



ACT
Government

Chief Minister and Treasury

Our ref: FOI CMTD 8/12-13

Dear

I refer to your request received on 19 February 2013 made under the *Freedom of Information Act 1989* (the Act) seeking access to all documents relating to the Ngunnawal Protocol from 2001, Ngarigu Native Title Claim lodged in 2005, and all documents written about Ngarigu and Ellen Mundy.

Decision Maker

I am authorised under section 22 of the Act to make decisions on access to documents held by the Chief Minister and Treasury Directorate (CMTD).

Identification of Documents

Officers of CMTD conducted thorough searches of paper and electronic files and email accounts. Documents that are relevant to your request have been located in the business units of Chief Minister's Support and Protocol, Social Policy and Implementation, Corporate Management, and Finance and Budget.

Decision on access

I have considered the documents identified as relevant to your request and I have decided to release, in full, the majority of these documents. My decisions concern the relevant portions of these documents; the remaining information in the documents is beyond the scope of your request and has been excluded.

Many of the documents located consist of correspondence regarding and various draft briefings to the Chief Minister and correlating emails. Also located was a draft version of the ACT Government commissioned report, *Considering Traditional Aboriginal Affiliations in the ACT Region* by Dr Natalie Kwok.

All relevant documents identified are listed on the attached schedules with a summary of my decision in relation to each and copies of the documents which I have released in full are attached to their respective schedules. Duplicate documents have been listed on the schedules however, where applicable, only one copy has been included with the released documents.

The portions of documents for which exemptions are claimed are for material which contains personal information of others such as a private email address.

Exemption claimed

Under section 41(1) of the Act, I have exempted excerpts of correspondence that affect the personal privacy of others.

Documents affecting personal privacy

Section 41 of the Act provides:

- (1) A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
- (2) Subject to subsection (3), subsection (1) does not apply to a request by a person for access to a document only because of the inclusion in the document of matter relating to that person.
- (3) Where--
 - (a) a request is made to an agency or Minister for access to a document of the agency, or an official document of the Minister, that contains information of a medical or psychiatric nature concerning the person making the request; and
 - (b) it appears to the principal officer of the agency, or to the Minister, as the case may be, that the disclosure of the information to that person might be prejudicial to the physical or mental health or wellbeing of that person;the principal officer or Minister may direct that access to the document, so far as it contains that information, that would otherwise be given to that person is not to be given to that person but is to be given instead to a doctor to be nominated by that person.

Your right of review

Internal Review

You are entitled, under section 59 (1) of the Act, to request a review of my decision. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate.

You have 28 days after receiving notice of my decision to ask for a review, or a further period as allowed by the Director-General.

Your request should be addressed to:

Director-General
Chief Minister and Treasury Directorate
GPO Box 158
CANBERRA ACT 2601

Complaints to the Ombudsman

Under section 54 of the Act, you may complain to the Ombudsman about administrative matters relating to the processing of your FOI request. There is no fee for making a complaint. The Ombudsman may conduct an independent investigation into your complaint. You can contact the Ombudsman either by telephone on 1300 362 072 or by writing to:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Online FOI Policy

Personal information is not made available under this policy;

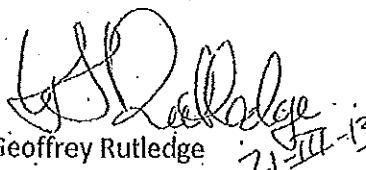
Please be aware that under the ACT Government's Online FOI Publication Policy, information released to you in response to your Freedom of Information request may be released on the Internet. If you think the content of your request would contain such information, please inform the FOI Coordinator immediately on (02) 620 50238.

A copy of the policy, with details about what information may be published on the Internet, is available online at:

http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf

Should you have any queries in relation to this matter, please contact me on (02) 620 78884.

Yours sincerely,


Geoffrey Rutledge
Director
Social Policy and Implementation

21 March 2013