

### **Freedom of Information Publication Coversheet**

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

#### FOI Reference: CMTEDDFOI 2021-233

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	Νο
5. Fees	N/A
6. Processing time (in working days)	35
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A



Good afternoon,

#### **RE: FOI REQUEST – CMTEDD BRIEFS (CM/SKILLS)**

I write to request under the *Freedom of Information Act 2016* the following briefs:

- Standing Committee on Public Accounts Inquiry into Auditor-General Report No.6 of 2020 Workplace Safety & Industrial Relations (CMTEDD2021/3135)
- Approval to seek exemptions for certain occupational registrations under the Mutual Recognition Amendment Bill 2021 (Cth) (the Commonwealth Bill) Temporary (CMTEDD2021/2951)
- Chief Minister Brief Chief Minister Treasury and Economic Development (CMTEDD) Freedom of Information Requests 14 July 2021 (CMTEDD2021/3436)
- Chief Minister Brief Chief Minister Treasury and Economic Development (CMTEDD) Freedom of Information Requests 30 June 2021 (CMTEDD2021/3186)
- CM letter to PM Canberra City Deal (CMTEDD2021/2967)
- Briefing to CMO and Response Request for a CSF donation (CMTEDD2021/3342)

Should you require any further information or clarification about my request, please contact my office on

Best,



Our ref: CMTEDDFOI 2021-233





#### FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 6 September 2021, in which you sought access to some of the ministerial briefs.

Specifically, you are seeking access to the following ministerial briefs:

- Standing Committee on Public Accounts Inquiry into Auditor-General Report No.6 of 2020 - Workplace Safety & Industrial Relations (CMTEDD2021/3135)
- Approval to seek exemptions for certain occupational registrations under the Mutual Recognition Amendment Bill 2021 (Cth) (the Commonwealth Bill) - Temporary (CMTEDD2021/2951)
- Chief Minister Brief Chief Minister Treasury and Economic Development (CMTEDD) Freedom of Information Requests 14 July 2021 (CMTEDD2021/3436)
- Chief Minister Brief Chief Minister Treasury and Economic Development (CMTEDD) Freedom of Information Requests 30 June 2021 (CMTEDD2021/3186)
- CM letter to PM Canberra City Deal (CMTEDD2021/2967)
- Briefing to CMO and Response Request for a CSF donation (CMTEDD2021/3342)

#### Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

#### Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 5 October 2021 however, following on from a third-party consultation, the due date is now 26 October 2021.

#### Decision on access

Searches were completed for relevant documents and six (6) documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant partial access to five (5) documents. I have decided to refuse access to one (1) document as I consider them to be:

• information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

#### **Statement of Reasons**

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

- the Act,
- the content of the documents that fall within the scope of your request,
- contentions of the consulted third parties, and
- the Information Privacy Act 2014.

#### **Exemption claimed**

My reasons for deciding not to grant full access to the identified documents and components of these documents are as follows:

#### Contrary to the public interest information under schedule 1 of the Act

One document that has been identified as being within the scope of your request includes some information subject to legal professional privilege. Under section 1.2 of Schedule 1 of the Act, information subject to legal professional privilege is not considered to be in the public interest and is exempt from release.

Further information identified as being within the scope of your request contains information that is considered to be contrary to the public interest under section 1.6 of Schedule 1 of the Act as it is contains Cabinet information. Under section 1.6 of Schedule 1 of the Act, Cabinet information is exempt from release. The purpose of this exemption is to maintain the confidentiality of the cabinet process and to uphold the principle of collective ministerial responsibility. This exemption was discussed in *The Commonwealth v Northern Land Council* [1993] HCA 24; (1993) 176 CLR 604 (21 April 1993). Paragraph 6 of the decision, states that:

... it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made.

Part of the document that you have requested falls within section 1.6 of the Act as it is information which has been commissioned by the Cabinet to guide it in its decision

making and to assist it in its deliberations. It is therefore exempt from release under the Act.

### Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

#### Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when 'used in a statute, the term [public interest] derives its content from "the subject matter and the scope and purpose" of the enactment in which it appears'. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

#### Factors favouring disclosure in the public interest:

- (a) disclosure of the information could reasonably be expected to do any of the following:
  - *ii.* contribute to positive and informed debate on important issues or matters of public interest

I consider that disclosing the contents of the information sought would significantly contribute to open discussion and informed debate on the matters contained in the documents. I am satisfied there is a public interest in discussing the content of these ministerial briefs. The release of this information would also help to create positive and informed debate on issues important to the public.

I am satisfied that these are relevant considerations favouring disclosure in this case, and in the interests of enhancing transparency and accountability, I afford them significant weight.

I also note the FOI Act has an express pro-disclosure bias which reflects the importance of public access to government information for the proper working of a representative democracy. This concept is promoted through the objects of the FOI Act. I have considered this overarching concept in making my decision in relation to access.

#### Factors favouring nondisclosure in the public interest:

(a) disclosure of the information could reasonably be expected to do any of the following:

(ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.

(x) prejudice intergovernmental relations, and

(xvi) prejudice the deliberative process of Government.

Three factors favour non-disclosure of elements of the information requested. Having applied the test outlined in Section 17 of the Act and deciding that release of personal information is not in the public interest to release, I have chosen to redact this specific information from the requested documents in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Under the Act, Freedom of Information requests are routinely published as open access on the Directorate's disclosure log, ensuring "public interest" is promoted. Documents solely containing personal information are not published to ensure protection of personal privacy. As this decision letter and documents being released to you will be published on the disclosure log, I have decided to redact information from pages 12-17 which may divulge personal details of the concerned parties, their properties, and/or their businesses.

The requested document "CM letter to PM - Canberra City Deal" is considered contrary to the public interest. This document is in a draft format and is yet to be actioned. Disclosing information contained in this document could adversely impact negotiations and deliberations between the parties concerned. Maintaining good relations between the ACT and the Commonwealth Government is crucial for the development of the ACT and is dependent on respectful negotiations between both governments. I am satisfied that the release of this document could prejudice intergovernmental relations.

In addition, disclosing contents of a document that has not yet reached its recipients and is in draft format would be highly inappropriate and may prejudice the deliberative process of government as the department is still in the process of finalising the contents of the letter.

The term 'deliberative process' is not defined in the FOI Act, however in *Eccleston and Department of Family Services and Aboriginal and Islander Affairs* (1993) 1 QAR 60 [28]-[30] the court considered the term and stated that it is to be considered as the 'thinking process of government'.

It is commonly accepted that government briefs play an important role in the Australian system of responsible parliamentary government. They provide policy positions, options and advice which is relied upon to facilitate the deliberative process of government. Therefore, I consider this factor is a relevant consideration. I am satisfied that the factors favouring non-disclosure of these documents carry significant weight.

#### Charges

Processing charges are not applicable for this request because the number of pages falls below the charging threshold of 50 pages.

#### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD

disclosure log between 3-10 days of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <u>https://www.cmtedd.act.gov.au/functions/foi</u>.

#### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form *Applying for an Ombudsman Review* to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman GPO Box 442 CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

#### ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal Level 4, 1 Moore St GPO Box 370 Canberra City ACT 2601 Telephone: (02) 6207 1740 http://www.acat.act.gov.au/

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email <u>CMTEDDFOI@act.gov.au</u>.

Yours sincerely,

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

26 October 2021



Government Chief Minister, Treasury and Economic Development

#### FREEDOM OF INFORMATION REQUEST SCHEDULE

	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Request fo	or following Briefs	CMTEDDFOI 2021-233
	Standing Committee on Public Accounts - Inquiry into Auditor-General Report No.6 of 2020 - Workplace Safety & Industrial Relations (CMTEDD2021/3135)	
	Approval to seek exemptions for certain occupational registrations under the Mutual Recognition Amendment Bill 2021 (Cth) (the Commonwealth Bill) - Temporary (CMTEDD2021/2951)	
	Chief Minister Brief - Chief Minister Treasury and Economic Development (CMTEDD) Freedom of Information Requests 14 July 2021 (CMTEDD2021/3436)	
	Chief Minister Brief - Chief Minister Treasury and Economic Development (CMTEDD) Freedom of Information Requests 30 June 2021 (CMTEDD2021/3186)	
•	CM letter to PM - Canberra City Deal (CMTEDD2021/2967)	
•	Briefing to CMO and Response - Request for a CSF donation (CMTEDD2021/3342)	

Ref No	Page number	Description	Date	Status	Reason for Exemption	<b>Online Release Status</b>
1	1-2	Brief: Standing Committee on Public Accounts - Inquiry into Auditor- General Report No.6 of 2020	29 June 2021	Partial	Sch 2 s2.2 (a)(ii)	Yes
2	3-10	Brief - Approval to seek exemptions for certain occupational registrations under the Mutual Recognition Amendment Bill 2021	16 June 2021	Partial	Sch1 s1.2 & Sch1 s1.6 (1)(a)	Yes
3	11-14	Brief - Chief Minister Brief - Chief Minister Treasury and Economic Development (CMTEDD) Freedom of Information Requests 14 July 2021	30 June 2021	Partial	Sch 2 s2.2 (a)(ii)	Yes
4	15-20	Brief - Chief Minister Brief - Chief Minister Treasury and Economic Development (CMTEDD) Freedom of Information Requests 30 June 2021	14 June 2021	Partial	Sch 2 s2.2 (a)(ii)	Yes
5	21-34	CM letter to PM - Canberra City Deal	18 June 2021	Exempt	Sch 2 s2.2 (a)(x) Sch 2 s2.2 (a)(xvi)	No
6	35-38	Brief - Briefing to CMO and Response - Request for a CSF donation	13 July 2021	Partial	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
6						



#### LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY



STANDING COMMITTEE ON PUBLIC ACCOUNTS ELIZABETH KIKKERT MLA (CHAIR), MICHAEL PETTERSSON MLA (DEPUTY CHAIR), ANDREW BRADDOCK MLA

#### Inquiry into Auditor-General Report No.6 of 2020 ANSWER TO QUESTION TAKEN ON NOTICE 16 June 2021

Asked by MR BRADDOCK:

In relation to:

Minister, you just mentioned in your opening statement the improved outcomes for payments in the territory... could you point me in the direction of where those outcomes have been measured and shown to be improved, moving from Comcare to self-insurance?

MR GENTLEMAN: The answer to the Member's question is as follows: -

In the course of my opening remarks, I commented that, thanks to the Territory's investment in its injury management services, injured ACT workers are receiving medical assistance earlier, their claims for compensation are being assessed and determined faster, that they are making a safe return to work sooner and that their satisfaction with the services received has increased.

In support of those comments, I provide the following performance data:

#### Faster access to services

Upon commencing self-insurance in March 2019, the ACT adopted a policy whereby medical and allied health services are able to be provided immediately upon a claim for workers' compensation being received – rather than waiting for a claim to be determined, as was historically the case. In the event that liability is not accepted, there is no recovery of costs incurred by the insurer.

During the incomplete 2020-21 financial year to date, 159 workers have accessed these services. Had they been injured in the period prior to self-insurance, these workers would have had to wait until their claim was determined to receive these services. On average this would have taken more than 27 days in the case of an injury or more than 48 days in the case of a work related disease.

#### Earlier determination of claims for compensation

During the 2018-19 financial year, the average amount of time taken to determine a claim for work related injury was 27.4 days and for disease it was 48.6.

Since commencing self-insurance, the average time taken to determine a claim has reduced for both injury and disease. In the case of injury, the average time taken in 2020-21 has reduced by more than half, to 10.1 days and in the case of injury has reduced by more than four days, to 44.8 days.

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#### LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

QTON No. XX

STANDING COMMITTEE ON PUBLIC ACCOUNTS ELIZABETH KIKKERT MLA (CHAIR), MICHAEL PETTERSSON MLA (DEPUTY CHAIR), ANDREW BRADDOCK MLA

#### Faster return to safe work

Prior to commencing self-insurance, in 2017-18, the median amount of time that a person with an accepted workers compensation claim spent away from work because of their injury was 7.2 weeks.

The most recent median lost time result has reduced by more than one week, to 6.1 weeks.

#### Service satisfaction

Injured worker satisfaction levels with the self-insurance claim services are measured through a regularly administered net promoter score survey. Results achieved in the 2020-21 year to date indicate a 20 per cent improvement on the prior year.

Approved for circulation to the Standing Committee on Public Accounts Signat Sch 2.2(a)(ii) Date: 2/(1202) By the Minister for Workplace Safety and Industrial Relations, Mick Gentleman



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#### Chief Minister, Treasury and Economic Development Directorate

То:	Minister for Sport and Recreation	Tracking No.: CMTEDD2021/2951		
Date:	16/06/2021			
cc:	Chief Minister Minister for Business and Better Regulation Jr an (1)			
From:	Executive Branch Manager, Sport and Recreation			
Subject:	Approval to seek exemptions for certain occupational registrations under the <i>Mutual Recognition Amendment Bill 2021 (Cth)</i> (the Commonwealth Bill)			
Critical Date:	21/06/2021			
<b>Critical Reason:</b> Policy and Cabinet (CMTEDD) will provide a brief to the Chief M recommended registrations for temporary exemption on 21 June 2017				

• DDG 18/06/21

#### Recommendations

That you:

1. Note the information contained in this brief;



- 2. Agree that a declaration under proposed section 42T of the Commonwealth Bill to temporarily exempt the following registrations is necessary to identify and amend risks and impediments that will arise in the transition to Automatic Mutual Recognition for each registration, and recommend that the Chief Minister make a section 42T declaration for these registrations:
  - a. Controlled sports officials (including promoters); and

Agreed ) Not Agreed / Please Discuss

a. Controlled sports contestants

Agreed / Not Agreed / Please Discuss

3. Agree that Policy and Cabinet Division receives a signed copy of this brief for the purposes of advising the Chief Minister in relation to the 42T declaration.

Agreed / Not Agreed / Please Discuss Yvette Berry MLA ..... Minister's Office Feedback

#### Background

- The Commonwealth Bill amends the Mutual Recognition Act 1992 (Cth) (MRA) to introduce a uniform scheme to automatically recognise occupational licences (or registrations) for workers undertaking equivalent activities in other jurisdictions. This is known as automatic mutual recognition (AMR) of occupational registrations.
- 2. The timing of the passage of the Commonwealth Bill through Federal Parliament is expected to allow for a 1 July 2021 commencement in participating jurisdictions. Once passed, the amended MRA will automatically apply to the ACT (and the Northern Territory) from this date because the Territory is a 'participating jurisdiction' according to the provisions of the Commonwealth Bill.
  - a. Although there are some uncertainties regarding commencement, the ACT must undertake the work to get registrations ready for a 1 July 2021 commencement, as it may not be known until 27 June 2021 whether this measure is progressing.
- 3. AMR was considered by the ACT Government on 25 May 2021 [CAB2021/222]. In the submission, it was noted that one of the key steps that must be completed before 1 July 2021 is to undertake a consideration of exemptions that might be required to exempt an occupational registration from AMR for a period of time from the commencement of AMR in the ACT.
- 4. The ACT Government also agreed that the Chief Minister will be the Minister of a State for the purposes making the legislative instrument to declare an occupational registration exempt from AMR. This decision will be made on the advice of the relevant portfolio Minister.
- 5. This brief sets out:
  - an explanation of the considerations you and the Chief Minister will need to contemplate when deciding whether an exemption is necessary and appropriate for occupational registrations under the *Controlled Sports Act* 2019 (the Controlled Sports Act); and

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- b. the evidence to support the making of an exemption is appropriate and adapted to the legitimate purposes of the exemption power.
- 6. A single instrument will be made containing all the registrations/activities which are to be temporarily exempted pursuant to Clause 42T of the Commonwealth Bill. This instrument must be registered on the Federal Register of Legislative Instruments (FRLI) and must be accompanied by an explanatory statement.
  - a. Policy and Cabinet (CMTEDD) will prepare the necessary briefing for the Chief Minister, drawing on the advice of the portfolio Minister, and will work with the Parliamentary Counsel's Office to draft the necessary instrument.

#### Issues

- 7. A temporary exemption under proposed section 42T (s42T) of the Commonwealth Bill (<u>Attachment A</u>) is a transitional measure and is intended to give States additional time, after the Commonwealth Bill commences, to identify and consider risks relating to certain registrations and how to best address them.
- 8. If a temporary exemption is put in place, it means that a person in a registered occupation cannot rely on AMR to undertake activities in the ACT. A person must continue to apply for and pay for a registration in the ACT. A person may also continue to rely on mutual recognition arrangements which are already in place.
  - a. The *Controlled Sports Act 2019* already provides for automatic recognition of controlled sports registrations issued by other jurisdictions (sections 19 and 28).
- 9. Where state-based AMR schemes already exist, the Commonwealth Bill is not intended to disrupt such arrangements and the Bill excludes existing state-based recognition arrangements from the application of AMR.



- 11. Assuming the Bill commences on 1 July 2021, a declaration for a temporary exemption can remain in place for 12 months until 1 July 2022.
- 12. This 12-month timeframe would allow for AMR to be fully considered within the context of a broader review of the Controlled Sports Act, noting that after nearly two years of operation several issues have been identified by Access Canberra, Sport and Recreation and the sector in the legislation's application.

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<u>Considerations which must be taken into account by the Chief Minister when exercising this</u> power



14. The Chief Minister will need to consider whether the declaration would fall foul of proposed s42T(6):

#### Declaration not to give preference

- (6) A declaration under subsection (1) is invalid to the extent that it gives preference (within the meaning of section 99 of the Constitution) to one State or part of a State over another State or part of a State.
- 15. Any exemption will necessarily have the impact of discriminating against another State or part of a State. However, where the exemption is sufficiently appropriate and adapted to the purposes of s42T, it would not fall foul of subsection (6).
- 16. Therefore, the Chief Minister will need to form a state of mind that each exemption is sufficiently appropriate and adapted to providing a local registration authority sufficient time to identify and ameliorate risks and overcome impediments to enable a smooth transition to AMR. An exemption which seeks to avoid AMR rather than delay it for a legitimate purpose runs the risk of being held invalid if challenged.
- 17. Each registration must be considered individually when a decision is made to issue a declaration of exemption. Care must be taken to consider the available evidence for each registration. Therefore, an exacting approach, considering the merits and reasons of making an exemption, is required.

#### Scope of Temporary Exemptions

- 18. Under proposed s42T, an exemption can be made in one of two ways:
  - a specified registration in the Minister's State (either for an occupation or for an activity covered by an occupation) – see section 42T(1)(a):
    - i. For example, a Minister in State A could declare that the registration for the occupation of plumber in State A is exempt from AMR. This would mean that a person who has a plumbing registration from any other state would not be able to access AMR for a plumbing registration in State A.

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- a specified registration in the Minister's State (either for an occupation or for an activity covered by an occupation) is excluded based on a specified registration in one or more other States – see section 42T(1)(b):
  - i. For example, a Minister in State A could declare that the registration for the occupation of plumber in State A is specifically exempted from AMR for people registered as plumbers in State B. This would mean a person from State B who has a plumbing registration does not have access to AMR in State A, but registered plumbers from States C and D etc. would have.

#### Temporary Exemption for Registration

- 19. It is proposed that advice be provided to the Chief Minister that a temporary exemption is necessary for the occupation of controlled sports official (including promoters) and controlled sports contestants in accordance with proposed s42T(1)(a).
- 20. The exemption is considered necessary as there is insufficient time to fully understand the risks associated with AMR for roles within the combat sports sector, including the extent of legislative review/changes that may be required to ensure interstate registrations are captured by and can operate under ACT laws. Work has not been completed to map other jurisdictional arrangements and establish real-time information sharing arrangements.
- 21. The temporary exemptions would be in place for 12 months from 1 July 2021 to 1 July 2022.
- 22. A declaration to exempt this registration would be appropriate and adapted to meet the proper outcome of identifying and ameliorating risks and impediments to the transition to AMR.

#### **Regulation Impact Statement**

23. A regulation impact statement in accordance with the *Legislation Act 2001 (ACT)* is not required, as these are instruments which are registered on the Federal Register of Legislative Instruments.

#### **Financial Implications**

- 24. The use of s42T as a transitional measure may result in additional costs incurred by interstate licence holders who wish to rely on AMR in the ACT, however it is noted that reciprocal arrangements already exist for participants and officials from states with a regulatory scheme. Promoters who intend to undertake activities in the ACT will need to continue to apply and pay for an ACT registration, as per current arrangements, allowing for the appropriate background checks to be undertaken.
- 25. A delay to the onset of AMR in the ACT will result in no loss of revenue through licensing fees. However, costs will be incurred in implementation resources for ICT,

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Access Canberra and Policy and Cabinet to implement AMR. It is understood that these costs are the subject of a Business Case which has been developed by Access Canberra.

#### Consultation

#### <u>Internal</u>

26. Nil.

#### Cross Directorate

27. Policy and Cabinet Division in CMTEDD has established a network of ACT Government stakeholders to progress this issue. Discussion has occurred through this forum on several issues including the development of this brief to ensure that all the relevant issues regarding making a temporary exemption are covered in a consistent way across directorates.

#### <u>External</u>

- 28. The legislative instrument must be accompanied by an explanatory statement. The explanatory statement should address the consultation that has been undertaken in relation to the instrument. Consultation must be undertaken that is considered by the Chief Minister (as the Minister of a State for this instrument) to be appropriate and reasonably practical.
- 29. In light of the compressed timeframes and uncertainty around commencement, Sport and Recreation is working with Policy and Cabinet Division and CMTEDD Communications to determine the form and scope of consultation ahead of making the s42T declaration.
- 30. There has been no consultation with the local sector on this matter, acknowledging that a 12-month exemption in AMR would have no immediate impacts. Consideration of AMR would be included in any broader review of the Controlled Sports Act.
- 31. Sport and Recreation has previously broached AMR within the informal jurisdictional combat sports network, noting an initial lack of awareness of this issue and/or an assumption that controlled sports registrations (as "occupations") would somehow be beyond the intended scope of this reform.

#### Work Health and Safety

32. N/A

#### **Benefits/Sensitivities**

- 33. The existing Controlled Sport Act already provides for mutual recognition processes for participants (excluding promoters) from other jurisdictions.
- 34. Further exploration into how AMR would affect this sector is needed, particularly to inform how mutual recognition will apply given that unique jurisdictional requirements for certain qualifications or processes, including serology testing and certain (additional) medical qualifications, will not just be "waived" under AMR.

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#### Communications, media and engagement implications

- 35. As noted, a significant communications and engagement package will be required to ensure that interstate combat sports participants ("occupations") understand which activities could potentially be undertaken in the ACT under AMR. This will be important with a potentially staggered approach to AMR implementation where some occupations may commence under the scheme while others remain exempt for a period of time. Clarity around commencement will be crucial to reduce confusion.
- 36. A communications strategy is being developed in concert with ACT Directorates and regulators, other jurisdictions, and the Commonwealth. The strategy will be provided for Cabinet consideration.

Signatory Name:	Rebecca Kelley	Phone: 74389
Action Officer:	Wayne Lacey	Phone: 72080

#### Attachments

Attachment	Title
Attachment A	Proposed Section 42T – Exempting Registrations Temporarily

Proposed Section 42T, Mutual Recognition Amendment Bill 2021 (Cth)

#### 42T Exempting registrations temporarily

- (1) A Minister of a State (the *declaration State*) may declare, before the end of 6 months after this section commences, by legislative instrument, that:
  - (a) a specified registration, whether for an occupation or for an activity covered by an occupation, in the declaration State is excluded from the operation of automatic deemed registration; or
  - (b) a specified registration, whether for an occupation or for an activity covered by an occupation, in the declaration State is excluded from the operation of automatic deemed registration on the basis of a specified registration in one or more other specified States.;
  - until-the end of that 6 month-period.
    - Note: The declaration is not subject to disallowance under the *Legislation Act 2003* (see subsection 44(1) of that Act).
- (2) A Minister of the declaration State may declare, before the end of 31 December 2021, by legislative instrument, that a declaration in force under subsection (1) continues in force until the end of 30 June 2022.

Note: The declaration is not subject to disallowance under the *Legislation Act 2003* (see subsection 44(1) of that Act).

- (3) Declarations under this section have effect only in relation to the declaration State.
- (4) The local registration authority in the declaration State for the occupation concerned is to give effect to the declarations.
- (5) Unless revoked earlier <u>a declaration under subsection (1) is repealed at the end of 12</u> months after this section commences:
  - (a) a declaration under subsection (1) is repealed at the end of:
    - (i) unless paragraph (b) applies the 6-month period mentioned in subsection (1); or
    - (ii) if the declaration is continued in force under subsection (2) 30 June 2022; and
  - (b) a declaration under subsection (2) is repealed at the end of 30 June 2022.

Declaration not to give preference

(6) A declaration under subsection (1) is invalid to the extent that it gives preference (within the meaning of section 99 of the Constitution) to one State or part of a State over another State or part of a State.

Note: the strikethough text reflects the proposed amendments to the Bill as proposed by the Senate.



#### CHIEF MINISTER'S FORTNIGHTLY ISSUES BRIEF

DATE: 30 June 2021 (Current as of 29 June 2021)

The content has been cleared by Name: Christo Norman Position: A/G Executive Group Manager, Corporate

#### FREEDOM OF INFORMATION REQUESTS

#### Chief Minister, Treasury and Economic Development Directorate

#### Freedom of Information Act 2016

Applicant	Subject	Due date	Comments/expected completion date
Media*	Information relating to the tender process for three CIT contacts.	28 June 2021 (11 June 2021)	Completed 28 June 2021. Partial Release.
Media	Any records of testing that was undertaken on the ChooseCBR website between 9 December 2020 and 9 June 2021 including correspondence regarding possible issues with the ChooseCBR website.	12 July 2021	Awaiting Documents.
Media*	Monies paid by CMTEDD to Communication Link between 2016 – 2020.	12 July 2021	Completed 28 June 2021.
Media*	ChooseCBR voucher scheme: List of all businesses, number of vouchers claimed, and dollar amount of vouchers claimed at each business.	20 July 2021	Awaiting Documents.
Media*	Detailed breakdown of where vouchers ChooseCBR scheme were redeemed in the ACT.	20 July 2021	Awaiting Documents.
MLA	Final ministerial briefs since 3 November 2020 generated for or directed to the Minister for Climate Action.	9 August 2021 (28 June 2021)	Assessing Documents. Extension of 30 working days granted by applicant.
MLA	Final ministerial briefs since 3 November 2020 generated for or directed to the Minister for Economic Development.	9 August 2021 (28 June 2021)	Drafting Finial Documents. Extension of 30 working days granted by applicant.

\*Request received/completed between 19 June 2021 to 30 June 2021.

Applicant	Subject	Due date	Comments/expected completion date
MLA	Final ministerial briefs since 3 November 2020 generated for or directed to the Minister for Tourism.	9 August 2021 (28 June 2021)	Assessing Documents. Extension of 30 working days granted by applicant.
MLA	Final ministerial briefs since 3 November 2020 generated for or directed to the Assistant Minister for Economic Development.	9 August 2021 (28 June 2021)	Assessing Documents. Extension of 30 working days granted by applicant.
MLA	All documents relating to the ChooseCBR scheme since October 2020 from Minister Cheyne's Office and CMTEDD.	8 July 2021 (28 June 2021)	Assessing Documents. Scope agreed on 9 June 2021.
Constituent*	Professional Standards Unit investigation report.	28 June 2021 (4 June 2021)	Completed 28 June 2021. Partial Release. (Deferred release - 26 July 2021)
Constituent	EPA documents for sites impacted by PFAS (otherwise known as PFCs).	7 July 2021 (28 June 2021)	New scope agreed on 20 May 2021. With Third Party.
Constituent*	WorkSafe file for an injured worker.	30 June 2021	Refused – 28 June 2021. On-going investigation.
Constituent	WorkSafe file for an injured.	30 June 2021	With Third Party.
Constituent	A copy of the complete file in relation to the WorkSafe ACT file for Fyshwick.	14 August 2021	Assessing Documents. 45-day extension accepted by applicant.
Constituent	Investigation file regarding an accident that occurred on 2020 in Watson.	8 July 2021	Assessing Documents.
Constituent	Building records, government records or other relating to a property in Kambah.	14 July 2021	Assessing Documents.
Constituent*	Transfer information of various company licences.	16 July 2021	Assessing Documents.
Constituent*	EPA investigation files for soil testing in Calwell.	19 July 2021	Assessing Documents.
Constituent*	Record of successful claim payments made by fund.	21 June 2021	Completed – 21 June 2021
			Partial Release.

Applicant	Subject	Due date	Comments/expected completion date
Constituent	Correspondence between the ACT Procurement Board and the CRA regarding the infill of the West Basin.	28 July 2021 (23 June 2021)	With Third Party Extension granted by applicant.
Constituent*	WorkSafe documents from siteCanberra ACT from2020 to2021.	30 June 2021	Completed – 29 June 2021
			Partial release.
Constituent*	Documents pertaining to complaints against trader in Kingston.	01 July 2021	Completed 29 June 2021
			Partial Release – Deferred release 27 July 2021.
Constituent	Any complaints or actions requested, directed at a residence in Banks since December 2019.	01 July 2021	Drafting Final Documents.
			Partial Release will be processed 30 June
Constituent	Any report related to asbestos and its removal	05 July 2021	Drafting Documents
	at a residence in O'Connor ACT.		Partial release deferred. Will be processed 30 June.
Constituent*	Compliance Warning Letter issued to a company a Kingston ACT; Dated: 2021.	06 July 2021	Completed, 29 June 2021.
			Full Release
Constituent*	The position number(s) and classification(s) of an employee.	06 July 2021	Completed 21 June 2021
			Full Release.
Constituent	All records relating to complaints made about a residential address to Parking Operations since 1 June 2019.	08 July 2021	Assessing Documents.
Constituent	Workplace assessment done on a Sch 2.2(a)(ii) Sch 2.2(a)(ii) company regarding several workplace safety issues.	09 July 2021	Assessing Documents.
Constituent	Correspondence, invoices and statements relating to the Former Transport Depot and Fitters Workshop from 1 January 2020 to 10 June 2021.	9 July 2021	Assessing Documents.

Applicant	Subject	Due date	Comments/expected completion date
Constituent	All the documentation associated with a complaint relating to building works and non- compliance.	12 July 2021	Assessing Documents. Partial transfer accepted by EPSDD 11 June 2021.
Constituent	Information about an incident at a Street Narrabundah site on 18 August 2019.	12 July 2021	Assessing Documents.
Constituent	Working documents regarding the refusal for an internal infringement review.	14 July 2021	Drafting Final Documents.
Constituent*	Compliance letter sent on 16 June 2021 by Access Canberra a block in Kingston.	15 July 2021	Complete 28 June 2021 Refusal - Ongoing investigation.
Constituent*	Source code for the "check in CBR App".	16 July 2021	Complete 21 June 2021 Full transfer to ACT Health.
Constituent	Report prepared by Access Canberra Building Compliance regarding a block in Hawker ACT.	16 July 2021	Assessing Documents.
Constituent*	Building application requests for a block in Hughes ACT.	19 July 2021	Assessing Documents.
Constituent*	Information regarding a DA lodgement.	20 July 2021	Currently awaiting possible transfer to EPSDD.
Constituent*	Staffing changes within Access Canberra from 2012.	21 July 2021	Awaiting Documents.
Constituent*	List of speed bump approvals within the ACT.	23 July 2021	Complete 28 June 2021. Full Transfer to TCCS.
Constituent*	Information relating to ACT Revenue land tax assessment calculations.	26 July 2021	Assessing documents.



#### CHIEF MINISTER'S FORTNIGHTLY ISSUES BRIEF

DATE: 14 June 2021 (Current as of 13 July 2021)

The content has been cleared by Name: Robert Wright Position: Executive Group Manager, Corporate

#### FREEDOM OF INFORMATION REQUESTS

#### Chief Minister, Treasury and Economic Development Directorate

#### Freedom of Information Act 2016

Applicant	Subject	Due date	Comments/expected completion date
Media	Any records of testing that was undertaken on the ChooseCBR website between 9 December 2020 and 9 June 2021 including correspondence regarding possible issues with the ChooseCBR website.	2 August 2021 (12 July 2021)	With Third Party.
Media	ChooseCBR voucher scheme: List of all businesses, number of vouchers claimed, and dollar amount of vouchers claimed at each business.	20 July 2021	Assessing Documents.
Media	Detailed breakdown of where vouchers ChooseCBR scheme were redeemed in the ACT.	20 July 2021	Assessing Documents.
MLA*	All documents relating to the ChooseCBR scheme since October 2020 from Minister Cheyne's Office and CMTEDD.	8 July 2021 (28 June 2021)	Completed 8 July 2021. Partial Release. Scope agreed on 9 June 2021.
MLA	Final ministerial briefs since 3 November 2020 generated for or directed to the Minister for Climate Action.	9 August 2021 (28 June 2021)	Assessing Documents. Extension of 30 working days granted by applicant.
MLA	Final ministerial briefs since 3 November 2020 generated for or directed to the Minister for Economic Development.	9 August 2021 (28 June 2021)	Completed 30 June 2021. Full Release. Extension of 30 working days granted by applicant.

Applicant	Subject	Due date	Comments/expected completion date
MLA	Final ministerial briefs since 3 November 2020 generated for or directed to the Minister for Tourism.	9 August 2021 (28 June 2021)	Assessing Documents. Extension of 30 working days granted by applicant.
MLA	Final ministerial briefs since 3 November 2020 generated for or directed to the Assistant Minister for Economic Development.	9 August 2021 (28 June 2021)	Assessing Documents. Extension of 30 working days granted by applicant.
MLA	The use of the AFP logo by the ACT Government.	17 August 2021 (27 July 2021)	With Third Party.
MLA	Regarding the transfer of an interest in a commercial lease, other than a commercial lease with a premium, for each financial year from 2014-2015 to 2020-21 (to date).	27 July 2021	Drafting Final Documents.
MLA*	ChooseCBR election commitment brief.	4 August 2021	Complete 13 July 2021. Refusal
MLA*	All final ministerial briefs since 3 November 2020.	4 August 2021	Received.
MLA*	noise management plan.	5 August 2021	Received.
MLA*	Question Time Briefs for the return of international students to CBR.	6 August 2021	Awaiting Documents.
Constituent*	EPA documents for sites impacted by PFAS (otherwise known as PFCs).	7 July 2021 (28 June 2021)	Completed 6 July 2021. Partial Release.
Constituent	WorkSafe file for an injured.	30 June 2021	Drafting Final Documents.
Constituent	A copy of the complete file in relation to the WorkSafe ACT file for Fyshwick.	04 September 2021 (14 August 2021)	With Third Party. 45-day extension accepted by applicant.
Constituent	Investigation file regarding an accident that occurred on 2020 at Watson.	29 July 2021 (8 July 2021)	With Third Party.
Constituent*	Building records, government records or other relating to a property in Kambah.	14 July 2021	Completed 12 July 2021. Full Release.
Constituent	Transfer information of various company licences.	16 July 2021	Drafting Final Documents.
Constituent	EPA investigation files for soil testing in Calwell.	19 July 2021	With Decision Maker. Intention to refuse under S44 drafted.

Applicant	Subject	Due date	Comments/expected completion date
Constituent*	School records for a constituent.	2 August 2021	Completed 6 July 2021.
			Withdrawn <mark>.</mark> Handled by ACT EDU outside of FOI.
Constituent*	Investigation report by WorkSafe ACT.	3 August 2021	Completed 12 July 2021.
			Refusal.
Constituent*	Investigation Report by WorkSafe ACT.	3 August 2021	Awaiting Documents.
Constituent	Correspondence between the ACT	28 July 2021	With Third Party
	Procurement Board and the CRA regarding the infill of the West Basin.	(23 June 2021)	Extension granted by applicant.
Constituent*	Any complaints or actions requested, directed at a residence in Banks since December 2019.	01 July 2021	Completed 30 June 2021.
Constituent*	Any report related to asbestos and its removal at a residence in O'Connor ACT.	05 July 2021	Partial Release. Completed 30 June 2021.
			Partial Release.
Constituent*	All records relating to complaints made about a residential address to Parking Operations since 1 June 2019.	08 July 2021	Completed 30 June 2021. Partial Release.
Constituent	Workplace assessment done on a Sch 2.2(a)(ii) company regarding several workplace safety issues.	2 August 2021 (09 July 2021)	With Third Party.
Constituent*	Correspondence, invoices and statements relating to the Former Transport Depot and Fitters Workshop from 1 January 2020 to	9 July 2021	Completed 30 June 2021. Partial Release.
Constituent	10 June 2021. All the documentation associated with a complaint relating to building works and non-compliance.	2 August 2021 (12 July 2021)	With Third Party. Partial transfer accepted by
			EPSDD 11 June 2021.
Constituent*	Information about an incident at a Street Narrabundah site on 18 August	12 July 2021	Completed 6 July 2021.
18875 (1478-o) waxaa	2019.		Refusal.
Constituent*	Working documents regarding the refusal for an internal infringement review.	14 July 2021	Completed 12 July 2021. Refusal.

Applicant	Subject	Due date	Comments/expected completion date
Constituent*	Report prepared by Access Canberra Building Compliance regarding a block in Hawker ACT.	16 July 2021	Completed 8 July 2021. Full Release.
Constituent	Building application requests for a block in	9 August 2021 (19 July 2021)	With Decision Maker.
Constituent*	Hughes ACT. Information regarding a DA lodgement.	20 July 2021	Completed 1 July 2021.
			Withdrawn.
Constituent*	Staffing changes within Access Canberra from 2012.	21 July 2021	Completed 06 July 2021.
Constituent	Information relating to ACT Revenue land tax assessment calculations.	26 July 2021	Being processed via with ACTRO FOI.
Constituent*	Enquiry relating to land prices.	27 July 2021	Completed 5 July 2021.
			Full transfer to EPSDD.
Constituent	DA applications to ACTPLA.	18 August 2021	Assessing Documents.
			Suspended; Awaiting clarification from applicant.
Constituent*	Information relating to what legislation can enforce the use of masks.	18 August 2021	Completed 9 July 2021.
Constituent*		28 July 2021	Full transfer to ACT Health.
Constituent	Phone call recordings between Access Canberra and a constituent.	28 July 2021	Completed 12 July 2021. Refused.
Constituent*	all documents directly relevant to the ACT Government's "Amp It Up!" scheme.	19 August 2021	Assessing Documents.
Constituent*	A copy of the complete building file held by Access Canberra for an address in Macquarie.	29 July 2021	Completed 7 July 2021. Withdrawn.
Constituent*	Advice in writing including reports and memorandum to the Treasurer or Assistant	29 July 2021	Completed 1 July 2021.
	Treasurer relating to insolvency and practice.		Withdrawn.
Constituent*	Notice of DA lodgement.	30 July 2021	Completed 5 July 2021.
			Full transfer to EPSDD.
Constituent*	Information relating to the check-in CBR application.	30 July 2021	Completed 6 July 2021.
			Full Transfer to ACT Health.

Applicant	Subject	Due date	Comments/expected completion date
Constituent*	A copy of the complete building file held by Access Canberra for an address in Kingston.	30 July 2021	Completed 12 July 2021. Refusal.
Constituent*	Information relating to the check-in CBR application.	2 August 2021	Completed 6 July 2021. Full Transfer to ACT Health.
Constituent*	Notice of Decision DA lodgement for an address on Mort Street.	4 August 2021. (25 August 2021)	With Third Party.
Constituent*	Information relating to the check-in CBR application.	4 August 2021	Completed 7 July 2021. Full Transfer to ACT Health.
Constituent*	Processing documents relating to a decision by Access Canberra Licencing.	4 August 2021	Awaiting Documents.
Constituent*	Police Reports.	6 August 2021	Awaiting response from applicant.
Constituent*	Covid Exemption information.	6 August 2021	Completed 12 July 2021. Full Transfer to ACT Health.
Constituent*	Access Canberra vehicle data information.	9 August 2021	Completed 13 July 2021. Refusal.
Constituent*	Imposition of an infringement notice and all related and subsequent processes.	9 August 2021	Awaiting Documents.

#### FOI Agencies: Chief Minister, Treasury and Economic Development Portfolio

- 1. ACT Compulsory Third-Party Insurance Regulator
- 2. ACCESS Canberra
- 3. ACT Construction Occupations Registrar
- 4. ACT Gambling and Racing Commission
- 5. ACT Legislative Assembly Members Superannuation Board
- 6. ACT Long Service Leave Authority
- 7. Architects Registrar
- 8. Chief Inspector of Machinery
- 9. Chief Inspector of Scaffolding and Lifts
- 10. Chief Minister, Treasury and Economic Development Directorate
- 11. Clinical Waste Controller
- 12. Commissioner for ACT Revenue
- 13. Commissioner for Fair Trading
- 14. Cultural Facilities Corporation
- 15. Director of Territory Record
- 16. Environment Protection Authority
- 17. Exhibition Park in Canberra
- 18. National Arboretum Canberra
- 19. Public Sector Standards Commissioner
- 20. Registrar-General
- 21. Territory Records Advisory Council
- 22. Work Safety Commissioner
- 23. Work Safety Council





#### Chief Minister, Treasury and Economic Development Directorate

То:	Chief Minister	Tracking No.: CMTEDD2021/3342
Date:	13/07/2021	
From:	Executive Branch Manager, Communic	cations and Engagement
Subject:	2021-22 Community Support Fund – re Football Club's Pride Round	equest for support from Eastlake
Critical Date:	15/07/2020	
Critical Reason:	To allow time to produce the jerseys	

#### **Recommendations**

That you:

1. note the information contained in this brief;

Noted / Please Discuss

 agree to donate \$1,500, or another amount of \$\_\_\_\_\_, from the 2021-22 Community Support Fund to Eastlake Football Club to support the 2021 Pride Round; and

Agreed / Not Agreed / Please Discuss

3. sign the letter at <u>Attachment A.</u>

Signed/Not Signed/Please Discuss

14/7/21 Andrew Barr MLA .....

Minister's Office Feedback

#### OFFICIAL

#### Background

1. Your office has received a request for support from Sch 2.2(a)(ii) , General Manager Football, Eastlake Football Club requesting financial support for jerseys.

#### Issues

- The Eastlake Football Club, together with Ainslie Football Club, are holding an inaugural ACT Pride Round on Saturday 24 July (1.15pm kick off) at Manuka Oval. These two clubs have established the Pride Round to support inclusiveness of the LGBTIQ communities in local sport.
- Eastlake Football Club is seeking support to cover the costs of the 2021 Inaugural Eastlake and Ainslie AFL Pride Round jersey for their senior grade players to wear on match day.
- While they do have some corporate sponsorship supporting the match, including by Colliers Canberra, they are still \$1,500 short to cover the full costs of production of the jerseys.
- 5. It is recommended that you make a donation of \$1,500 from the 2021-22 Community Support Fund to Eastlake Group to support the jerseys for the pride round.
- 6. This donation meets the guidelines of the Community Support Fund as it provides support for one-off or ongoing activities where the ACT Government can derive benefit to promote government initiatives or priorities.
- 7. A letter to Sch 2.2(a)(ii) advising of the donation is at <u>Attachment A</u>.

#### **Financial Implications**

- The budget for the 2021-22 Community Support Fund is Sch 2.2(a)(xi) and to date Sch 2.2(a)(xi) of funding has been committed.
- Should you agree to this request there will be Sch 2.2(a)(xi) remaining in the 2021-22 fund.
- 10. You have also received requests for support from the Australian Bravery Association and STEP (Southern Tablelands Ecosystems Park). Communications and Engagement is currently preparing advice on these requests for your consideration.

#### Consultation

<u>Internal</u> 11. Nil.

Cross Directorate 12. Nil.

External Tracking No.: CMTEDD2021/33423342

#### OFFICIAL

13. Nil.

#### Work Health and Safety

14. Nil.

#### Benefits/Sensitivities

15. Nil.

#### Communications, media and engagement implications

16. You have agreed to take part in a media event prior to the round (Thursday 22 July 2021, 10-11am). An arrangements brief will be prepared separately to this brief.

Signatory Name:	Tamerra Rogers	Phone:	73775
Action Officer:	Katriina Kancans	Phone:	53031

#### Attachments

Attachment	Title
Attachment A	Letter to Sch 2.2(a)(ii)





Andrew Barr MLA Chief Minister Treasurer Minister for Climate Action Minister for Economic Development Minister for Tourism

Member for Kurrajong

Sch 2.2(a)(ii) General Manager Football Eastlake Football Club Sch 2.2(a)(ii)<mark>@eastlakefc.com.au</mark>

#### Sch 2.2(a)(ii)

Thank you for your email about the inaugural ACT Pride Round to support inclusiveness of LGBTIQ+ communities in local sport.

On behalf of the ACT Government, I am pleased to make a donation of \$1,500 to assist you to produce the 2021 inaugural Eastlake and Ainslie AFL Pride Round jerseys for match day.

To arrange for the donation to be paid, please contact Katriina Kancans, Assistant Director, Communications and Engagement, Chief Minister, Treasury and Economic Development Directorate on 02 6205 2130 or <u>katriina.kancans@act.gov.au</u>.

I would like to thank your club, along with Ainslie Football Club, for your vision for the Pride Round. I wish you all the best for the match.

Yours sincerely

Andrew Barr MLA Chief Minister

14 11 2021



ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601

@ABarrMLA

AndrewBarrMLA

+61 2 6205 0011

(O) andrewbarrmla

🖂 barr@act.gov.au