



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 2022-124

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)	20
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: Re: FW: DLO Callback / Contact [REDACTED] - FOI request
Date: Tuesday, 12 April 2022 2:30:21 PM

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sue,
Thank you for your email, yes that is correct.
Although, I have narrowed the request to the following dates of August 1 2021 - 1January 2022 if that makes it easier for you to obtain the information.

Kindest,
[REDACTED]

On Tue, 12 Apr 2022 at 14:18, CMTEDD.FOI <CMTEDDFOI@act.gov.au> wrote:

OFFICIAL: Sensitive

Good afternoon [REDACTED]

Thank you for speaking with me today.

As discussed, could you please confirm your amended scope is as follows:

- **Request all financial documents regarding the Supply of COVID supplies, including PPE, RAT kits and general masks and sanitising gels and anti-bacterial hand wash purchased from 01/01/2020 to today, 11/04/2022.**
- **Information to include is : the suppliers (Indigenous suppliers only); the cost; the country of source; and date of transaction.**

Please confirm as soon as possible by return email.

Don't hesitate to contact me if you require further information.

Kind regards

Sue

Sue Locke | Freedom of Information Coordinator | Information Access Team

Phone: 02 6207 5583 | Email: CMTEDDFOI@act.gov.au

Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 5, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | act.gov.au

From: [REDACTED]
Sent: Monday, 11 April 2022 1:33 PM
To: andrew.barr@act.alp.org.au; Smyth, Brendan <Brendan.Smyth@act.gov.au>;
Procurement ACT <ProcurementACT@act.gov.au>
Subject: FOI request

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear ACT Chief Minister Andrew Barr,

I am writing to request all financial documents regarding the Supply of COVID supplies, including PPE, RAT kits and general masks and sanitising gels and anti-bacterial hand wash purchased from 01/01/2020 to today, 11/04/2022.

Information included :


The supplier.

The cost.

The country of source.

Date of transaction.

This request is made under the FOI ACT 1982.



Regards,

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This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose,

nor disclose its contents to any other person.





ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2022-124



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 11 April 2022.

Specifically, you are seeking: *“Request all financial documents regarding the supply of COVID supplies, including PPE, RAT kits and general masks and sanitising gels and anti-bacterial hand wash purchased from 01/08/2021 to today, 01/01/2022. Information to include is: the suppliers (Indigenous suppliers only); the cost; the country of source; and date of transaction.”*

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 13 May 2022.

Decision on access

Searches were completed for relevant documents and one document was identified that falls within the scope of your request.

I have decided to grant partial access to the document relevant to your request.

My access decisions are detailed further in the following statement of reasons and the document released to you is provided as **Attachment A** 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,
- the *Information Privacy Act 2014*.

Exemption claimed

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

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:*
- (xiii) *contribute to the administration of justice generally, including procedural fairness.*

Having considered the factor above, I consider that the release of these documents may contribute to the administration of justice generally by allowing you to have a record of the documents that fall within the scope of your request. However, this factor is to be balanced against the factors favouring non-disclosure.

Factors favouring nondisclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (xi) *prejudice trade secrets, business affairs or research of an agency or person.*

Having reviewed the documents, I consider that the information contained in the documentation that falls within the scope of your request could reasonably prejudice the business affairs of external entities. “Business affairs” was interpreted in *7 Cockcroft and Attorney-General’s Department and Australian Iron Steel Pty Ltd (1986) 64 ALR 97, 106*, to mean: “the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs.” Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research

of an agency or person. The document contains information used by the businesses for their services and I consider the release of the costs could harm the business affairs of those businesses. I therefore weight the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information could prejudice business affairs.

Having applied the test outlined in section 17 of the Act and deciding that release of personal 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 being released to you is below the charging threshold of 50.

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 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

A handwritten signature in black ink, appearing to read 'Matt Leonard', with a stylized flourish extending to the right.

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

13 May 2022

Actual Payment Date	Agency	Business Unit	Directorate Short Name	Supplier Name	Description	Invoice Description	ATSIE Spend (ex GST)
	CHIEF MINISTER TREASURY & ECONOMIC	Not specified	CMTEDD	Integrity Health & Safety PTY LTD	Janitorial Products	Germ Buster Antibac Hnd San 350ml Pump	Sch 2.2(a)(xi)
	CHIEF MINISTER TREASURY & ECONOMIC	Not specified	CMTEDD	Integrity Health & Safety PTY LTD	Janitorial Products	Germ Buster Antibac Hnd San 1 Litre Pump	
03/08/2021	ECODEV	Property Group	CMTEDD	KAMBERRA INDIGENOUS CLEANING PTY LTD	Cleaning Services	Supply of Multi Purpose Alcohol Wipes	