



Ref: CSD 17/7

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

I refer to your request under the ACT *Freedom of Information Act 1989* (the FOI Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 18 November 2016 in which you sought access to the following information:

“Dr Natalie Kwok's report about the traditional custodians of the ACT and any associated advice to Government about that report. Also the Cabinet Submission and Cabinet Decision which lead the then Government to decide to accept the Ngunnawal people as Canberra's first people.”

As advised in the letter to you dated 2 December 2016, the Community Services Directorate (CSD) accepted a partial transfer under section 15 of the FOI Act in relation to the first part of your request, being “Dr Natalie Kwok's report about the traditional custodians of the ACT and any associated advice to Government about that report.”

I have been advised that you confirmed on 6 December 2016 that the scope of the request related only to advice to Government following the writing of the report, as opposed to advice related to the commissioning of the report.

Under the FOI Act, section 22, I am an officer authorised to make a decision in respect of a request for information.

Identification of documents and decision on access

A search has been conducted of hardcopy files and electronic databases for documents which are within the scope of your request.

A draft copy of Dr Natalie Kwok's report, *Considering Traditional Aboriginal Affiliations in the ACT Region*, dated January 2013, was released in response to a previous Freedom of Information (FOI) request. I understand CMTEDD has provided you with a copy of this draft. CSD staff have located a second draft copy of the report, dated February 2013.

I have been advised that the February 2013 version of the draft report is the most current document held by CSD. My decision is to release this document to you in full.

In terms of advice to Government about Dr Kwok's report, I have been advised that CMTEDD have provided you with a caveat brief to the Chief Minister. In addition, CSD has located several documents, both formal and informal briefs, which provide advice about Dr Kwok's report. I have decided to release these documents to you, with some redactions where there is information which is outside the scope of your request or where there is third party information the disclosure of which I consider to be unreasonable.

The FOI Act provides for the protection of third party information under section 41 (Documents affecting personal privacy). Section 41 (1) of the FOI Act states: "A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person." The information in question relates to a community member's dealings with Government and I have decided that releasing this information under FOI would be a breach of the community member's privacy.

Online FOI Publication Policy

I have assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that my decision on your request will be published online. Please note that personal information is not made available under this policy.

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/open_government/report/freedom_of_information_online

Review rights

My decision is reviewable under the Act. This means that if you are dissatisfied with this outcome you have a right to seek a review under section 59 of the Act. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate. If you wish to seek a review you should write to:

Executive Director
Strategy, Participation and Early Intervention
Community Services Directorate
GPO Box 158
CANBERRA ACT 2601

You have 28 days from the day you receive this notification to seek a review of the outcome or such other period as the Executive Director permits.

Under section 54 of the Act, if you are concerned about the processing of your request or related administrative matters, you may make a complaint to the Ombudsman, who may conduct an independent investigation into your complaint. There is no fee for this, and the contact details are as follows:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

If you have any queries in relation to this matter, please contact Mr Julian Dennis, Senior Freedom of Information Officer on 6207 6547.

Yours sincerely



Maureen Sheehan
Executive Director
Strategy, Participation and Early Intervention
Community Services Directorate

20 December 2016