ACT Government
Chief Minister, Treasury and Economic Development

Freedom of Information Disclosure Log Publication Coversheet

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

Application Details	
Ref. No.	CMTEDDFOI 2026-275
Date of Application	18 September 2026
Date of Decision	23 October 2026
Processing time (in working days)	24
Fees	N/A
Decision on Access	Refusal
Information Requested (summary)	"Government information concerning conflict-of-interest, impartiality and probity records associated with a 2020 recruitment process".

Publication Details		
Original application	☑ Published	☐ N/A
Decision notice	☑ Published	☐ N/A
Documents and schedule	☐ Published	☑ N/A
Decision made by Ombudsman	N/A	
Additional information identified by Ombudsman	N/A	
Decision made by ACAT	N/A	
Additional information identified by ACAT	N/A	

Freedom of Information (FOI) request - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

18 Sep 2026 1:47:45 PM

Reference code

VHNZB72T

Chief Minister, Treasury and Economic Development Directorate (CMTEDD)

GPO Box 158
Canberra City, ACT 2601

Phone: 6207 7754
CMTEDDFOI@act.gov.au

Applicant information

- [x] I want to submit this request anonymously

Assistance

Do you need assistance with preparing your request?

- ( ) Yes
- (•) No

Do you need an interpreter?

- ( ) Yes
- (•) No

Contact details

For your anonymous request to be valid, please provide at least one method of contact. This information will help us confirm the details of your request and/or deliver information to you once your request is completed.

Phone number

Email address

Address line 1

Address line 2

Suburb

State

Postcode

Help us direct your request

The following information helps us send your request to the most appropriate team who will coordinate and respond to your request.

What do you know about the information you are requesting?*

- (●) I know the Directorate or agency
- ( ) I know the topic
- ( ) I am not sure

Directorate or agency*

- ( ) Canberra Health Services
- (•) Chief Minister, Treasury and Economic Development Directorate
- ( ) City and Environment Directorate
- ( ) Digital Canberra
- ( ) Education Directorate
- ( ) Health and Community Services Directorate
- ( ) Infrastructure Canberra
- ( ) Justice and Community Safety Directorate
- ( ) Multiple Directorate request

Request for

To help us process your request:

- Include enough detail in your application so we can identify what government information you want.
- As an alternative to using fields within the form, you may choose to attach documents or audio recordings.
- You may wish to include a statement on how the release of this information is in the public interest.

Scope of your request

What information are you requesting access to?*

To Whom It May Concern,

I seek access under the Freedom of Information Act 2016 (ACT) to government information concerning conflict-of-interest, impartiality and probity records associated with the 2020 recruitment process for the [redacted] in which [redacted] was the successful candidate.

The relevant period is the recruitment and selection process through to completion of the appointment decision in August 2020.

This request is deliberately confined to conflict, probity, impartiality and associated recruitment-governance records. It does not seek the general recruitment file or information concerning unsuccessful candidates except where necessary to understand the operation of the panel conflict-declaration process.

1. [redacted] declaration or disclosure

Please provide any declaration, disclosure, acknowledgement, form, email, memorandum, conflict-register entry, recruitment checklist entry, selection report entry or other record made by or concerning [redacted] as a member of the selection panel, addressing:

any actual, potential or perceived conflict of interest;
any relevant prior professional, working or other relationship with [redacted]
impartiality or perceived impartiality;
any relationship or circumstance considered relevant to his participation in the recruitment process; and
any declaration recording that no conflict or relevant interest existed.

I seek both positive disclosures and any “nil”, “none”, “no conflict” or equivalent declaration.

2. Timing and candidate-specific consideration

Please provide records showing, where recorded:

when [redacted] completed his initial conflict-of-interest or probity declaration;
when panel members first became aware that [redacted] was an applicant or shortlisted candidate;
whether [redacted] declaration was reviewed, reconsidered or updated after [redacted] candidacy became known;
any candidate-specific conflict or impartiality check concerning [redacted]; and
the outcome of any such reconsideration.
3. Assessment and management

Please provide records showing:

who received, reviewed or considered any declaration or disclosure concerning [redacted];
whether any disclosed relationship or circumstance required further assessment;
the outcome of that assessment;
any HR, recruitment, probity, governance or management advice obtained;
any management measure or procedural safeguard considered or adopted;
any consideration of whether a change to panel participation or another management measure was required; and
any decision that no management action was necessary.

4. Full panel declarations

Please provide the conflict-of-interest, impartiality or probity declarations, disclosures or equivalent records completed for the recruitment process by:

[redacted]

This includes, where held:

initial declarations;
nil declarations;
updated declarations;
candidate-specific declarations or checks;
conflict-register entries;
panel-probity checklists;
recruitment or selection checklists recording completion of conflict requirements;
any HR or recruitment acknowledgement that declarations had been completed; and
any selection report or other recruitment record recording the existence or outcome of the declarations.

5. Panel establishment and probity process

Please provide records sufficient to identify:

the record establishing or approving the composition of the selection panel;
any requirement imposed on panel members to disclose actual, potential or perceived conflicts;
when those declarations were required to be made;
whether declarations were required to be revisited once applicants or shortlisted candidates became known; and
who was responsible for reviewing or accepting those declarations.

Where this information is recorded in a recruitment checklist, panel establishment record, probity checklist or equivalent document, that record is sufficient.

6. Applicable requirements

Please provide the policy, procedure, instruction, template or guidance applicable to the 2020 recruitment process concerning:

panel-member conflict-of-interest declarations;
actual, potential and perceived conflicts;
prior professional or working relationships with candidates;
impartiality;
candidate-specific conflict checks;
updating declarations after applicants or shortlisted candidates became known; and
management or mitigation of declared conflicts.

Only the version applicable to the 2020 process is sought.

7. Absence of records

If no responsive declaration, disclosure, nil declaration, conflict-register entry or equivalent probity record concerning [redacted] is located, please state that clearly in the decision notice.

If no record is located showing whether [redacted] declaration was reconsidered after [redacted] candidacy became known, please likewise state that clearly.

If no candidate-specific conflict check concerning [redacted] exists, please state that clearly.

In each case, please identify the record locations and systems searched in accordance with section 34 of the FOI Act.

Processing and partial access

This request concerns the processes used to identify, record, assess and manage actual, potential or perceived conflicts of interest in senior public-sector recruitment.

It does not assert that any conflict existed or that the recruitment outcome was improper.

Duplicate records are not required.

Where responsive records contain unrelated personal information, I request that such information be redacted and the remainder released rather than the record being withheld in full.

Electronic copies are preferred.

Attach additional documents to support your application

Submit application

Timeframes

The Directorate responsible for your application must:

- inform you in writing within 10 working days that it has received your application
- communicate to you about any difficulties/ delays in processing your request
- provide you with a decision on access to the information within 30 working days or less

Requests may take longer than 30 days in situations where an extension has been granted.

If the Directorate must consult a third party, the deadline for providing a decision is extended by 15 working days. The Directorate will notify you if consultation is required.

Anonymous request

You're submitting an anonymous FOI request. The information you supply will be provided to:

- **Chief Minister, Treasury and Economic Development Directorate**
- **cmteddFOI@act.gov.au**

The FOI team may contact you to clarify details of your request. This will assist the team in reaching a decision on providing access to the information.

After submitting your request, you may wish to save a PDF copy of your form or email a PDF copy to your nominated email address.

ACT Government
Chief Minister, Treasury and Economic Development

Our ref: CMTEDDFOI 2026-275

[redacted]

FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

I refer to your applications under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 18 September 2026.

Specifically, you sought access to "*government information concerning conflict-of-interest, impartiality and probity records associated with the 2020 recruitment process for the* [redacted]*, in which* [redacted] *was the successful candidate*".

Please refer **Appendix 1** for the original scope of your request.

On 29 September 2026 you received a notice of intent to refuse to deal with your access application. The decision maker intended to refuse to deal with your application under section 35(1)(d) on the following grounds:

1. section 43(1)(c), they are satisfied the application is an abuse of process.

You responded on the 30 September 2026 to the notice of intent to refuse. You stated that you do not accept that the application constitutes an abuse of process. However, you amended your application to the following:

"I seek records sufficient to establish how conflict-of-interest, impartiality and probity requirements were administered in the 2020 recruitment process for the Deputy Work Health and Safety Commissioner, WorkSafe ACT, completed in August 2020.

1. Panel establishment and compliance

Please provide records sufficient to establish:

- *(a) the composition of the selection panel;*
- *(b) whether each panel member was required to complete a conflict-of-interest, impartiality or equivalent probity declaration;*
- *(c) whether* [redacted] *each completed the required declaration or probity process;*
- *(d) the date on which each such declaration or process was completed, where recorded; and*
- *(e) who was responsible for reviewing or confirming compliance with those requirements.*

Copies of the substantive contents of individual declarations are not required where the above information can be established from a checklist, selection report, recruitment record or other administrative record.

2. [redacted] *declaration and subsequent consideration*

Please provide records sufficient to establish:

- *(a) whether [redacted] completed a conflict-of-interest, impartiality or equivalent probity declaration;*
- *(b) when that occurred;*
- *(c) whether that declaration was reviewed, reconsidered or updated after the identity of applicants or shortlisted candidates became known;*
- *(d) whether any matter requiring assessment or management was identified;*
- *(e) whether any such matter was assessed;*
- *(f) the administrative outcome of that assessment; and*
- *(g) whether any management measure or procedural safeguard was considered or adopted.*

I do not seek details revealing the private substance of any personal relationship or other private personal information. If such information appears within an otherwise responsive record, it may be redacted.

For avoidance of doubt, paragraph 2(d) seeks only whether a matter requiring assessment or management was identified, not the private details of that matter.

3. Assessment and governance

Where a matter requiring assessment or management was identified in relation to a panel member, please provide records sufficient to establish:

- *(a) who, or what position, reviewed or assessed the matter;*
- *(b) whether HR, recruitment, probity, governance or management advice was obtained;*
- *(c) the administrative outcome of the assessment;*
- *(d) whether a management measure or procedural safeguard was considered or adopted; and*
- *(e) whether a decision was made that no management action was necessary.*

The private details underlying any such matter are not sought and may be redacted.

4. Absence of records

If no responsive record is located establishing any of the following:

- *(a) completion of the required conflict/probity process by [redacted]*
- *(b) whether his declaration was reviewed or reconsidered after applicants or shortlisted candidates became known; or*
- *(c) whether the applicable conflict/probity requirements were completed by the selection panel,*

please state that in the decision notice and identify the relevant record locations or systems searched.

Personal information expressly excluded

To remove any possible ambiguity, I do not seek:

- *(a) residential addresses, personal contact details, dates of birth, health information or other unrelated private information;*
- *(b) the private substance or details of any personal relationship;*
- *(c) personal information concerning unsuccessful candidates;*
- *(d) information concerning the merits of individual candidates beyond what is necessary to identify the recruitment process; or*

(e) information unrelated to the administration of the recruitment and probity process.

Where excluded information appears within an otherwise responsive government record, I request that it be redacted and the balance of the record considered for release."

Authority

I am an Information Officer appointed by the CMTEDD 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 within 30 days.

A consultation period of 10 working days was provided to you.

Therefore, a decision is due by **16 November 2026.**

Decision on access

I have considered your reduced scope; however, it is clearly still focussed on an individual. The *Information Privacy Act 2014*, section 8 (1) provides the meaning of personal information as:

(a) information or an opinion about an identified individual, or an individual who is reasonably identifiable—

(i) whether the information or opinion is true or not; and

(ii) whether the information or opinion is recorded in a material form or not; but

(b) does not include personal health information about the individual.

I consider that the individual concerned in these matters is identifiable.

I am refusing to deal with your request on the following grounds:

1. ***I refuse to deal with this application under s 35(1)(d) as I am satisfied under s 43(1)(c) the application is an abuse of process.***

An abuse of process is defined to include the following:

- *harassment or intimidation of a person*
- *unreasonable request for personal information about a person.*

I consider your request to be an unreasonable request for personal information about someone other than yourself. Under the ACT Ombudsman *Guidelines for Dealing with Access Applications* (February 2020), for a request to be considered unreasonable the request is to be for personal information of another person with additional considerations including:

- the extent the applicant knows the information
- whether the person to whom the information relates is known to be (or to have been) associated with the information
- whether the personal information is sensitive information.

I consider the information you have requested to be personal information that is not publicly known. In addition, I have no knowledge of your relationship with the individual, a factor which can be taken into account despite section 17(2)(f) of the Act as section

17(3)(a) and (b) provides that an applicant's identity, circumstances and reason for seeking access to information may be taken into account if the information requested is personal information and not about the applicant.

I note you have submitted two access applications in September for WorkSafe ACT information concerning staff and staffing matters. In the same period WorkSafe ACT has had a significant increase in requests for similar information which are often repetitive in nature and bordering on making or implying unsubstantiated allegations.

Release of WorkSafe ACT employee details is an unreasonable request for information and could be used to harass or intimidate a person or persons.

Under the Ombudsman guidelines *Dealing with Access Applications* examples of harassment and intimidation could include:

- unsubstantiated, derogatory and inflammatory allegations against agency staff
- requests of a repetitive nature that are apparently made with the intention of annoying or harassing agency staff, or a third party
- requests that are intended to overwhelm agency staff and force them to negotiate with the applicant about other matters or issues.

Charges

Processing charges are not applicable for this request because the number of pages 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 and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

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 provided to you, 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
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 the CMTEDD FOI Team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely



Emma Hotham

Information Officer
Chief Minister, Treasury and Economic Development Directorate

23 October 2026

APPENDIX 1

I seek access under the Freedom of Information Act 2016 (ACT) to government information concerning conflict-of-interest, impartiality and probity records associated with the 2020 recruitment process for the Deputy Work Health and Safety Commissioner, WorkSafe ACT, in which [redacted] was the successful candidate.

The relevant period is the recruitment and selection process through to completion of the appointment decision in August 2020.

This request is deliberately confined to conflict, probity, impartiality and associated recruitment-governance records. It does not seek the general recruitment file or information concerning unsuccessful candidates except where necessary to understand the operation of the panel conflict-declaration process.

1. [redacted] declaration or disclosure

Please provide any declaration, disclosure, acknowledgement, form, email, memorandum, conflict-register entry, recruitment checklist entry, selection report entry or other record made by or concerning [redacted] as a member of the selection panel, addressing:

- any actual, potential or perceived conflict of interest;
- any relevant prior professional, working or other relationship with [redacted]
- impartiality or perceived impartiality;
- any relationship or circumstance considered relevant to his participation in the recruitment process; and
- any declaration recording that no conflict or relevant interest existed.

I seek both positive disclosures and any "nil", "none", "no conflict" or equivalent declaration.

2. Timing and candidate-specific consideration

Please provide records showing, where recorded:

- when [redacted] completed his initial conflict-of-interest or probity declaration;
- when panel members first became aware that [redacted] was an applicant or shortlisted candidate;
- whether [redacted] declaration was reviewed, reconsidered or updated aft er [redacted] candidacy became known;
- any candidate-specific conflict or impartiality check concerning [redacted]; and
- the outcome of any such reconsideration.

3. Assessment and management

Please provide records showing:

- who received, reviewed or considered any declaration or disclosure concerning [redacted]
- whether any disclosed relationship or circumstance required further assessment;
- the outcome of that assessment;
- any HR, recruitment, probity, governance or management advice obtained;
- any management measure or procedural safeguard considered or adopted;
- any consideration of whether a change to panel participation or another management measure was required; and
- any decision that no management action was necessary.

4. Full panel declarations

Please provide the conflict-of-interest, impartiality or probity declarations, disclosures or equivalent records completed for the recruitment process by:

- [redacted];
- [redacted]
- [redacted]

This includes, where held:

- initial declarations;
- nil declarations;
- updated declarations;
- candidate-specific declarations or checks;
- conflict-register entries;
- panel-probity checklists;
- recruitment or selection checklists recording completion of conflict requirements;
- any HR or recruitment acknowledgement that declarations had been completed; and
- any selection report or other recruitment record recording the existence or outcome of the declarations.

5. Panel establishment and probity process

Please provide records sufficient to identify:

- the record establishing or approving the composition of the selection panel;
- any requirement imposed on panel members to disclose actual, potential or perceived conflicts;
- when those declarations were required to be made;
- whether declarations were required to be revisited once applicants or shortlisted candidates became known; and
- who was responsible for reviewing or accepting those declarations.

Where this information is recorded in a recruitment checklist, panel establishment record, probity checklist or equivalent document, that record is sufficient.

6. Applicable requirements

Please provide the policy, procedure, instruction, template or guidance applicable to the 2020 recruitment process concerning:

- panel-member conflict-of-interest declarations;
- actual, potential and perceived conflicts;
- prior professional or working relationships with candidates;
- impartiality;
- candidate-specific conflict checks;
- updating declarations aft er applicants or shortlisted candidates became known; and
- management or mitigation of declared conflicts.

Only the version applicable to the 2020 process is sought.

7. Absence of records

If no responsive declaration, disclosure, nil declaration, conflict-register entry or equivalent probity record concerning [redacted] is located, please state that clearly in the decision notice.

If no record is located showing whether [redacted] declaration was reconsidered after [redacted] candidacy became known, please likewise state that clearly.

If no candidate-specific conflict check concerning [redacted] exists, please state that clearly.

In each case, please identify the record locations and systems searched in accordance with section 34 of the FOI Act.

Processing and partial access

This request concerns the processes used to identify, record, assess and manage actual, potential or perceived conflicts of interest in senior public-sector recruitment.

It does not assert that any conflict existed or that the recruitment outcome was improper.

Duplicate records are not required.

Where responsive records contain unrelated personal information, I request that such information be redacted and the remainder released rather than the record being withheld in full.