release

File No.	Title	Reviewed by
S-0888	Progress of the ACT Asbestos Task Force	<ul style="list-style-type: none"> <li>ART, ACTGS, Strategic Policy and Cabinet (CMTEDD) and (PM&amp;C)</li> </ul>