



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

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

FOI Reference: CMTEDDFOI 2019-277

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	18
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

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Freedom of Information request
Date: Sunday, 15 December 2019 1:52:47 PM

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

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title: [REDACTED]
First Name: [REDACTED]
Last Name: [REDACTED]
Business/Organisation: [REDACTED]
Address: [REDACTED]
Suburb: [REDACTED]
Postcode: [REDACTED]
State/Territory: [REDACTED]
Phone/mobile: [REDACTED]
Email address: [REDACTED]

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

Advice obtained by the Chief Minister of the Australian Capital Territory or the Office of the Chief Minister concerning the legal standing of the City of Canberra Coat of Arms during the period from 1 January 2018 to 4 December 2019 touching on the present holder of the right to the coat of arms granted to the Federal Capital Commissioners Australia and their successors in their corporate capacities by Royal Warrant dated 8 October 1928 (the City of Canberra Coat of Arms) and/or the method by which that right could be vested in the Australian Capital Territory including, but not limited to, the “clarification around the legal standing of the City of Canberra Coat of Arms” referred to in the email sent by Karen Stewart-Moore, Executive Branch Manager, Communications and Engagement of the Chief Minister Treasury and Economic Development Directorate of the ACT Government to a variety of recipients between 15 and 31 October 2019.

I do not want to access the following documents in relation to my request::

Thank you.
Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2019-277



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 16 December 2019, in which you sought access to:

- Advice obtained by the Chief Minister of the Australian Capital Territory or the Office of the Chief Minister concerning the legal standing of the City of Canberra Coat of Arms.

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 16 January 2020.

Decision on access

Searches were completed for relevant documents and 14 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 access in full to 1 document relevant to your request. I have decided to refuse access to 13 documents as I consider them to be:

- contrary to the public interest information under schedule 1.

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;

Exemption claimed

My reasons for deciding not to grant 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

The communications and advice contained within the relevant documents were brought into existence for the dominant purpose of providing a legal opinion. I am satisfied that the communications were made in circumstances of confidentiality and were provided by the Government Solicitors Office (GSO) satisfying the requirements to attract legal professional privilege. Accordingly, I am satisfied that the provisions within section 1.2 of schedule 1 of the Act apply and release of the documents is not within the public interest.

Noting this, the Government response to the Standing Committee on Environment and Transport and City Services regarding the Inquiry into a Territory Coat of Arms is now publicly available and can be found at:

https://www.parliament.act.gov.au/data/assets/pdf_file/0006/1460184/9th-ETC-09-Inquiry-into-Territory-Coat-of-Arms-GR-released-2019-12-24.PDF

I have decided to grant full access to the remaining one document that falls within the scope of your request.

Charges

Processing charges are not applicable for this request because the number of pages being released to you is less than 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 after 16 January 2020. Your personal contact details will not be published.

You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

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 CMTEDDFOI@act.gov.au.

Yours sincerely,



Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

14 January 2020



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	Advice obtained by the Chief Minister of the Australian Capital Territory or the Office of the Chief Minister concerning the legal standing of the City of Canberra Coat of Arms.	CMTEDDFOI 2019-277

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Email	Nov-2019	Full release	N/A	Yes
2		Email	Nov-2019	Exempt	Sch 1 s1.2	No
3		Legal Advice as attachment to above email	Nov-2019	Exempt	Sch 1 s1.2	No
4		Email chain	Nov-2019	Exempt	Sch 1 s1.2	No
5		Email chain	Nov-2019	Exempt	Sch 1 s1.2	No
6		Email chain	Nov-2019	Exempt	Sch 1 s1.2	No
7		Email chain	Nov-2019	Exempt	Sch 1 s1.2	No
8		Email chain	Nov-2019	Exempt	Sch 1 s1.2	No
9		Email chain	Oct-2019	Exempt	Sch 1 s1.2	No
10		Email chain	Oct-2019	Exempt	Sch 1 s1.2	No
11		Email chain	Oct-2019	Exempt	Sch 1 s1.2	No
12		Email chain	Oct-2019	Exempt	Sch 1 s1.2	No
13		Email chain	Sep-2019	Exempt	Sch 1 s1.2	No
14		Email chain	Sep2019	Exempt	Sch 1 s1.2	No

Total No of Docs						
14						

From: [Stewart-Moore, Karen](#)
To: [Noble, Julia](#)
Subject: Coat of Arms - Could we discusse please?
Date: Monday, 25 November 2019 3:48:00 PM
Attachments: [image001.png](#)

UNCLASSIFIED

Hi Julia

Would you mind giving me a call re the advice on the Coat of Arms. I am putting together the response and I just want to ensure I've understood it correctly.

Thanks

Karen

Karen Stewart-Moore | Executive Branch Manager, Communications and Engagement

Phone: 02 6205 2855 | Mobile: 0419 212 642

Communications & Engagement | Chief Minister Treasury and Economic Development Directorate |

ACT Government

Level 5, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au

Please note: I finish at 2.30pm on Wednesdays

