



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 2022-275

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)	74
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



Subject:
Date:



[CMTEDD FOI](#)
RE: FOI Request | Ministerial Briefs April-May 2022
Friday, 2 September 2022 9:56:13 AM

My Apologies, please read the request as

RE: FOI REQUEST – MINISTERIAL BRIEFS APRIL-MAY 2022

Thank you,

[Redacted signature and body text]

[Redacted]
Sent: Friday, 2 September 2022 9:46 AM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>

[Redacted]
Subject: FOI Request | Ministerial Briefs April-May 2022

Good Morning,

RE: FOI REQUEST – MINISTERIAL BRIEFS MAY-JUNE 2022

I write to request under the *Freedom of Information Act 2016* a copy of the Ministerial Briefs with the titles outlined below.

I would like my request to include the selected question time briefs for that period as outlined below. Duplicate documents as well as attachments to the ministerial briefs may be excluded.

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ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2022-275



Dear 

FREEDOM OF INFORMATION REQUEST

I am writing to advise you that I intend to refuse to deal with your access application made under the *Freedom of Information Act 2016* (FOI Act) received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 2 September 2022, in which you sought access to Ministerial Briefs.

Specifically, you sought access to 82 Ministerial briefs for the period April 2022 – May 2022. These Ministerial briefs had been identified in a previous access request. Please see **Attachment A** for the original scope.

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.

Why I intend to refuse your request

I intend to refuse to deal with your access application, under section 43 (1)(a) of the FOI Act, because:

- dealing with the application would require an unreasonable and substantial diversion of resources pursuant to section 44(1)(a) of the Act, and
- the resources required does not justify the public interest, refer section 44(1)(b) of the Act.

I note that I and the Senior Director of Information Management have contacted your office multiple times regarding this request to seek clarification, ways to reduce the scope and additional time to process it. Whilst we have been appreciative of your agreement in extending the timelines, your request currently still requires a disproportionately large portion of available FOI resources to continue to process this request.

There has already been a significant amount of work undertaken in attempting to process this application, which has proven to be extremely challenging due to engaging with

multiple business areas of CMTEDD on diverse subject matters with no cohesive issue or theme. This means that each brief must be examined individually, and the public interest test applied separately to each brief. This is akin to undertaking 82 separate applications.

I am mindful that we also have other requests from your office for 113 briefs (CMTEDD2022-309) and 50 (CMTEDD 2022-379), with this request for 82 briefs bringing the total to 245 briefs.

I note that based previous experience, we would expect, on average, one third party consultation for every three briefs. With the above combined requests in mind, it is reasonable to estimate consulting with around 82 third parties.

Balancing the public interest that would be advanced by processing this request in its current form, I have concluded that it does not justify the resources required to complete it.

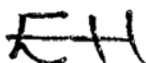
Consultation Period

Section 46(1) of the Act requires CMTEDD to provide you with the opportunity to amend your application before a decision to refuse to deal with your request can be made. The time allowed for you to amend your request under section 46(4)(a) is 10 working days.

We would welcome your input, however, if no response is received from you by **28 February 2022**, I intend to refuse to deal with your application under section 43(1)(a) of the Act.

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or by email at CMTEDDFOI@act.gov.au.

Yours sincerely,



Emma Hotham
Information Officer
Chief Minister, Treasury and Economic Development Directorate

14 February 2023

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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2022-275



Dear 

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act) received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 2 September 2022, in which you sought access to Ministerial Briefs.

Specifically, you sought access to 82 Ministerial briefs for the period April 2022 – May 2022. These Ministerial briefs had been identified in a previous access request. Please see **Attachment A** for the original scope.

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 17 February 2023. On 14 February 2023, I wrote to you advising of my intention to refuse to deal with this application.

Consultation

Under section 46(1)(a) of the Act, before refusing to deal with your application, CMTEDD was required to provide you, in writing, the grounds for the refusal, and (b) provide you with a reasonable opportunity to consult with CMTEDD and provide any additional information that is relevant. CMTEDD was also required to provide any information that may assist you in making an application in a form that would remove the grounds for refusal.

In accordance with section 46(1)(b), the consultation period as outlined in the Act is 10 days from the day after the notice was provided to you, meaning the consultation period has now expired. I note that my office has not had a response from your office.

I am satisfied that my office has made all reasonable attempts to assist you in making an application that would remove the grounds for refusal.

Decision on access

I have decided to refuse to deal with your application, under section 43 (1)(a) of the FOI Act, because:

- dealing with the application would require an unreasonable and substantial diversion of resources pursuant to section 44(1)(a) of the Act, and
- the resources required does not justify the public interest, refer section 44(1)(b) of the Act.

I note that I, and the Senior Director of Information Management, contacted your office multiple times regarding this request to seek clarification, ways to reduce the scope and additional time to process it. Whilst we have been appreciative of your agreement in extending the timelines, your request still requires a disproportionately large portion of available FOI resources to continue to process this request.

There has already been a significant amount of work undertaken in attempting to process this application, which has proven to be extremely challenging due to engaging with multiple business areas of CMTEDD on diverse subject matters with no cohesive issue or theme. This means that each brief must be examined individually, and the public interest test applied separately to each brief. This is akin to undertaking 82 separate applications.

I am mindful that we also have other requests from your office for 113 briefs (CMTEDD2022-309) and 50 (CMTEDD 2022-379), with this request for 82 briefs bringing the total to 245 briefs.

I note that based previous experience, we would expect, on average, one third party consultation for every three briefs. With the above combined requests in mind, it is reasonable to estimate consulting with around 82 third parties.

For this decision, I note the recent Ombudsman decision relating to a review of decision of CMTEDD2022-206, which has now been published on the Ombudsman's website [Decision-AFOI.RR.22.10020.pdf \(act.gov.au\)](#).

Balancing the public interest that would be advanced by processing this request in its current form, I have concluded that it does not justify the resources required to complete it.

Charges

Processing charges are not applicable for this request because no information is being released to you.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. A description of the access application and my decision will be published in the CMTEDD disclosure log after **10 March 2023**. 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:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

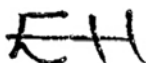
ACT Civil and Administrative Tribunal (ACAT) Review

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:

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 CMTEDD FOI team on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Emma Hotham
Information Officer
Chief Minister, Treasury and Economic Development Directorate

7 March 2023

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1-2022/40327	40km/h City Speed Zones QTB
1-2022/40327	AC Contact Centre QTB

