



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 2020-052

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)	7
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: FOI - RAC Template
Date: Sunday, 8 March 2020 9:50:19 PM
Attachments: [FOI - RAC Recent.docx](#)

Team,

Please attached an FOI request for review and processing.

Please do not hesitate to contact me if you have any questions.

Regards,

[REDACTED]

To whom it may concern,

FOI Section

Chief Minister,

Treasury and Economic Development Directorate (CMTEDD)

Under the **Freedom of Information** I am seeking the following items from **CMTEDD**.

Please provide me with the most recent and updated version of the *RAC template* "Regulatory Advisory Committee"

The custodians for this document are;

David Snowden – CEO Access Canberra

Greg Jones – Director Worksafe Commissioner

Craig Simmons – Director

The RAC template will provide instructions for Access Canberra, Worksafe on how to complete the form and present a matter to the RAC for Trader licence applicants with a criminal conviction, WWVP Card applicants whom have a criminal conviction, occupational disciplinary action, Work safety issue, other investigations.

Please do not hesitate to contact me if you need any clarification.

Thankyou



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Our ref: CMTEDDFOI 2020-052



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 10 March 2020 in which you are seeking access to information regarding the Regulatory Advisory Committee.

Specifically, you are seeking “...*the most recent and updated version of the RAC template “Regulatory Advisory Committee”*”.

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 7 April 2020.

Decision on access

Searches were completed for relevant documents and one document has been identified that falls within the scope of your request. I have decided to grant full access to that document.

I have included as **Attachment A** to this decision a schedule which outlines the relevant document. This provides a description of the document that falls within the scope of your request and the access decision for that document. A copy of the document is provided as **Attachment B** to this letter.

Charges

Processing charges are not applicable for this request because the number of pages to be released to you is 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 the documents released to you in response to your access application will be published in the CMTEDD

disclosure log 3 days after the date of my decision. Your personal contact details will not be published. You may view the 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 a review by the Ombudsman of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision 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 by the Ombudsman under section 82(1), you may apply to the ACAT for a 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 02 6207 7754 or by email at CMTEDDFOI@act.gov.au.

Yours sincerely,



Philip Dachs

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

19 March 2020



ACT
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Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Request for most recent and updated version of the RAC template	CMTEDDFOI2020-052

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Access Canberra Regulatory Advisory Committee (RAC) Submission template	March 2020	Full release	N/A	Yes
Total No of Docs						
1						

Access Canberra Regulatory Advisory Committee (RAC) Submission

Executive summary

Title

Reference #

Team unit

Unit/s

Project staff

Name/s

Date: *DD Month YEAR*

Description

High level summary of matter in no more than 3 sentences i.e. what happened?

Key decisions and dates

Outline the significant milestones in the investigation/ decision (maximum 5 points - for additional history refer to chronology section)

- 1. DD.MM.YEAR-action*
- 2. DD.MM.YEAR-action*
- 3. DD.MM.YEAR-action*
- 4. DD.MM.YEAR-action*
- 5. DD.MM.YEAR-action*

Recommendation and brief rational

What is your recommendation and why?

Research/legal advice

Refer to attached/not applicable. Do not quote legal advice in the body of the document. If legal advice has been provided, attached it separately and say legal advice is attached.

Case Overview

1. Alleged conduct/licence decision

Provide a high level summary of the alleged conduct/licence decision which forms the subject of the investigation/decision.

1.1 Key areas that may be relevant (not exhaustive):

- who (this includes relevant duty holder, relevant entity, individuals)
- what
- when
- where
- for a contravention - whether the conduct is ongoing or has ceased

1.2 Where appropriate, set out the alleged conduct as a logical sequence of events.

1.3 Include the possible defendants and an analysis of why the defendant has been chosen.

Chronology

1	DD.MM.YY	Item
2	DD.MM.YY	Item
3	DD.MM.YY	

2. Relevant legislation and risk associated with decision

List the sections of the relevant Act that are alleged to have been contravened/or should be considered and form the subject of the investigation/decision.

Section and description	Risk/harm/detriment associated with decision/contravention <small>o Identify the risk or harm cause by the conduct and how the risk/ harm should be treated o Has the conduct caused detriment to a consumer, a business or the market? If so how?</small>
s. XX	
s. XX	

3. Factors that warrant Access Canberra intervention/action/decision

To outline why the issue should be progressed, or the reasons for the proposed compliance, enforcement or licensing decision.

3.1 Key areas that may be relevant (not exhaustive):

- conduct of significant public interest or concern
- conduct resulting in a significant consumer detriment
- conduct demonstrating a blatant disregard for the law
- conduct detrimentally affecting disadvantaged or vulnerable consumer groups
- conduct that is, or is likely to become, industry-wide

RAC Submission

- whether action is likely to have a worthwhile educative or deterrent effect
- whether the person, business or industry has a history of previous contraventions of other relevant legislation
- consideration of Access Canberra Accountability Commitment (compliance and enforcement frameworks)
- consideration of DPP prosecution policy and guide.

4. Other relevant projects/investigations/licence decisions

Highlight activities undertaken by Access Canberra or other regulators relevant to the alleged conduct/licence decision and any response/actions.

4.1

5. Attachment/s

As applicable

-

6. Recommendation and rationale of the Committee

Date of recommendation: DD Month YEAR

RAC Chair:

RAC Members:

RAC Attendees:

Recorded by: