



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD 14/16-17



Decision on Freedom of Information Request – Occupational Health and Safety (OHS) Liaison Officer

I am writing in relation to your access request, made under section 14 of the ACT *Freedom of Information Act 1989* (the Act) and received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 12 September 2016.

In your request you are specifically seeking:

“... the following documents relating to the funding of an Occupational Health and Safety (OHS), or WHS, Liaison Officer:

- *contracts or funding agreements with outside parties;*
- *grant applications;*
- *invoices or remittance advices;*
- *reporting by the Liaison Officer to the ACT Government and any reviews undertaken since 2012 of the position.”*

Decision Maker

I am authorised under section 22 of the Act to make decisions on access to documents and liability for charges.

Charges

I have decided, under section 29 of the Act, not to impose processing charges for this request.

Identification of Documents

I note that you have not specified a timeframe for the first four items of your request. I have therefore interpreted your request to mean that you seek (specific to funding of an OHS Liaison Officer) all of the following documents held by the Directorate:

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- contracts or funding agreements with outside parties;
- grant applications;
- invoices or remittance advices; and
- reporting by the Liaison Officer to the ACT Government.

I note that you are also seeking any reviews undertaken since 2012 of the OHS Liaison Officer position.

Officers of CMTEDD have searched electronic and paper records for documents that may relate to your request. The Directorate has identified 140 relevant documents.

Copies of certain documents, such as invoices, remittance advices and their attachments, are not routinely held for long periods of time by the relevant business area. The Territory record, being the original documentation, is retained by the ACT Government's Shared Services accounts payable function, with electronic payment details retained in the relevant financial management system. As such, not all copies of the invoices identified as relevant to your request are immediately available.

Whilst it is possible to request a search of the batched payment records held in storage to locate the individual invoices, I have determined that this would require considerable time and effort given the volume of accounts processed by the accounts payable function. I consider that this would be an unacceptable diversion of resources by that area. Additionally, please note that invoice records over seven years old are not retained but are likely to have been destroyed as per the provisions of the Territory Records (Records Disposal Schedule – Financial Management Records) Approval 2011 (No 1), made under section 19 of the *Territory Records Act 2002*.

It may be possible to provide a report generated from the financial management system which identifies relevant payments to UnionsACT over a prescribed time period. If you wish to be provided with such a report, please contact CMTEDDFOI@act.gov.au.

Consultation

In my letter of 21 September 2016 I explained that I would provide my decision on access to documents after consultation with relevant third parties who may wish to contend that documents should be exempt from release. I have now received and considered submissions from these third parties.

Decision on Access

I have decided to partially release to you the identified documents, provided with this letter and described on the attached schedule. My reasons for not providing access to some documents and components of documents are detailed in the following statement of reasons and in the attached schedule.

Exemptions claimed

Section 41 - Documents Affecting Personal Privacy

Refers to folio: 40

Section 41 of the Act provides:

- (1) *A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*

I have decided to exempt an individual's home address from release, under section 41 (1) of the Act. I consider that release of the information in this document would be an unreasonable disclosure of personal information and a breach of privacy.

Section 43 - Documents relating to Business Affairs

Refers to folios: 9, 204, 205, 208, 212, 215, 218, 223, 227, 228, 235, 237, 240, 242, 245, 247, 251, 254, 257, 258, 260, 261, 263, 264, 266, 267, 269-272, 274-280, 282, 283 & 285-298.

Section 43 of the Act provides:

- (1) *A document is an exempt document if its disclosure under this Act would disclose—*
- (a) *trade secrets; or*
 - (b) *any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or*
 - (c) *information (other than trade secrets or information to which paragraph (b) applies) concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, being information—*
 - (i) *the disclosure of which would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs.*
 - (ii) *the disclosure of which under this Act could reasonably be expected to prejudice the future supply of information to the Territory or an agency for the purpose of the administration of a law or the administration of matters administered by an agency.*

I have decided to exempt from release the banking details of UnionsACT and Casey Consulting. Release of this information is likely to unreasonably affect the business affairs of these organisations by disclosing confidential financial information that is not typically made public. I have also decided to redact specific mention of a third party in the *2014 Review of WHS Liaison Officer Funding*. I consider that release of this information is likely to adversely affect an organisation.

I consider that it is reasonable to exempt this information from release under section 43(1)(c) of the Act. In making my decision to redact business information I have also considered that removal of such material does not affect the remaining content.

Your Right of Review

Internal Review

Under section 59 (1) of the Act, you may request a review of my decision. You have 28 days after receiving notice of my decision to ask for a review, or a further period as allowed by the Director-General.

Your request should be addressed to:

Director-General
Chief Minister, Treasury and Economic Development Directorate
GPO Box 158
CANBERRA ACT 2601

Complaints to the Ombudsman

Under section 54 of the Act, you may complain to the Ombudsman about administrative matters relating to the processing of your Freedom of Information request. There is no fee for making a complaint. The Ombudsman will conduct an independent investigation into your complaint.

You can contact the Ombudsman either by telephone on 1300 362 072 or in writing to:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Online FOI Policy

I have assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that my decision on your request and the information released will be published online. Personal information or business information will not be made available under this policy.

A copy of the policy, with details about what information may be published on the Internet, is available online 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%20Web%20Release%20Policy%20-%20Final.pdf)

Should you have any queries regarding this matter, please contact me on (02) 6205 3095.

Yours sincerely



Michael Young
Executive Director
Workplace Safety and Industrial Relations

11 November 2016