

**Kalleske, Mark**

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**From:** Engele, Sam  
**Sent:** Monday, 18 July 2016 3:06 PM  
**To:** Kalleske, Mark  
**Subject:** FW: Executive Document release - S-952 - Proposal to Change Governance of Calvary Public Hospital [SEC=UNCLASSIFIED]

FYI

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**From:** [REDACTED]  
**Sent:** Monday, 18 July 2016 2:03 PM  
**To:** Engele, Sam  
**Subject:** Re: Executive Document release - S-952 - Proposal to Change Governance of Calvary Public Hospital [SEC=UNCLASSIFIED]

Hi Sam,

There are still several to come? The Public Interest Disclosure one in particular.

[REDACTED]

On 4 July 2016 at 11:25, Engele, Sam <[Sam.Engele@act.gov.au](mailto:Sam.Engele@act.gov.au)> wrote:

[REDACTED]

The following executive document has been determined to contain exempt material and has not been approved for release:

- S-952 - Proposal to Change Governance of Calvary Public Hospital

A release restraint determination outlining the decision is attached.

Regards,

**SAM ENGELE** | Acting Executive Director | Strategic Policy & Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039

Email [Sam.Engele@ACT.gov.au](mailto:Sam.Engele@ACT.gov.au)

Policy and Cabinet Division

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**  
Lv 4 Nara Centre, 1 Constitution Av, Canberra

GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)



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**Kalleske, Mark**

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**From:** Rutledge, Geoffrey  
**Sent:** Wednesday, 31 August 2016 9:16 AM  
**To:** Kalleske, Mark; Engele, Sam  
**Subject:** FW: Complaint regarding Directorate's failure to comply with the provisions of the Territory Records Act 2002 relating to the release of Executive Documents [SEC=UNCLASSIFIED]

Appreciate advice on this constituent request.

**From:** Leigh, Kathy  
**Sent:** Tuesday, 30 August 2016 7:30 PM  
**To:** Bear, Jacqui <Jacqui.Bear@act.gov.au>  
**Cc:** Overton-Clarke, Bronwen <Bronwen.OvertonClarke@act.gov.au>; Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>  
**Subject:** FW: Complaint regarding Directorate's failure to comply with the provisions of the Territory Records Act 2002 relating to the release of Executive Documents [SEC=UNCLASSIFIED]

Jacqui  
 Could I please have a prompt reply.  
 Thanks  
 Kathy

Kathy Leigh | Head of Service and Director-General  
 Phone: 02 6205 0246 | Email: [kathy.leigh@act.gov.au](mailto:kathy.leigh@act.gov.au)  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Level 5 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)



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**From:** [REDACTED]  
**Sent:** Tuesday, 30 August 2016 10:43 AM  
**To:** Leigh, Kathy  
**Subject:** Complaint regarding Directorate's failure to comply with the provisions of the Territory Records Act 2002 relating to the release of Executive Documents

Dear Ms Leigh,

I am writing to you to formally complain about delays in relation to my application for access to certain executive documents available for public release under the *Territory Records Act 2002*. I understand that you are the decision maker.

On 17 March 2016 I requested access to 14 executive documents that are available for public access under the *Territory Records Act 2002*. Section 31E of that Act provides that, subject to certain conditions, such documents are to be made available as soon as practicable after receiving the request.

Thus far I have not received the decisions in relation to the following documents:

- S-888: Progress of the ACT Asbestos Taskforce;
- S-929: Development of Private Sector Investment in Affordable Housing;
- S-970: Joint Study into ACT Policing: Policing for the Future – Final Report; and
- S-983: Asbestos Taskforce Report.

Further, I understand that several of the releases provided thus far are incomplete; specifically, omitting the records of the decisions of Cabinet.

Given the nature of the materials requested, it is difficult to avoid the conclusion that their release has been delayed (or in the case of incomplete releases, only partially released) in order to avoid public scrutiny of the Government's decisions and actions in relation to these matters. If so, such conduct would appear, *inter alia*, to be incompatible with the general obligations of public employees imposed by section 9 of the *Public Sector Management Act 1994*.

I now request that you expedite the consideration and release of the outstanding documents, and ensure that all prior releases have been conducted in accordance with the Act (specifically, by ensuring that relevant documents have been released in full).

Should I not receive an adequate response within 48 hours, I will refer this matter to the ACT Ombudsman, and take such other action as is available to me.

I would also point you to the provisions of the *Public Interest Disclosure Act 2012*, and I would ask you to consider whether the issues raised in this complaint may amount to a public interest disclosure under that Act. For example, if it could be shown that a public official had sought to delay the release of documents until after the conclusion of the 2016 ACT Election, that would appear to amount to an exercise of the person's functions as a public official in a way that was not honest or was not impartial; factors which form part of the definition of disclosable conduct in section 8 of that Act.

Kind regards,

**Kalleske, Mark**

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**From:** Kalleske, Sarah  
**Sent:** Thursday, 1 September 2016 4:46 PM  
**To:** Kalleske, Mark  
**Subject:** FW: Complaint regarding Directorate's failure to comply with the provisions of the Territory Records Act 2002 relating to the release of Executive Documents  
**Attachments:** Response Letter to [REDACTED].pdf

**From:** Kalleske, Sarah **On Behalf Of** Leigh, Kathy  
**Sent:** Thursday, 1 September 2016 12:06 PM  
**To:** Engele, Sam <Sam.Engele@act.gov.au>; Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>  
**Cc:** Bear, Jacqui <Jacqui.Bear@act.gov.au>  
**Subject:** FW: Complaint regarding Directorate's failure to comply with the provisions of the Territory Records Act 2002 relating to the release of Executive Documents

FYI.

Sarah

**From:** Kalleske, Sarah **On Behalf Of** Leigh, Kathy  
**Sent:** Thursday, 1 September 2016 12:01 PM  
**To:** [REDACTED]  
**Subject:** RE: Complaint regarding Directorate's failure to comply with the provisions of the Territory Records Act 2002 relating to the release of Executive Documents

Good afternoon [REDACTED]

Attached please find a letter from the Head of Service and Director-General in response to your email to her on 30 August 2016.

Kind regards  
Sarah

Sarah Kalleske | A/g Executive Assistant to Kathy Leigh, Head of Service and Director-General  
Phone: 02 6205 0241 | Email: [sarah.kalleske@act.gov.au](mailto:sarah.kalleske@act.gov.au)  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Level 5, Canberra Nara Centre, 1 Constitution Avenue Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

**From:** [REDACTED]  
**Sent:** Tuesday, 30 August 2016 10:43 AM  
**To:** Leigh, Kathy <Kathy.Leigh@act.gov.au>  
**Subject:** Complaint regarding Directorate's failure to comply with the provisions of the Territory Records Act 2002 relating to the release of Executive Documents

Dear Ms Leigh,

I am writing to you to formally complain about delays in relation to my application for access to certain executive documents available for public release under the *Territory Records Act 2002*. I understand that you are the decision maker.

On 17 March 2016 I requested access to 14 executive documents that are available for public access under the *Territory Records Act 2002*. Section 31E of that Act provides that, subject to certain conditions, such documents are to be made available as soon as practicable after receiving the request.

Thus far I have not received the decisions in relation to the following documents:

- S-888: Progress of the ACT Asbestos Taskforce;
- S-929: Development of Private Sector Investment in Affordable Housing;
- S-970: Joint Study into ACT Policing: Policing for the Future – Final Report; and
- S-983: Asbestos Taskforce Report.

Further, I understand that several of the releases provided thus far are incomplete; specifically, omitting the records of the decisions of Cabinet.

Given the nature of the materials requested, it is difficult to avoid the conclusion that their release has been delayed (or in the case of incomplete releases, only partially released) in order to avoid public scrutiny of the Government's decisions and actions in relation to these matters. If so, such conduct would appear, *inter alia*, to be incompatible with the general obligations of public employees imposed by section 9 of the *Public Sector Management Act 1994*.

I now request that you expedite the consideration and release of the outstanding documents, and ensure that all prior releases have been conducted in accordance with the Act (specifically, by ensuring that relevant documents have been released in full).

Should I not receive an adequate response within 48 hours, I will refer this matter to the ACT Ombudsman, and take such other action as is available to me.

I would also point you to the provisions of the *Public Interest Disclosure Act 2012*, and I would ask you to consider whether the issues raised in this complaint may amount to a public interest disclosure under that Act. For example, if it could be shown that a public official had sought to delay the release of documents until after the conclusion of the 2016 ACT Election, that would appear to amount to an exercise of the person's functions as a public official in a way that was not honest or was not impartial; factors which form part of the definition of disclosable conduct in section 8 of that Act.

Kind regards,





**ACT**  
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Chief Minister, Treasury and  
Economic Development

Our ref: 2016/357



Dear 

## 2016 Executive Document release

I write in relation to your email communication to me dated 30 August 2016 regarding the release of 2016 Executive Documents under the *Territory Records Act 2002*.

The Chief Minister, Treasury and Economic Development Directorate (CMTEDD) received requests for a large number of Executive Documents and have been working to action them as quickly as possible.

In the interest of expediting release, I understand there was communication with you shortly after your request was received that CMTEDD would provide in the first instance the Cabinet decision and final submission with attachments rather than the entire file. I also understand that it was conveyed to you that all documents in a file can be requested (which I understand you have done in one case to date) noting these requests take additional time for CMTEDD to process.

I do appreciate the time it has taken in relation to Executive Document release this year and regret any inconvenience caused to you as a result. I can assure you there has been no deliberate attempt to delay release of any document along the lines asserted in your communication to me.

The current release status of the Executive Documents you have requested is at Attachment A.

I expect that advice will be provided to you shortly on the four outstanding documents specified in your email based on the Cabinet decision and final submission with attachments being released. However, I note in your email that you are now requesting the entire file content for all documents requested. As outlined above, this does take additional processing time.

I have asked Mr Sam Engele, Executive Director of the Policy and Cabinet Division within CMTEDD to make contact with you to discuss the anticipated date of release for the additional documents. Mr Engele can be contacted on telephone 02 6205 0230 or via email at [sam.engele@act.gov.au](mailto:sam.engele@act.gov.au).

Thank you for your email. I trust the information provided has been of assistance.

Yours sincerely



Kathy Leigh  
Head of Service and Director-General

31 August 2016

**ATTACHMENT A****Executive Document release – 2016**

Release status of documents requested by [REDACTED]  
based on Cabinet decision and final submissions with attachments

(as at 31 August 2016)

<b>Sub Number</b>	<b>Title</b>	<b>Decision</b>	<b>Requestor notified</b>	<b>Comments</b>
862	Restricted – Block 21 Section 52 Belconnen - Direct Grant	Full Release	26/05/16	
872	Direct Sale of Part Block 12 Section 56 Lyneham	Full Release	26/05/16	
880	Restricted – Gaming Machine Tax Rates (two decisions)	Partial Release	08/06/16 and 21/06/16	Decision was not included in scanned copy – to be provided shortly
888	Progress of the ACT Asbestos Task Force			Being processed
915	Possible impact of deferral of land sales	Full Release	26/05/16	
929	Development of Private Sector Investment in Affordable Housing			Being processed
952	Restricted – Proposal to Change Governance of Calvary Public Hospital	Non-Release	04/07/16	
970	RESTRICTED: Joint Study into ACT Policing: Policing for the Future – Final Report			Being processed
983	Asbestos Task Force Report			Being processed
1013	Extension of the mobile speed camera network	Full Release	26/05/16	
1018	(Memorandum) Report and Ministerial Statement on the Medicinal Use of Cannabis	Full Release	24/05/16	

Sub Number	Title	Decision	Requestor notified	Comments
1024	Relationships Legislation – In-Principle Agreement	Full Release	24/05/16	
1031	Casino Control Bill 2005	Full Release	06/06/16 and 15/06/16	
1053	Public Interest Disclosure Bill 2006: In-principle agreement	Full Release	28/07/16	All documents on file requested (01/08/16) – being processed
				Cabinet Notebook extract requested (09/08/16) – being processed

**Kalleske, Mark**

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**From:** Bear, Jacqui  
**Sent:** Monday, 5 September 2016 3:02 PM  
**To:** Kalleske, Mark  
**Subject:** RE: Voice Mail from Bear, Jacqui (22 seconds) [SEC=UNCLASSIFIED]

thanks

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**From:** Kalleske, Mark  
**Sent:** Monday, 5 September 2016 10:04 AM  
**To:** Bear, Jacqui  
**Subject:** RE: Voice Mail from Bear, Jacqui (22 seconds) [SEC=UNCLASSIFIED]

Hi Jacqui

Here is the master spreadsheet as discussed.

In addition to the briefs currently with the HoS for clearance, there will be two additional briefs coming up this week to cover off the following documents:

888	Progress of the ACT Asbestos Task Force	[REDACTED]	ART			
983	Asbestos Task Force Report	[REDACTED]	ART			

In addition, on account of [REDACTED] correspondence last week, we also need to review files for all documents requested by him with a view to providing the entire content as opposed to just the Cabinet decision and final submission with attachments.

Thanks  
 Mark

**From:** Kalleske, Mark  
**Sent:** Monday, 5 September 2016 9:31 AM  
**To:** Bear, Jacqui <Jacqui.Bear@act.gov.au>  
**Subject:** FW: Voice Mail from Bear, Jacqui (22 seconds) [SEC=UNCLASSIFIED]

Hi Jacqui

Sorry, I was not in the office on Friday and I cannot hear your message. Is there anything you need?

Thanks  
Mark

**From:** Microsoft Outlook **On Behalf Of** Bear, Jacqui  
**Sent:** Friday, 2 September 2016 4:29 PM  
**To:** Kalleske, Mark <[Mark.Kalleske@act.gov.au](mailto:Mark.Kalleske@act.gov.au)>  
**Subject:** Voice Mail from Bear, Jacqui (22 seconds)

**You received a voice mail from Bear, Jacqui at 50465**

Caller-Id:	<a href="#">50465</a>
Job Title:	Executive Officer
Work:	<a href="#">(02) 6205 0465</a>
E-mail:	<a href="mailto:Jacqui.Bear@act.gov.au">Jacqui.Bear@act.gov.au</a>
IM Address:	<a href="#">Jacqui Bear@act.gov.au</a>

**Kalleske, Mark**

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**From:** Engele, Sam  
**Sent:** Wednesday, 7 September 2016 9:16 AM  
**To:** Kalleske, Mark  
**Subject:** FW: FOR CHECKING PLEASE: Executive Document release: S-0929 and S-0970 - S-952 - Proposal to Change Governance of Calvary Public Hospital [SEC=UNCLASSIFIED]  
**Attachments:** Release Restraint Letter - 0929.pdf; Release Restraint Determination - 0929.PDF; Release Restraint schedule - 0929.DOC; S-0929 - Development of Private Sector Investment in Affordable Housing REDACTED.pdf

Ok to send

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**From:** Kalleske, Mark  
**Sent:** Wednesday, 7 September 2016 8:49 AM  
**To:** Engele, Sam  
**Subject:** FOR CHECKING PLEASE: Executive Document release: S-0929 and S-0970 - S-952 - Proposal to Change Governance of Calvary Public Hospital [SEC=UNCLASSIFIED]

Sam

Can you please do a quick check before I send to [REDACTED]

Thanks  
 Mark

[REDACTED]

Please find attached an executive document approved for partial release:

- S-0929: Development of Private Sector Investment in Affordable Housing.

A release restraint determination outlining the decision is attached.

Thanks  
 Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

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**From:** Engele, Sam  
**Sent:** Monday, 4 July 2016 11:26 AM  
**To:** [REDACTED]  
**Subject:** HPRM: Executive Document release - S-952 - Proposal to Change Governance of Calvary Public Hospital [SEC=UNCLASSIFIED]

[REDACTED]

The following executive document has been determined to contain exempt material and has not been approved for release:

- S-952 - Proposal to Change Governance of Calvary Public Hospital

A release restraint determination outlining the decision is attached.

Regards,

**SAM ENGELE** | Acting Executive Director | Strategic Policy & Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039

Email [Sam.Engele@ACT.gov.au](mailto:Sam.Engele@ACT.gov.au)

Policy and Cabinet Division

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

Lv 4 Nara Centre, 1 Constitution Av, Canberra

GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)



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Chief Minister, Treasury and  
Economic Development

**Kalleske, Mark**

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**From:** Kalleske, Mark  
**Sent:** Wednesday, 7 September 2016 10:35 AM  
**To:** Donne, Geneva  
**Subject:** RE: URGENT: Executive Document release: S-888 and S-983 [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Gen

Can you give me an update on where you're at in relation to my request. I need to get advice to the Head of Service about the files tomorrow at the latest.

Thanks  
 Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

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**From:** Donne, Geneva  
**Sent:** Wednesday, 31 August 2016 10:29 AM  
**To:** Kalleske, Mark  
**Cc:** Engele, Sam  
**Subject:** RE: URGENT: Executive Document release: S-888 and S-983 [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Thank you Mark. I will provide you with a response as soon as possible.

Kind regards

**Genevra Donne**  
**Manager, FOI and Information Management | Asbestos Response Taskforce**  
 Phone: 02 620 54753 | Fax: 02 620 79313 | Email: [genevra.donne@act.gov.au](mailto:genevra.donne@act.gov.au)  
*Please consider the environment before printing this email*

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**From:** Kalleske, Mark  
**Sent:** Wednesday, 31 August 2016 9:48 AM  
**To:** Donne, Geneva  
**Cc:** Engele, Sam  
**Subject:** URGENT: Executive Document release: S-888 and S-983 [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Gen

As discussed, I need urgent advice from the Taskforce on whether the following document can be released as part of Executive Document release arrangements under the *Territory Records Act 2002*:

- *S-983: Asbestos Taskforce Report* (I will hand deliver a hard copy of the document to you shortly).

An additional document has also been requested which Cabinet Office is unable to locate:

- *S-888: Progress of the ACT Asbestos Taskforce.*

I would appreciate if you can confirm whether the Taskforce is holding this document.

For information, both documents have been requested by [REDACTED] and a constituent, [REDACTED]

Thanks  
Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

**Kalleske, Mark**

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**From:** Engele, Sam  
**Sent:** Friday, 9 September 2016 1:22 PM  
**To:** Kalleske, Mark  
**Subject:** FW: URGENT FOR CLEARANCE: ACTGS request - Exec doc release Sep 2016 [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]  
**Attachments:** ACTGS request - Exec doc release Sep 2016.docx

Approved.

**SAM ENGELE** | Executive Director | Strategic Policy & Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039

Email [Sam.Engele@ACT.gov.au](mailto:Sam.Engele@ACT.gov.au)

Policy and Cabinet Division

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**From:** Kalleske, Mark  
**Sent:** Friday, 9 September 2016 12:34 PM  
**To:** Engele, Sam  
**Subject:** URGENT FOR CLEARANCE: ACTGS request - Exec doc release Sep 2016 [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Sam, can you please approve the request for legal advice in relation to the two asbestos related submissions subject to Executive Document release.

Thanks  
Mark



## REQUEST FOR LEGAL ADVICE

<b>To: Deputy Chief Solicitor</b>	<b>Date:</b> 09/09/2016
<b>Brief description of request</b> (provide detailed description on back)	<p>Urgent advice is sought on the suitability of releasing information for specific Cabinet submissions as part of 2005/06 Executive Document release arrangements under the Territory Records Act 2002 (the Act).</p> <p>The Cabinet submissions relate to the operation of the then ACT Asbestos Task Force.</p>
<b>Time frame in which advice is required</b>	<p><input checked="" type="checkbox"/> Urgent: 24-48 hours (specify reasons)</p> <p>There has been challenges in the timely release of Executive Documents this year as requested [REDACTED] and other interested stakeholders. External stakeholders are awaiting decisions on release of certain documents - these decisions are contingent on the provision of legal advice.</p> <p><input type="checkbox"/> Semi Urgent: 1-3 weeks (specify reasons)</p> <p><input type="checkbox"/> Normal (specify any relevant time frames)</p>
<b>Has similar advice been requested from ACTGS previously?</b>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. If yes, please specify details of that request and subsequent advice (attach copy if available) and name of ACTGS officer (if known).</p>
<b>Contact person for this request</b>	<p>Name: Mark Kalleske Contact No: 62075989</p> <p>Title: Senior Manager</p> <p>Dept/Business Unit: Cabinet and Coordination, Policy and Cabinet Division</p>
<b>Authorised by</b>	<p>Sam Engele</p> <p>Executive Director/Business Unit Head</p> <p>Date 09/09/2016</p>



## REQUEST FOR LEGAL ADVICE

<b>Supporting Documentation</b>	<ol style="list-style-type: none"><li>1. S-0888: Progress of the ACT Asbestos Task Force</li><li>2. S-0983: Asbestos Task Force Report</li><li>3.</li><li>4.</li></ol>
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**Kalleske, Mark**

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**From:** Engele, Sam  
**Sent:** Friday, 9 September 2016 4:21 PM  
**To:** Kalleske, Mark  
**Subject:** RE: Release of s888 and s983 [DLM=Sensitive: Legal]

Ok that will do. I'd like to have these out by Friday if possible.

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**From:** Kalleske, Mark  
**Sent:** Friday, 9 September 2016 4:20 PM  
**To:** Engele, Sam  
**Subject:** FW: Release of s888 and s983 [DLM=Sensitive: Legal]

Have spoken to Rebekah and they are aiming to get verbal advice to us by Wednesday – that's the earliest they can do.

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

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**From:** Smith, Rebekah  
**Sent:** Friday, 9 September 2016 3:12 PM  
**To:** Kalleske, Mark  
**Cc:** Reece, Jayne; Saunderson, Anne; Tilbrook, Ashleigh; Kentwell, Natasha; Engele, Sam; Holley, Laetitia  
**Subject:** RE: Release of s888 and s983 [DLM=Sensitive: Legal]

Dear Mark

Thank you for your request for advice. I am pleased to advise that my colleague Ashleigh Tilbrook will respond. We anticipate being in a position to provide the advice to you by the end of next week. If that presents any problem please let me know.

I note that you will send through a copy of the documents proposed to be released together with the initial request made by [REDACTED]

In the meantime should you wish to discuss the matter Ashleigh may be contacted directly on 62053753.

Regards

**Rebekah Smith** | Special Counsel - Employment & Industrial Relations | ACT Government Solicitor  
 ☎ 02 620 53714 | 📠 02 620 70650 | 📧 DX 5602 Canberra | 📮 PO Box 260 Civic Square ACT 2608  
[www.actgs.act.gov.au](http://www.actgs.act.gov.au)

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**From:** Kalleske, Mark  
**Sent:** Friday, 9 September 2016 2:15 PM  
**To:** Reece, Jayne  
**Cc:** Engele, Sam  
**Subject:** RE: Release of s888 and s983 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi Jayne

Please find attached request for urgent legal advice.

Give me a call if you wish to discuss.

Thanks  
Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

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**From:** Kalleske, Mark  
**Sent:** Friday, 9 September 2016 1:14 PM  
**To:** Donne, Geneva  
**Cc:** Engele, Sam; Reece, Jayne  
**Subject:** RE: Release of s888 and s983 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Thank you very much Gen for getting this through – appreciated.

Jayne, I am just awaiting clearance of the legal advice request, will get it to you shortly.

Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

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**From:** Donne, Geneva  
**Sent:** Friday, 9 September 2016 1:03 PM  
**To:** Rutledge, Geoffrey  
**Cc:** Engele, Sam; Kalleske, Mark; Reece, Jayne  
**Subject:** Release of s888 and s983 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Good afternoon Geoffrey

Please find attached a response from the Head of the Taskforce regarding the public release of Executive documents (s888 and s983).

Kind regards

**Genevra Donne**  
**Manager, FOI and Information Management | Asbestos Response Taskforce**  
Chief Minister, Treasury, and Economic Development Directorate | ACT Government  
Phone: 02 620 54753 | Fax: 02 620 79313 | Email: [genevra.donne@act.gov.au](mailto:genevra.donne@act.gov.au)  
Level 2, 221 London Circuit | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au/asbestostaskforce](http://www.act.gov.au/asbestostaskforce)

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**ACT**  
Government**Asbestos Response  
Taskforce**

Our ref: A12480976

Mr Geoffrey Rutledge  
Deputy Director-General  
Chief Minister, Treasury and Economic Development  
GPO Box 158  
CANBERRA ACT 2600

Dear Mr Rutledge

**Release of Executive Documents**

I refer to a request from the Cabinet Office to provide views on the public release of the following two Cabinet submissions under section 31D of the *Territory Records Act 2002*:

1. *S-983: Asbestos Taskforce Report*
2. *S-888: Progress of the ACT Asbestos Taskforce.*

I see no reason to object to the release of the final Cabinet submissions (S-983 and S-888) and their attachments as presented to Cabinet. I have not reviewed the other documents on file which relate to the drafting process.

Should a view be formed that draft documents and other papers in the Cabinet file be released, I would ask that we are given the opportunity to review those documents separately.

If you would like to discuss the matter further, I am contactable on (02) 620 54717.

Yours sincerely

Mr Andrew Kefford  
Head – Asbestos Response Taskforce

9 September 2016

**Kalleske, Mark**

---

**From:** Kalleske, Mark  
**Sent:** Friday, 9 September 2016 5:52 PM  
**To:** Reece, Jayne  
**Subject:** RE: Release of s888 and s983 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]  
**Attachments:** Executive document release request

Hi Jayne

I have delivered copies of both submissions to Rebekah Smith this afternoon.

Attached is the request from [REDACTED]

Thanks for all your assistance to date.

Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

---

**From:** Reece, Jayne  
**Sent:** Friday, 9 September 2016 2:39 PM  
**To:** Kalleske, Mark  
**Subject:** RE: Release of s888 and s983 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Thank you Mark.

Can you send a copy of the documents proposed to be released for both submissions? [REDACTED]

It would also be handy if you can send a copy of the actual request made by [REDACTED] as the wording of it may be important in deciding which documents need to be released.

Give me a call if you have any questions.

Kind Regards

**Jayne Reece** | Principal Solicitor | ACT Government Solicitor  
 ☎ 02 620 70660 | 📠 02 620 70650 | DX 5602 Canberra | 📧 PO Box 260 Civic Square ACT 2608  
[www.actgs.act.gov.au](http://www.actgs.act.gov.au)

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---

**From:** Kalleske, Mark  
**Sent:** Friday, 9 September 2016 2:15 PM  
**To:** Reece, Jayne  
**Cc:** Engele, Sam  
**Subject:** RE: Release of s888 and s983 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi Jayne

Please find attached request for urgent legal advice.

Give me a call if you wish to discuss.

Thanks

Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

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**From:** Kalleske, Mark  
**Sent:** Friday, 9 September 2016 1:14 PM  
**To:** Donne, Geneva  
**Cc:** Engele, Sam; Reece, Jayne  
**Subject:** RE: Release of s888 and s983 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Thank you very much Gen for getting this through – appreciated.

Jayne, I am just awaiting clearance of the legal advice request, will get it to you shortly.

Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

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**From:** Donne, Geneva  
**Sent:** Friday, 9 September 2016 1:03 PM  
**To:** Rutledge, Geoffrey  
**Cc:** Engele, Sam; Kalleske, Mark; Reece, Jayne  
**Subject:** Release of s888 and s983 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Good afternoon Geoffrey

Please find attached a response from the Head of the Taskforce regarding the public release of Executive documents (s888 and s983).

Kind regards

**Genevra Donne**  
**Manager, FOI and Information Management | Asbestos Response Taskforce**  
Chief Minister, Treasury, and Economic Development Directorate | ACT Government  
Phone: 02 620 54753 | Fax: 02 620 79313 | Email: [genevra.donne@act.gov.au](mailto:genevra.donne@act.gov.au)  
Level 2, 221 London Circuit | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au/asbestostaskforce](http://www.act.gov.au/asbestostaskforce)

*Please consider the environment before printing this email*

**Kalleske, Mark**

---

**From:** Kalleske, Mark  
**Sent:** Tuesday, 13 September 2016 4:29 PM  
**To:** Engele, Sam  
**Subject:** FYI FW: Request for Legal Advice - release of information and FOI exemptions [DLM=Sensitive: Legal]

Sam

Just got off the phone with Ashleigh. Given the extent of the documents, advice will now be received no earlier than Friday or early next week – as opposed to verbal advice tomorrow as previously advised.

I have advised that our imperative is to have the documents with the HoS by Friday. If advice has not been received by then we may need to go with what we already have with a note that legal advice is pending.

Thanks  
 Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

---

**From:** Tilbrook, Ashleigh  
**Sent:** Tuesday, 13 September 2016 2:44 PM  
**To:** Kalleske, Mark  
**Subject:** Request for Legal Advice - release of information and FOI exemptions [DLM=Sensitive: Legal]

**ACT GOVERNMENT SOLICITOR**  
 (see confidentiality notice below)

Dear Mark,

I refer to your request for legal advice received on Friday afternoon. I confirm I have received a copy of the documents proposed to be released, and was hoping to be able to speak with you about the advice required this afternoon. Can you please contact me on 6205 3753 when you are available to discuss? Many thanks.

Kind regards,  
 Ashleigh.

**Ashleigh Tilbrook** | Solicitor | ACT Government Solicitor  
 ☎ 02 620 53753 | 📞 02 620 70650 | DX 5602 Canberra | 📧 PO Box 260 Civic Square ACT 2608  
[www.actgs.act.gov.au](http://www.actgs.act.gov.au)

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**From:** Smith, Rebekah  
**Sent:** Friday, 9 September 2016 3:12 PM  
**To:** Kalleske, Mark  
**Cc:** Reece, Jayne; Saunderson, Anne; Tilbrook, Ashleigh; Kentwell, Natasha; Engele, Sam; Holley, Laetitia  
**Subject:** RE: Release of s888 and s983 [DLM=Sensitive: Legal]

Dear Mark

**Kalleske, Mark**

---

**From:** Tilbrook, Ashleigh  
**Sent:** Friday, 23 September 2016 8:20 AM  
**To:** Kalleske, Mark  
**Subject:** FW: Request for Legal Advice - release of information and FOI exemptions  
[DLM=Sensitive: Legal]

Hi Mark,

Just to update you in relation to the advice request, I am not in the office today, so will give you a call early next week to discuss and run through some of the issues. As I mentioned to you earlier in the week, the Solicitor-General would also like to look at the advice prior to it going out to you.

Please feel free to email me with any queries as I'll be checking my emails throughout the day; otherwise, I will speak to you early next week.

Kind regards,  
Ashleigh.

---

From: Tilbrook, Ashleigh  
Sent: Thursday 15 September 2016 09:47  
To: Kalleske, Mark  
Subject: RE: Request for Legal Advice - release of information and FOI exemptions  
[DLM=Sensitive: Legal]

ACT GOVERNMENT SOLICITOR  
(see confidentiality notice below)

Hi Mark,

Thank you for your email and I was going to touch base with you later today to update you on the status of the advice. I have been working on a draft this week and it is quite detailed and involved process in digesting the content of the cabinet submissions and preparing a succinct and practical advice. Although I am using my best endeavours to be in a position to provide our advice as soon as possible, I have matters in Court this morning and tomorrow and once I have prepared a draft, Principal Solicitor Laeticia Holley will settle the draft, and on that basis, at this stage it is more likely to be provided early next week. My apologies for any inconvenience caused by us not having the advice to you tomorrow.

Please feel free to contact me if this presents any difficulties on 6205 3753 or if you wish to discuss this matter.

Kind regards,  
Ashleigh.

Ashleigh Tilbrook | Solicitor | ACT Government Solicitor ' 02 620 53753 | 7 02 620 70650 |  
DX 5602 Canberra | • PO Box 260 Civic Square ACT 2608  
[www.actgs.act.gov.au](http://www.actgs.act.gov.au)<<http://www.actgs.act.gov.au/>>

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From: Kalleske, Mark

Sent: Thursday, 15 September 2016 8:47 AM  
 To: Tilbrook, Ashleigh  
 Subject: RE: Request for Legal Advice - release of information and FOI exemptions  
 [DLM=Sensitive: Legal]

Hi Ashleigh

Just checking whether you think we will get advice tomorrow or more like next week?

Thanks  
 Mark

---

From: Tilbrook, Ashleigh  
 Sent: Tuesday 13 September 2016 14:44  
 To: Kalleske, Mark  
 Subject: Request for Legal Advice - release of information and FOI exemptions  
 [DLM=Sensitive: Legal] ACT GOVERNMENT SOLICITOR (see confidentiality notice below)

Dear Mark,

I refer to your request for legal advice received on Friday afternoon. I confirm I have received a copy of the documents proposed to be released, and was hoping to be able to speak with you about the advice required this afternoon. Can you please contact me on 6205 3753 when you are available to discuss? Many thanks.

Kind regards,  
 Ashleigh.

Ashleigh Tilbrook | Solicitor | ACT Government Solicitor ' 02 620 53753 | 7 02 620 70650 |  
 DX 5602 Canberra | • PO Box 260 Civic Square ACT 2608  
[www.actgs.act.gov.au](http://www.actgs.act.gov.au)<<http://www.actgs.act.gov.au/>>

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From: Smith, Rebekah  
 Sent: Friday, 9 September 2016 3:12 PM  
 To: Kalleske, Mark  
 Cc: Reece, Jayne; Saunderson, Anne; Tilbrook, Ashleigh; Kentwell, Natasha; Engele, Sam; Holley, Laetitia  
 Subject: RE: Release of s888 and s983 [DLM=Sensitive: Legal]

Dear Mark

Thank you for your request for advice. I am pleased to advise that my colleague Ashleigh Tilbrook will respond. We anticipate being in a position to provide the advice to you by the end of next week. If that presents any problem please let me know.

I note that you will send through a copy of the documents proposed to be released together with the initial request made by [REDACTED]

In the meantime should you wish to discuss the matter Ashleigh may be contacted directly on 62053753.

Regards

**Kalleske, Mark**

---

**From:** Engele, Sam  
**Sent:** Friday, 30 September 2016 10:35 AM  
**To:** Kalleske, Mark  
**Subject:** FW: Asbestos cab subs [SEC=UNCLASSIFIED]

As discussed.

---

**From:** [REDACTED]  
**Sent:** Thursday, 29 September 2016 4:32 PM  
**To:** Engele, Sam  
**Subject:** RE: Asbestos cab subs [SEC=UNCLASSIFIED]

Sam, where are the asbestos cab subs? Are you trying to hide them until after the election? [REDACTED]

**From:** [REDACTED]  
**Sent:** Tuesday, 27 September 2016 7:52 AM  
**To:** Engele, Sam <Sam.Engele@act.gov.au>  
**Subject:** RE: Asbestos cab subs [SEC=UNCLASSIFIED]

Sam,

Really need these documents asap.

[REDACTED]

On 23 Sep 2016 9:33 AM, "Engele, Sam" <Sam.Engele@act.gov.au> wrote:

Sorry [REDACTED] we are continuing to work on these, I was hoping to have these out to you this week but I have been held up awaiting additional advice.

Sam

---

**From:** [REDACTED]  
**Sent:** Friday, 23 September 2016 9:12 AM  
**To:** Engele, Sam  
**Subject:** Asbestos cab subs

Hi Sam,

Just chasing those two asbestos cab subs?



-----  
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**OBrien, Deidre**

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**From:** Tilbrook, Ashleigh  
**Sent:** Friday, 30 September 2016 5:21 PM  
**To:** Kalleske, Mark  
**Cc:** Engele, Sam; Holley, Laeticia; Reece, Jayne  
**Subject:** HPRM: Advice: Release of documents in relation to Asbestos Taskforce under Part 3A of the Territory Records Act and exemptions from release [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]  
**Attachments:** 20160930171848772.pdf

**ACT GOVERNMENT SOLICITOR**  
(see confidentiality notice below)

Dear Mr Kalleske,

I refer to your request for legal advice in relation to the above-named issue. Please find **attached** a copy of our advice.

Please do not hesitate to contact me should you wish to discuss.

Kind regards,  
Ashleigh.

**Ashleigh Tilbrook** | Solicitor | ACT Government Solicitor  
☎ 02 620 53753 | 📠 02 620 70650 | DX 5602 Canberra | 📧 PO Box 260 Civic Square ACT 2608  
[www.actgs.act.gov.au](http://www.actgs.act.gov.au)

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**Kalleske, Mark**

---

**From:** Engele, Sam  
**Sent:** Friday, 7 October 2016 10:35 AM  
**To:** Kalleske, Mark  
**Subject:** HPRM: FW: Complaint regarding Directorate's failure to comply with the provisions of the Territory Records Act 2002 relating to the release of Executive Documents [SEC=UNCLASSIFIED]

Can you do a draft response. Also see my next email.

Sam

---

**From:** Leigh, Kathy  
**Sent:** Friday, 7 October 2016 10:34 AM  
**To:** Bear, Jacqui; Rutledge, Geoffrey; Engele, Sam  
**Subject:** FW: Complaint regarding Directorate's failure to comply with the provisions of the Territory Records Act 2002 relating to the release of Executive Documents [SEC=UNCLASSIFIED]

I'll need a response to this email pls.

Kathy Leigh | Head of Service and Director-General  
 Phone: 02 6205 0246 | Email: [kathy.leigh@act.gov.au](mailto:kathy.leigh@act.gov.au)  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Level 5 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)



**ACT**  
 Government

Chief Minister, Treasury and  
 Economic Development

---

**From:** [REDACTED]  
**Sent:** Friday, 7 October 2016 10:15 AM  
**To:** Leigh, Kathy  
**Subject:** Re: Complaint regarding Directorate's failure to comply with the provisions of the Territory Records Act 2002 relating to the release of Executive Documents

Dear Ms Leigh,

Requested documents still have not been released - specifically those relating to the Government's response to asbestos issues.

The 2016 ACT Election is in 8 days. Any chance you could see your way clear to releasing those before the Election?

Regards, [REDACTED]

On 1 September 2016 at 12:01, Leigh, Kathy <[Kathy.Leigh@act.gov.au](mailto:Kathy.Leigh@act.gov.au)> wrote:

Good afternoon [REDACTED]

Attached please find a letter from the Head of Service and Director-General in response to your email to her on 30 August 2016.

Kind regards

Sarah

Sarah Kalleske | A/g Executive Assistant to Kathy Leigh, Head of Service and Director-General

Phone: 02 6205 0241 | Email: [sarah.kalleske@act.gov.au](mailto:sarah.kalleske@act.gov.au)

Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 5, Canberra Nara Centre, 1 Constitution Avenue Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

From: [REDACTED]

Sent: Tuesday, 30 August 2016 10:43 AM

To: Leigh, Kathy <[Kathy.Leigh@act.gov.au](mailto:Kathy.Leigh@act.gov.au)>

Subject: Complaint regarding Directorate's failure to comply with the provisions of the Territory Records Act 2002 relating to the release of Executive Documents

Dear Ms Leigh,

I am writing to you to formally complain about delays in relation to my application for access to certain executive documents available for public release under the *Territory Records Act 2002*. I understand that you are the decision maker.

On 17 March 2016 I requested access to 14 executive documents that are available for public access under the *Territory Records Act 2002*. Section 31E of that Act provides that, subject to certain conditions, such documents are to be made available as soon as practicable after receiving the request.

Thus far I have not received the decisions in relation to the following documents:

- S-888: Progress of the ACT Asbestos Taskforce;
- S-929: Development of Private Sector Investment in Affordable Housing;
- S-970: Joint Study into ACT Policing: Policing for the Future – Final Report; and
- S-983: Asbestos Taskforce Report.

Further, I understand that several of the releases provided thus far are incomplete; specifically, omitting the records of the decisions of Cabinet.

Given the nature of the materials requested, it is difficult to avoid the conclusion that their release has been delayed (or in the case of incomplete releases, only partially released) in order to avoid public scrutiny of the Government's decisions and actions in relation to these matters. If so, such conduct would appear, *inter alia*, to be incompatible with the general obligations of public employees imposed by section 9 of the *Public Sector Management Act 1994*.

I now request that you expedite the consideration and release of the outstanding documents, and ensure that all prior releases have been conducted in accordance with the Act (specifically, by ensuring that relevant documents have been released in full).

Should I not receive an adequate response within 48 hours, I will refer this matter to the ACT Ombudsman, and take such other action as is available to me.

I would also point you to the provisions of the *Public Interest Disclosure Act 2012*, and I would ask you to consider whether the issues raised in this complaint may amount to a public interest disclosure under that Act. For example, if it could be shown that a public official had sought to delay the release of documents until after the conclusion of the 2016 ACT Election, that would appear to amount to an exercise of the person's functions as a public official in a way that was not honest or was not impartial; factors which form part of the definition of disclosable conduct in section 8 of that Act.

Kind regards,



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**Kalleske, Mark**

---

**From:** Engele, Sam  
**Sent:** Friday, 7 October 2016 10:36 AM  
**To:** Kalleske, Mark  
**Subject:** HPRM: FW: Asbestos cab subs [SEC=UNCLASSIFIED]

See my previous

---

**From:** Engele, Sam  
**Sent:** Friday, 7 October 2016 10:21 AM  
**To:** [REDACTED]  
**Subject:** RE: Asbestos cab subs [SEC=UNCLASSIFIED]

Thanks [REDACTED]

We spend considerable effort to ensure that we are complying with legislative and other requirements. Often this requires seeking and interpreting legal and other advice to ensure that we strike the correct balance in line with the FOI and Territory Records Acts.

Once again apologies for the delay, I continue to work towards a release determination on these remaining documents.

Sam

---

**From:** [REDACTED]  
**Sent:** Friday, 7 October 2016 10:10 AM  
**To:** Engele, Sam  
**Subject:** Re: Asbestos cab subs [SEC=UNCLASSIFIED]

You will note the recent Auditor-General report that identified the LDA had fabricated FOI releases to mislead the public. I would strongly advise you not to put yourself into that category.

On 7 October 2016 at 09:47, Engele, Sam <[Sam.Engele@act.gov.au](mailto:Sam.Engele@act.gov.au)> wrote:  
 Sorry [REDACTED] I continue to wait for the final piece of advice.

Sam

On 5 Oct. 2016, at 4:54 pm, [REDACTED] wrote:

Sam? Documents?

On 29 Sep 2016 21:39, "Engele, Sam" <[Sam.Engele@act.gov.au](mailto:Sam.Engele@act.gov.au)> wrote:

[REDACTED]

I am working to have these records released to you, however, there is a final piece of advice I am waiting on from another area of government which is holding things up.

Please be assured that I share your strong desire to have all these records released as soon as possible.

I appreciate your ongoing patience during this process.

Sam

---

**From:** [REDACTED]  
**Sent:** Thursday, 29 September 2016 4:32 PM  
**To:** Engele, Sam  
**Subject:** RE: Asbestos cab subs [SEC=UNCLASSIFIED]

Sam, where are the asbestos cab subs? Are you trying to hide them until after the election? [REDACTED]

**From:** [REDACTED]  
**Sent:** Tuesday, 27 September 2016 7:52 AM  
**To:** Engele, Sam <[Sam.Engele@act.gov.au](mailto:Sam.Engele@act.gov.au)>  
**Subject:** RE: Asbestos cab subs [SEC=UNCLASSIFIED]

Sam,

Really need these documents asap.

On 23 Sep 2016 9:33 AM, "Engele, Sam" <[Sam.Engele@act.gov.au](mailto:Sam.Engele@act.gov.au)> wrote:

Sorry [REDACTED] we are continuing to work on these, I was hoping to have these out to you this week but I have been held up awaiting additional advice.

Sam

---

**From:** [REDACTED]  
**Sent:** Friday, 23 September 2016 9:12 AM  
**To:** Engele, Sam  
**Subject:** Asbestos cab subs

Hi Sam,

Just chasing those two asbestos cab subs?

[REDACTED]

---

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**Kalleske, Mark**

---

**From:** Kalleske, Sarah  
**Sent:** Tuesday, 11 October 2016 9:30 AM  
**To:** Engele, Sam  
**Cc:** Kalleske, Mark  
**Subject:** FW: Response Letter from Kathy Leigh re Territory Records Act 2002 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]  
**Attachments:** Response Letter to [REDACTED] re Territory Records ACT 2002.pdf

FYI.

Sarah

**From:** Kalleske, Sarah **On Behalf Of** Leigh, Kathy  
**Sent:** Tuesday, 11 October 2016 9:26 AM

[REDACTED]  
**Subject:** Response Letter from Kathy Leigh re Territory Records Act 2002 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Good morning [REDACTED]

Attached please find a response letter from Kathy Leigh to your email of 7 October regarding *Territory Records ACT 2002*.

Kind regards  
Sarah

**Sarah Kalleske | Executive Assistant to Kathy Leigh, Head of Service and Director-General**

Phone: 02 6205 0241 | Email: [sarah.kalleske@act.gov.au](mailto:sarah.kalleske@act.gov.au)

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

Level 5, Canberra Nara Centre, 1 Constitution Avenue Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: 2016/240

[REDACTED]

Dear [REDACTED]

## 2016 Executive Document release

I write in relation to your email communication to me dated 7 October 2016 regarding the release of remaining 2016 Executive Documents requested by you under the *Territory Records Act 2002*.

As noted in my letter dated 31 August 2016, I do appreciate the time it has taken in relation to Executive Document release this year and regret any inconvenience caused to you as a result.

Considerable effort is taken to ensure that all requirements are complied with when releasing documents. This can involve seeking legal and other advice to ensure that decisions are taken in accordance with relevant legislation. This is the case for the two outstanding Asbestos related submissions. I have been advised, based on the legal advice received and the requirement to conduct third party consultation including with the Commonwealth Government, that a decision on the release of these documents cannot be made at this time.

I note further documents have been released to you in the intervening period. The current release status of the Executive Documents requested is at Attachment A.

I have asked Mr Engèle to keep you informed of progress in working toward a release determination for the remaining documents. Mr Engèle can be contacted on telephone 02 6205 0230 or via email at [sam.engele@act.gov.au](mailto:sam.engele@act.gov.au).

Thank you for your latest email. I trust the information provided has been of assistance.

Yours sincerely

[REDACTED]

Kathy Leigh  
Head of Service and Director-General

10 October 2016

ATTACHMENT A**Executive Document release – 2016**

Release status of documents requested by [REDACTED]  
based on Cabinet decision and final submissions with attachments

(as at 7 October 2016)

<b>Sub Number</b>	<b>Title</b>	<b>Decision</b>	<b>Requestor notified</b>	<b>Comments</b>
862	Restricted – Block 21 Section 52 Belconnen - Direct Grant	Full Release	26/05/16	
872	Direct Sale of Part Block 12 Section 56 Lyneham	Full Release	26/05/16	
880	Restricted – Gaming Machine Tax Rates (two decisions)	Full Release	08/06/16, 21/06/16 and 01/09/16	
888	Progress of the ACT Asbestos Task Force			Being processed
915	Possible impact of deferral of land sales	Full Release	26/05/16	
929	Development of Private Sector Investment in Affordable Housing	Partial Release	07/09/16	
952	Restricted – Proposal to Change Governance of Calvary Public Hospital	Non-Release	04/07/16	
970	RESTRICTED: Joint Study into ACT Policing: Policing for the Future – Final Report	Full Release	07/09/16	
983	Asbestos Task Force Report			Being processed
1013	Extension of the mobile speed camera network	Full Release	26/05/16	
1018	(Memorandum) Report and Ministerial Statement on the Medicinal Use of Cannabis	Full Release	24/05/16	

Sub Number	Title	Decision	Requestor notified	Comments
1024	Relationships Legislation – In-Principle Agreement	Full Release	24/05/16	
1031	Casino Control Bill 2005	Full Release	06/06/16 and 15/06/16	
1053	Public Interest Disclosure Bill 2006: In-principle agreement	Full Release	28/07/16	
		Full Release	01/09/16	All documents on file provided
				Cabinet Notebook extract requested (09/08/16) – being processed

**Kalleske, Mark**

---

**From:** Thompson, Corinne on behalf of CMTEDD FOI  
**Sent:** Tuesday, 11 October 2016 11:41 AM  
**To:** Kalleske, Mark; Engele, Sam  
**Subject:** RE: New Freedom of Information request - Request for Executive Documents [SEC=UNCLASSIFIED]

Hi Mark

I spoke to Sam this morning and I was going to ring [REDACTED] tomorrow to see if he can be more specific about what he is seeking. Were you wanting to meet before this?

Corinne

---

**From:** Kalleske, Mark  
**Sent:** Tuesday, 11 October 2016 11:30 AM  
**To:** Engele, Sam; CMTEDD FOI  
**Subject:** RE: New Freedom of Information request - Request for Executive Documents [SEC=UNCLASSIFIED]

Hi Corinne

Can we make a time to have a quick catch-up to discuss.

Thanks  
 Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

---

**From:** Engele, Sam  
**Sent:** Tuesday, 11 October 2016 10:48 AM  
**To:** CMTEDD FOI; Kalleske, Mark  
**Subject:** RE: New Freedom of Information request - Request for Executive Documents [SEC=UNCLASSIFIED]

Corinne,

As discussed, I believe the Head of Service will need to be the decision maker as she is the decision maker under the executive document release process.

Mark will arrange for a listing of documents to be identified, and we can brief the HoS on any proposed exemptions.

Sam

---

**From:** Thompson, Corinne **On Behalf Of** CMTEDD FOI  
**Sent:** Tuesday, 11 October 2016 10:32 AM  
**To:** Kalleske, Mark  
**Cc:** Engele, Sam  
**Subject:** RE: New Freedom of Information request - Request for Executive Documents [SEC=UNCLASSIFIED]

Thanks Mark. Is Sam Engele able to be decision maker?

Can you please advise who would will be the action officer? I can send all processing information to them. Depending on how many documents are captured, imposing charges may be required (we recommend imposing charges if processing is expected to exceed 10 hours).

I also think it is worth clarifying the wording of the scope with the applicant as it is a bit vague – I will contact him to confirm his intent.

Thanks  
Corinne

---

**From:** Kalleske, Mark  
**Sent:** Monday, 10 October 2016 1:16 PM  
**To:** CMTEDD FOI; Engele, Sam  
**Subject:** RE: New Freedom of Information request - Request for Executive Documents [SEC=UNCLASSIFIED]

Hi Corinne

Yes, we are the responsible area.

Thanks  
Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

---

**From:** Thompson, Corinne **On Behalf Of** CMTEDD FOI  
**Sent:** Monday, 10 October 2016 1:08 PM  
**To:** Engele, Sam; Kalleske, Mark  
**Subject:** New Freedom of Information request - Request for Executive Documents [SEC=UNCLASSIFIED]  
**Importance:** High

Good afternoon Sam and Mark

Please see new FOI request below. Are these the executive documents that are currently subject to consultation?

Is your area the best to take carriage of processing this FOI?

Thanks.

Regards

Corinne Thompson | **Project Officer** | Governance  
**Corporate Management** | Phone: +61 2 6207 3743 | Email: [corinne.thompson@act.gov.au](mailto:corinne.thompson@act.gov.au)  
Chief Minister, Treasury and Economic Development Directorate | **ACT Government**  
Level 2, Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)  
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---

**From:** [REDACTED]  
**Sent:** Monday, 10 October 2016 1:00 PM  
**To:** CMTEDD FOI  
**Subject:** Freedom of Information request

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

**This form is to be used to submit FOI requests to the following agencies**

- Please select the box to which your request relates: Chief Minister, Treasury and Economic Development Directorate

**Your details**

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



**Request for information (Please provide as much detail as possible)**

- I would like to access the following document/s:

I wish to obtain copies of all documents: \* that are the subject of; \* that are related to; \* that were bought into existence because of; and \* that have been referred to or relied upon by any person during the course of the receipt, processing, and responding to the request for executive documents I made under the Territory Records Act 2002 on 17 March 2016 and the complaint I made to Ms Kathy Leigh on 30 August 2016.

Thank you.  
Freedom of Information Coordinator

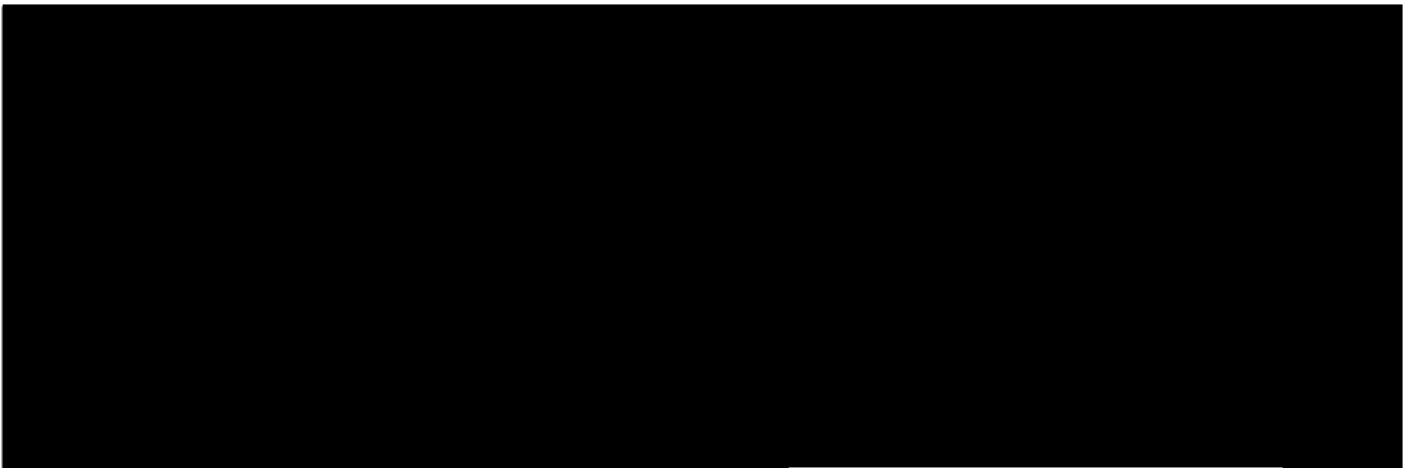
**Kalleske, Mark**

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**From:** Stewart, KateE  
**Sent:** Wednesday, 12 October 2016 2:39 PM  
**To:** Kalleske, Mark  
**Subject:** RE: ANOTHER DRAFT - 2017 Executive Document release [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Mark

I have requested the files be returned for the [REDACTED] issue.



Kate

---

**From:** Kalleske, Mark  
**Sent:** Tuesday, 11 October 2016 2:22 PM  
**To:** Stewart, KateE  
**Subject:** RE: ANOTHER DRAFT - 2017 Executive Document release [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Kate

Sorry and yes.



**Mark Kalleske** | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

---

**From:** Stewart, KateE  
**Sent:** Tuesday, 11 October 2016 1:58 PM  
**To:** Kalleske, Mark  
**Subject:** RE: ANOTHER DRAFT - 2017 Executive Document release [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Mark

I'm happy to get on with the [REDACTED] stuff, but there was no list attached. Given I'm due to finish up in 45 mins and I haven't had lunch, is it okay if I make a start on it tomorrow?

Kate

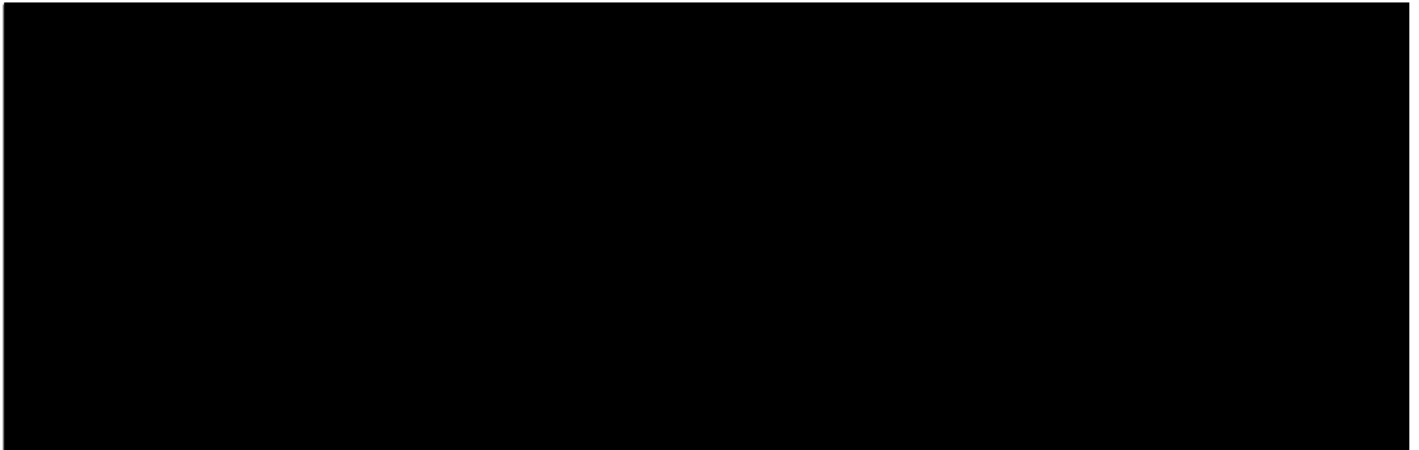
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**From:** Kalleske, Mark  
**Sent:** Tuesday, 11 October 2016 12:54 PM  
**To:** Stewart, KateE  
**Subject:** RE: ANOTHER DRAFT - 2017 Executive Document release [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Kate

Here is a link to the docs as discussed this morning:

G:\CIGR\Exec Doc Release\2016\6. Various docs



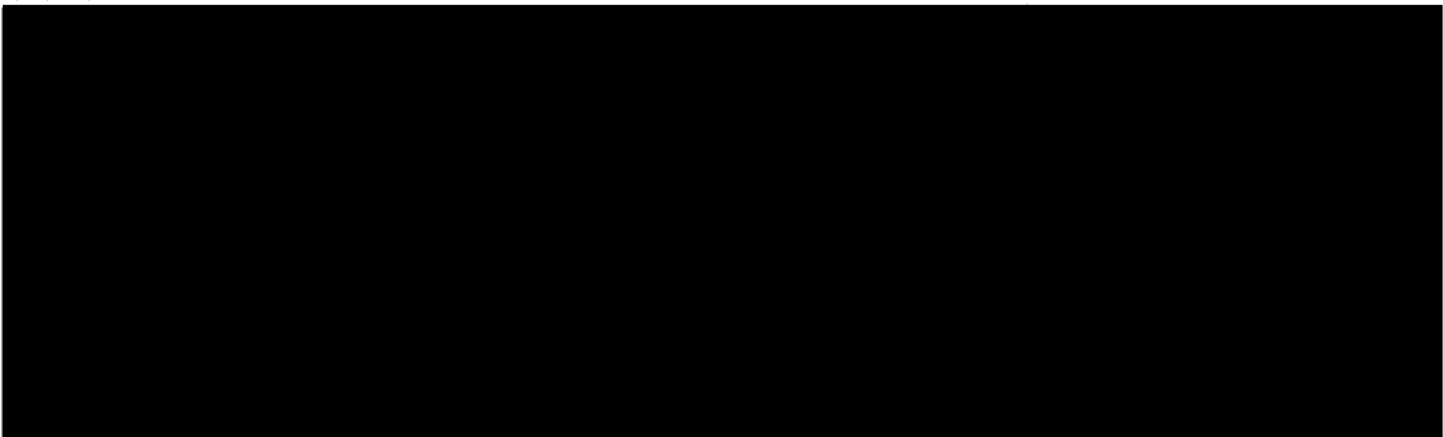
On a related point, for the new FOI request received from [redacted] yesterday, we will need to have all information scanned in for the documents requested – see list attached. Can you arrange for this – can we put them under a separate folder in the ‘0. Scanned Subs’ folder located in the same directory path as above.

I appreciate you haven’t been privy to this work before so if this is not clear please let me know.

Thanks  
Mark

PS – If you can work on the [redacted] files [redacted]

**Mark Kalleske** | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601



Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)

Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

**Kalleske, Mark**

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**From:** Thompson, Corinne on behalf of CMTEDD FOI  
**Sent:** Wednesday, 12 October 2016 3:49 PM  
**To:** Engele, Sam; Kalleske, Mark  
**Subject:** FW: Clarification of Scope of Freedom of Information request - Executive Documents CMTEDD 27/16-17 [SEC=UNCLASSIFIED]

Hi Sam and Mark

Copy of my discussion with [REDACTED] and his confirmation that he is happy with the amendments below – new scope as follows (for now):

“Copies of all documents held by the Chief Minister, Treasury and Economic Development Directorate: \* that are the subject of \* that are related to (specifically, policy documents, ministerial briefings or other documents that do not mention my specific request but were created as a direct consequence of my request) \* that were brought into existence because of; and \* that have been referred to or relied upon by any person during the course of the receipt, processing, and responding to the request for executive documents I made under the Territory Records Act 2002 on 17 March 2016 and the complaint I made to Ms Kathy Leigh on 30 August 2016. I do not require Executive documents released to me prior to the date of my request (being 10 October 2016).”

Corinne

---

**From:** [REDACTED]  
**Sent:** Wednesday, 12 October 2016 3:27 PM  
**To:** CMTEDD FOI  
**Subject:** Re: Clarification of Scope of Freedom of Information request - Executive Documents CMTEDD 27/16-17 [SEC=UNCLASSIFIED]

Yes, that's fine [REDACTED]

On 12 October 2016 at 14:39, CMTEDD FOI <[CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)> wrote:

Dear [REDACTED]

Thank you for making the time to discuss your Freedom of Information request with me today. I have inserted some words clarifying the scope of your request in red below. Please review and confirm if my interpretation fits with your intended request, or make amendments as needed. On review, I believe that the third point, where you seek documents ‘that were brought into existence because of ... your request’ would capture any documents captured by your second point ‘that are related to’ – I think they are identical in scope. On this basis you may wish to consider whether your second point is required, but I will leave this with you to confirm.

“Copies of all documents held by the Chief Minister, Treasury and Economic Development Directorate: \* that are the subject of \* that are related to (specifically, policy documents, ministerial briefings or other documents that do not mention my specific request but were created as a direct consequence of my request) \* that were brought into existence because of; and \* that have been referred to or relied upon by any person during the course of the receipt, processing, and responding to the request for executive documents I made under the Territory Records Act 2002 on 17 March 2016 and the complaint I made to Ms Kathy Leigh on 30 August 2016. I do not require Executive documents released to me prior to the date of my request (being 10 October 2016).”

It would be appreciated if you can confirm the scope interpretation as soon as possible to ensure the prompt processing of your request.

Thank you.

Regards

Corinne Thompson | Project Officer | Governance

Corporate Management | Phone: [+61 2 6207 3743](tel:+61262073743) | Email: [corinne.thompson@act.gov.au](mailto:corinne.thompson@act.gov.au)

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

Level 2, Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

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---

**From:** [REDACTED]  
**Sent:** Monday, 10 October 2016 1:00 PM  
**To:** CMTEDD FOI  
**Subject:** Freedom of Information request

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

**This form is to be used to submit FOI requests to the following agencies**

- Please select the box to which your request relates:  Chief Minister, Treasury and Economic Development Directorate

**Your details**

- Title:
- First Name\*:
- Last Name\*:
- Business/Organisation:
- Address\*:



- Suburb\*:
- Postcode\*:
- State/Territory:
- Phone/mobile\*:
- Email address\*:



**Request for information (Please provide as much detail as possible)**

- I would like to access the following document/s:

I wish to obtain copies of all documents: \* that are the subject of; \* that are related to; \* that were bought into existence because of; and \* that have been referred to or relied upon by any person during the course of the receipt, processing, and responding to the request for executive documents I made under the Territory Records Act 2002 on 17 March 2016 and the complaint I made to Ms Kathy Leigh on 30 August 2016.

Thank you.  
Freedom of Information Coordinator

-----  
This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.  
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**Kalleske, Mark**

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**From:** Thompson, Corinne on behalf of CMTEDD FOI  
**Sent:** Wednesday, 9 November 2016 2:32 PM  
**To:** Kalleske, Mark; Engele, Sam  
**Subject:** RE: [REDACTED] FOI request - FW: Freedom of information request - clarification of scope [SEC=UNCLASSIFIED]

Thank you.

---

**From:** Kalleske, Mark  
**Sent:** Wednesday, 9 November 2016 2:31 PM  
**To:** Engele, Sam; CMTEDD FOI  
**Subject:** RE: [REDACTED] FOI request - FW: Freedom of information request - clarification of scope [SEC=UNCLASSIFIED]

Ditto

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

---

**From:** Engele, Sam  
**Sent:** Wednesday, 9 November 2016 2:00 PM  
**To:** CMTEDD FOI; Kalleske, Mark  
**Subject:** RE: [REDACTED] FOI request - FW: Freedom of information request - clarification of scope [SEC=UNCLASSIFIED]

[REDACTED] has not contacted me.

---

**From:** Thompson, Corinne **On Behalf Of** CMTEDD FOI  
**Sent:** Wednesday, 9 November 2016 1:44 PM  
**To:** Engele, Sam; Kalleske, Mark  
**Subject:** RE: [REDACTED] FOI request - FW: Freedom of information request - clarification of scope [SEC=UNCLASSIFIED]

Hi Sam and Mark

We haven't had any follow up from [REDACTED] on this one – appreciate it if you can please advise if he has made contact with you.

If not, I will write to him today and advise that we will consider his request withdrawn.

Thanks.

Regards

Corinne Thompson | **Project Officer** | Governance  
**Corporate Management** | Phone: +61 2 6207 3743 | Email: [corinne.thompson@act.gov.au](mailto:corinne.thompson@act.gov.au)  
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**From:** OBrien, Deidre **On Behalf Of** CMTEDD FOI  
**Sent:** Monday, 24 October 2016 6:08 PM  
**To:** Engele, Sam; Kalleske, Mark

**Subject:** RE: [REDACTED] FOI request - FW: Freedom of information request - clarification of scope [SEC=UNCLASSIFIED]

Hi Sam and Mark

Attached is the acknowledgement letter (which was due by today) sent to [REDACTED] for this FOI request. I have asked that he respond with further clarification by this Friday. If no response is received the next step will be to write advising we consider the request to be withdrawn.

Regards  
Deidre

*Deidre O'Brien*

Project Manager, Governance  
Freedom of Information and Privacy Contact Officer  
Phone 02 620 78175 | Fax 02 620 75886  
Corporate Management | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Level 2, Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

---

**From:** Engele, Sam  
**Sent:** Monday, 24 October 2016 9:05 AM  
**To:** Thompson, Corinne; Kalleske, Mark  
**Cc:** Cole, Chris (CMCD)  
**Subject:** [REDACTED] FOI request - FW: Freedom of information request - clarification of scope [SEC=UNCLASSIFIED]

Corinne, Mark, Chris

Please see my email to [REDACTED] from last week. As I have not received a reply from [REDACTED] please make a note that the FOI is on hold until such time as [REDACTED] contacts me.

Regards,

**SAM ENGELE** | Executive Director | Strategic Policy & Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039  
Email [Sam.Engele@ACT.gov.au](mailto:Sam.Engele@ACT.gov.au)

Policy and Cabinet Division  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Lv 4 Nara Centre, 1 Constitution Av, Canberra  
GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

---

**From:** Engele, Sam  
**Sent:** Wednesday, 19 October 2016 9:29 AM  
**To:** [REDACTED]  
**Subject:** RE: Freedom of information request - clarification of scope [SEC=UNCLASSIFIED]

[REDACTED]

Just chasing up the below clarification of scope, please feel free to call me if the below email is not clear.

I will put the FOI on hold until I hear back from you.

Regards,

**SAM ENGELE** | Executive Director | Strategic Policy & Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039

Email [Sam.Engele@ACT.gov.au](mailto:Sam.Engele@ACT.gov.au)

Policy and Cabinet Division

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

Lv 4 Nara Centre, 1 Constitution Av, Canberra

GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

**From:** Engele, Sam

**Sent:** Thursday, 13 October 2016 1:04 PM

**To:** [REDACTED]

**Subject:** Freedom of information request - clarification of scope [SEC=UNCLASSIFIED]

[REDACTED]

As discussed for the purposes of processing your FOI request it would be useful to better understand the nature of the documents you are after to allow us to determine the appropriate scope. Could you indicate in the below tables the types of documents you are after. Happy to discuss over the phone if the tables are unclear.

Historical documents (i.e. the 10 year old executive records)	
Information typically found on a historical executive document file:	Please indicate if you DO NOT require a category of document
Exposure draft – early version of Cabinet submission	
Exposure draft – agency comments	
Exposure draft – brief to Chief Minister	
Final Agency Comment – comment paper	
Final Agency Comment – agency comments	
Final Agency Comment – brief	
Cabinet brief to Chief Minister	
Final signed Cabinet submission	Provided for all with the exception of two Asbestos submissions

Cabinet decision	Provided for all with the exception of two Asbestos submissions
------------------	---

Contemporary documents (created as a result of your request)	
Documents typically created by CMTEDD as a direct consequence of Mr Weight's request:	Please indicate if you DO NOT require a category of document
Scanned soft copy of relevant executive record	
Email communication(s) to relevant directorate(s) requesting advice on release, or chasing up advice	
Brief to Head of Service recommending release decision	
Schedule to brief summarising release recommendation for relevant records	
Letter to requestor – advising release decision	
Schedule of documents – attached to letter where partial release or full exemption applies	
Release restraint determination – attached to where partial release or full exemption applies	
Email to Chief Minister's Office (and other relevant ministers) alerting them to the release and providing a copy of the executive record	
Email to relevant directorate(s) advising of executive record release	

er	Historical Document Title	Please indicate whether you would like to receive <u>historical documents</u> (as indicated in the table above) relating to:	Please indicate whether you would like to receive <u>contemporary documents</u> (as indicated above) relating to:
	Restricted – Block 21 Section 52 Belconnen - Direct Grant		
	Direct Sale of Part Block 12 Section 56 Lyneham		
	Restricted – Gaming Machine Tax Rates (two decisions)		
	Progress of the ACT Asbestos Task Force		
	Possible impact of deferral of land sales		
	Development of Private Sector Investment in Affordable Housing		
	Restricted – Proposal to Change Governance of Calvary Public Hospital		
	RESTRICTED: Joint Study into ACT Policing: Policing for the Future – Final Report		
	Asbestos Task Force Report		

Extension of the mobile speed camera network		
(Memorandum) Report and Ministerial Statement on the Medicinal Use of Cannabis		
Relationships Legislation – In-Principle Agreement		
Casino Control Bill 2005		
Public Interest Disclosure Bill 2006: In-principle agreement	Already provided executive record in full.	

Regards,

**SAM ENGELE** | Executive Director | Strategic Policy & Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039

Email [Sam.Engele@ACT.gov.au](mailto:Sam.Engele@ACT.gov.au)

Policy and Cabinet Division

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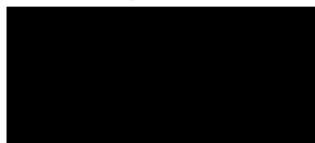
Chief Minister, Treasury and  
Economic Development



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDD 27/16-17



Dear 

### Freedom of Information Request – Request for Executive documents

I am writing to acknowledge receipt of your request submitted under section 14 of the *ACT Freedom of Information Act 1989* (the Act), received by Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 10 October 2016.

In your request, you specifically sought:

“.... copies of all documents:

- that are the subject of;
- that are related to;
- that were bought into existence because of; and
- that have been referred to or relied upon by any person during the course of the receipt, processing, and responding to the request for executive documents I made under the Territory Records Act 2002 on 17 March 2016 and the complaint I made to Ms Kathy Leigh on 30 August 2016.”

Following discussions between yourself and representatives of CMTEDD, on 12 October 2016 you clarified the scope to be as follows:

.... copies of all documents held by the Chief Minister, Treasury and Economic Development Directorate:

- that are the subject of;
- that are related to;
- that were brought into existence because of; and
- that have been referred to or relied upon by any person during the course of the receipt, processing, and responding to the request for executive documents made by you under the Territory Records Act 2002 on 17 March 2016 and the complaint you made to Ms Kathy Leigh on 30 August 2016.

Chief Minister, Treasury and Economic Development

You further clarified that the points of your request as noted above include policy documents, ministerial briefings or other documents that do not mention your specific request but were created as a direct consequence of that request, and that you do not require Executive documents released to you prior to the date of your request.

#### **Processing Time**

CMTEDD is required to provide you with a decision on access to documents within the terms of the request within 30 days after the date the request was received, unless an extension of time has been negotiated with you. The due date for a decision on your request is therefore **9 November 2016**.

I am advised, however, that the Strategic Policy and Cabinet area of the Directorate contacted you on 13 October 2016 to request further clarification as to the nature of the documents you seek to access. As yet no response has been received from you. The Directorate is unable to take any further action in relation to your request pending receipt of your further advice. It would be appreciated if you could provide the clarification sought by Friday, 28 October 2016.

#### **Processing Charges**

Processing charges may be payable in relation to time spent in searching for and retrieving relevant documents, decision-making time and photocopying. In the event the decision-maker decides that you are liable to pay a charge in respect of the processing of your request, you will be notified of the preliminary assessment of the charge and have full opportunity to contend that the charge should not be imposed or should be reduced.

#### **Online Freedom of Information (FOI) Policy**

Please be aware that under the ACT Government's Online FOI Publication Policy, information released to you in response to your FOI request may be released on the internet. The policy, with details about what information may be published on the internet, is available at [http://www.cmd.act.gov.au/\\_data/assets/pdf\\_file/0016/250333/FOI\\_Web\\_Release\\_Policy\\_-\\_Final.pdf](http://www.cmd.act.gov.au/_data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf). Information of personal or business affairs will not be made available under this policy.

In the meantime, if you have any queries concerning this Directorate's processing of your request, or would like further information, please contact me on (02) 6207 8175 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely



Deidre O'Brien  
FOI Coordinator  
Chief Minister, Treasury and Economic Development Directorate

24 October 2016

**Kalleske, Mark**

---

**From:** Thompson, Corinne on behalf of CMTEDD FOI  
**Sent:** Monday, 14 November 2016 5:01 PM  
**To:** Engele, Sam; Kalleske, Mark  
**Subject:** Considered withdrawn CMTEDD 27/16-17 Freedom of Information request [DLM=Sensitive: Personal]  
**Attachments:** FOI Acknowledgement.pdf

Good afternoon Sam and Mark

Just wanted to advise you that we now consider [REDACTED] request to be withdrawn. If he comes back asking to reactivate his request we will let you know – we would likely ask him to agree to his request being treated as a new FOI, given the time that has passed.

Regards

Corinne Thompson | **Project Officer** | Governance  
**Corporate Management** | Phone: +61 2 6207 3743 | Email: [corinne.thompson@act.gov.au](mailto:corinne.thompson@act.gov.au)  
 Chief Minister, Treasury and Economic Development Directorate | **ACT Government**  
 Level 2, Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)  
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---

**From:** Thompson, Corinne **On Behalf Of** CMTEDD FOI  
**Sent:** Wednesday, 9 November 2016 3:40 PM  
**To:** [REDACTED]  
**Subject:** Follow up on CMTEDD 27/16-17 Freedom of Information request [DLM=Sensitive: Personal]

Dear [REDACTED]

On 24 October 2016 the Directorate formally acknowledged your Freedom of Information request, but also sought clarification from you regarding the nature of the documents that you seek. I am advised that Mr Sam Engele has also made contact with you on 13 October and 19 October. We advised you that we consider your request to be on hold and that no further action will be taken on your request pending a response from you.

It would be appreciated if you could please provide the requested clarification by close-of-business 11 November 2016 to enable the Directorate to continue processing your request. If we do not hear from you by this date, we will consider your request withdrawn. Please note that withdrawal of your request does not affect your right to submit a new request at any time.

As a decision on your request is due today, 9 November 2016, if you do wish for the Directorate to continue processing your request it would be appreciated if you are also agreeable to an extension of time to complete processing.

Thank you.

Regards

Corinne Thompson | **Project Officer** | Governance  
**Corporate Management** | Email: [corinne.thompson@act.gov.au](mailto:corinne.thompson@act.gov.au)  
 Chief Minister, Treasury and Economic Development Directorate | **ACT Government**  
 Level 2, Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)  
*Please consider the environment before printing this email. If printing is necessary, print double-sided and black and white.*

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**From:** OBrien, Deidre **On Behalf Of** CMTEDD FOI  
**Sent:** Monday, 24 October 2016 6:02 PM

**To:** [REDACTED]  
**Subject:** RE: Freedom of Information request [DLM=Sensitive: Personal]

Dear [REDACTED]

Please find attached a letter acknowledging your Freedom of Information request below.

Regards

*Deidre O'Brien*

Project Manager, Governance

Freedom of Information and Privacy Contact Officer

Phone 02 620 78175 | Fax 02 620 75886

Corporate Management | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 2, Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

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**From:** [REDACTED]  
**Sent:** Monday, 10 October 2016 1:00 PM  
**To:** CMTEDD FOI  
**Subject:** Freedom of Information request

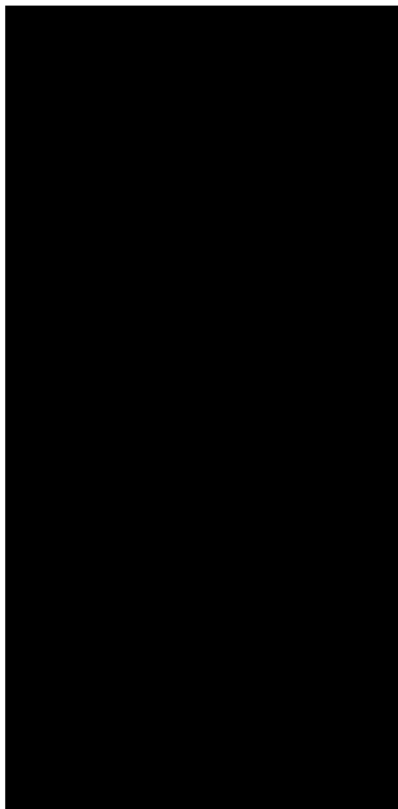
Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

**This form is to be used to submit FOI requests to the following agencies**

- Please select the box to which your request relates: Chief Minister, Treasury and Economic Development Directorate

**Your details**

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



**Request for information (Please provide as much detail as possible)**

- I would like to access the following document/s:

I wish to obtain copies of all documents: \* that are the subject of; \* that are related to; \* that were bought into existence because of; and \* that have been referred to or relied upon by any person during the course of the receipt, processing, and responding to the request for executive documents I made under the Territory Records Act 2002 on 17 March 2016 and the complaint I made to Ms Kathy Leigh on 30 August 2016.

Thank you.  
Freedom of Information Coordinator