



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 2022-102


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	Waived
6. Processing time (in working days)	51
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 Request
Date: Tuesday, 29 March 2022 12:11:15 PM
Attachments: [image001.png](#)
[20220329 FOI Request - Federal Funding.pdf](#)

Good afternoon,

Please find attached an FOI request from [REDACTED]

Kind regards,



I write to request under the *Freedom of Information Act 2016* (FOI Act) documents generated or received by the ACT Government in relation to project funding from the Federal Government.

Specifically, I am requesting documents sent by the ACT Government in the last 6 months that detail requests to the Federal Government for projects the ACT Government would like funding assistance for.

I make this request pursuant to section 30 of the FOI Act.

[REDACTED]

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



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2022-102



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 29 March 2022, in which you sought access to:

- *Documents generated or received by the ACT Government in relation to project funding from the Federal Government.*

Specifically, I am requesting documents sent by the ACT Government in the last 6 months that detail requests to the Federal Government for projects the ACT Government would like funding assistance for.

On 5 April 2022, you agreed to refine the scope to:

- *All Ministerial endorsed requests in the last 6 months seeking funding assistance from the Federal Government for the delivery of capital and recurrent projects and services.*

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 was required to provide a decision on your access application by 29 April 2022 however, following on from third party consultation and extensions the due date is now 15 June 2022.

Decision on access

Searches were completed for relevant documents and three 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 one document relevant to your request and partial access to two documents as I consider them to contain 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 in accordance with section 54(2) of the Act, and the documents released to you are provided as **Attachment B** to this letter.

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,
- the views of relevant third parties following consultation, and

Exemption claimed

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

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 interests lie. 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 (Schedule 2.1):

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (i) *promote open discussion of public affairs and enhance the government's accountability*

Disclosure of the communications between the ACT Government and the Australian Government on this matter may help to promote discussion of government business and enhance the government's accountability and continued commitment to open and transparent government and as such, I afford this factor some weight in my deliberations.

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, and I consider that giving access to the information sought would support this intention of the FOI Act.

Factors favouring nondisclosure in the public interest (Schedule 2.2):

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

(x) *prejudice intergovernmental relations*

When considering the documents and factors in favour of non-disclosure, I have considered the responses from the relevant third parties and agree with the contentions that the release of the documents could prejudice intergovernmental relations. The documents identified provide details of confidential information shared between the ACT Government and the Australian Government. This also includes some information that is outside of the scope of your request and has been redacted and marked as such. I am satisfied that the release of the information you have sought could impair the future flow of information between the ACT and Australian governments. I am satisfied that this factor favouring non-disclosure is significant and I afford it appropriate weight in line with the contentions raised.

Having applied the test outlined in section 17 of the Act and deciding that release of some information contained in the documents is not in the public interest to release, I have chosen to redact this specific information 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.

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 documents released to you in response to your access application will be published in the CMTEDD disclosure log after 3 days after the date of my decision. Your personal contact details will not be published.

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

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



Matt Leonard
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

15 June 2022



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST						Reference NO.
All Ministerial endorsed requests in the last 6 months seeking funding assistance from the Federal Government for the delivery of capital and recurrent projects and services.						CMTEDDFOI 2022-102
Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Ministerial brief to Treasurer	18 Feb 2022	Partial release	Sch 2 s2.2 (a)(x) Out of scope	Yes
2	4-6	Letter to Treasurer from Chief Minister	1 Mar 2022	Partial release	Sch 2 s2.2 (a)(x) Out of scope	Yes
3	7-8	Letter to Prime Minister from Chief Minister	4 Mar 2022	Full release	N/A	Yes
Total No of Docs		Yes				
3						

Chief Minister, Treasury and Economic
Development Directorate

UNCLASSIFIED

To: Treasurer

Tracking No.: CMTEDD2022/637

Date: 18 February 2022

From: Acting Executive Group Manager, Economic and Financial Group

Subject: Sch 2.2(a)(x)

Critical Date: 28 February 2022

Critical Reason: Sch 2.2(a)(x)

- UT 21/02/22

Recommendations

That you:

1. Sch 2.2(a)(x)

Note / Please Discuss

2. Sch 2.2(a)(x)

Signed / Not Signed / Please Discuss

Andrew Barr MLA



21/2/22

Minister's Office Feedback

UNCLASSIFIED

Tracking No.: CMTEDD2022/637

Sch 2.2(a)(x)

Financial Implications

6. Sch 2.2(a)(x)

Consultation

Internal

7. Out of scope

Cross Directorate

8. N/A

External

9. Sch 2.2(a)(x)

Work Health and Safety

10. N/A

Benefits/Sensitivities

11. N/A

Communications, media and engagement implications

12. Sch 2.2(a)(x)

Signatory Name: Lisa Holmes Phone: 70207
Action Officer: Blake Ford Phone: 58781

Attachments

Attachment	Title
Attachment A	Letter to the Commonwealth Treasurer
Out of scope	



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

Member for Kurrajong

The Hon Josh Frydenberg
Treasurer
Australian Government
Via email: TSRDLOs@treasury.gov.au

Dear Treasurer, ^{Josh}

Sch 2.2(a)(x)

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Sch 2.2(a)(x)

Sch 2.2(a)(x)

The ACT plays an important role in providing public health services not only to ACT residents but to the surrounding region, ensuring NSW residents have equitable access to free public health and emergency services based on clinical need.

Demands placed on the ACT public health system by NSW residents are significant. Around one quarter of hospital service activity in the ACT (based national weighted activity units) relates to NSW residents. Regional areas, including regional NSW, also generally have a larger proportion of older people and people with comorbidities who require tertiary hospital services, and it is in the national interest to ensure that these regional communities have access to the high quality and accessible health services.

As population growth drives further growth in demand for health services from both ACT and NSW residents, it will place ongoing pressure on both recurrent and capital health related expenditure and the ACT position as a broader regional health hub will become even more important. There is an opportunity for the Commonwealth to contribute capital funding to proposed health infrastructure projects in the ACT. The ACT Government has identified several planned or proposed infrastructure projects, including:

- 1) The redevelopment of Canberra Hospital - this will revitalise and replace ageing infrastructure that is reaching end of life and add new infrastructure to expand capacity to service growing demand into the future; or
- 2) The planning for a construction of a new northside hospital - this will increase the capacity and capability of key services, support improved access to services and relieve some of the pressure being placed on Canberra Hospital from growing demand.

The above investments will directly address the significant growing demands that are placed on the ACT public hospital system by cross-border residents and will allow the ACT to boost health system capacity and improve access to high quality health services for ACT and those of the surrounding region.

In the interests of progressing this matter in a timely fashion, I note that your officials may contact

Out of scope
Out of scope

or Lisa Holmes

(Lisa.Holmes@act.gov.au) in relation to the health infrastructure investment.

I look forward to a positive response on this matter.

Yours sincerely



Andrew Barr MLA

Chief Minister

1 March 2022



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

Member for Kurrajong

The Hon Scott Morrison MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister *Scott*






Thank you for your letter about supporting the use of Rapid Antigen Tests (RATs) in schools and early childhood education and care (ECEC) settings, discussed at the 20 January 2022 National Cabinet meeting.

I am pleased to confirm the ACT's acceptance of your offer to include costs associated with RATs, for the purposes of a screening program in non-government and government schools and ECEC settings, under the current 50:50 cost-sharing arrangements provided for in the COVID-19 National Partnership Agreement (NPA).

I note your letter anticipates sharing costs with the ACT for an estimated 731,000 RATs in a four week period. Initial estimates by my Education Directorate currently point to a higher number of RATs being utilised in the ACT. However, as the first weeks of the 2022 return to school progress, actual distribution and demand will be reviewed and any significant variance will be flagged with your officials as early as possible.

I understand too that the costs of supply and distribution will also be eligible for a 50 per cent funding contribution under the COVID-19 National Partnership Agreement. In the ACT, the Emergency Services Agency has been assisting with distribution of RATs to schools and ECEC facilities

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and I expect will claim associated costs with packing and delivery of RATs, through the usual processes for reimbursement under this NPA.

As you may be aware, my Government has determined a need to extend the RAT screening program in schools and ECEC settings for at least an additional four weeks, from week five to week eight of term one 2022. I request that you consider extending the 50:50 cost sharing arrangements provided for in the COVID-19 NPA, to this and any further required periods where RATs are provided to primary and secondary students and staff and ECEC workers.

In this week four to week eight extension phase, my government will also support the provision of rapid antigen testing to children in ECEC settings aged between 3 and 5 years. This is in response to known exposures in those learning cohorts that have impacted the operations of ECEC centres resulting in many full or partial closures in the ACT over recent weeks. While this cohort was not initially anticipated for inclusion in ECEC and school RAT screening programs, I would also ask that you consider extending the terms of this arrangement to provide RATs to those children to better support their safety and that of their families and educators.

Should your officials require clarification on any matters raised in this letter, they can contact Leesa Croke, Coordinator-General, Whole of Government COVID-19 (Non-health) Response & Deputy Director General, Policy and Cabinet (leesa.croke@act.gov.au).

Yours sincerely



Andrew Barr MLA
Chief Minister

4 March 2022