



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 2019-080

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)	2
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

To whom it may concern,
FOI Section
Chief Minister,
Treasury and Economic Development Directorate (CMTEDD)

My name is [REDACTED]

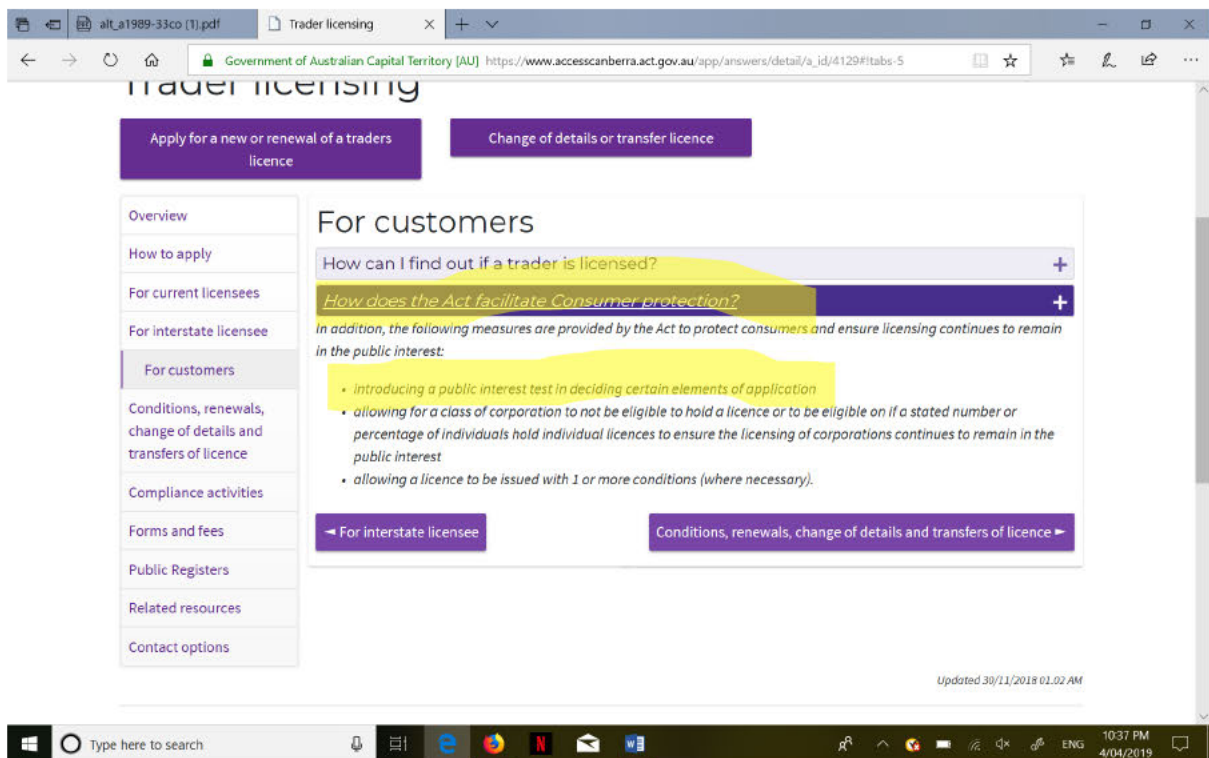
Under the Freedom of Information ACT I am seeking the following items from CMTEDD.

The following URL;

https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/4129#l1tabs-5

Could you kindly provide me with all documentation and guideline around “public interest test”
Please refer to the screenshot below.

Please also include publication dates for any documents provided including editorial dates.



I thank you again for your time and look forward to getting a response.

If you require any assistance or clarification from me please do not hesitate to email me.

Best,

[REDACTED]

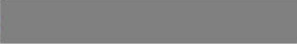


ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2019-080



via email: 

Dear 

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 4 April 2019, in which you state the following:

“Under the Freedom of Information Act 2016 I am seeking the following items from CMTEDD. The following URL;

https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/4129#!tabs-5

Could you kindly provide me with all documentation and guideline around “public interest test” Please refer to the screenshot below.

Please also include publication dates for any documents provided including editorial dates.”

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 7 May 2019.

Decision on access

A search of the CMTEDD records has failed to identify any documentation in relation to your request.

The relevant business unit has advised that each Trader Licence is determined on a case by case basis and one factor considered is whether it is in the public interest to issue a licence to an entity. There is no separate public interest guideline that exists. The business unit uses the relevant provisions in the [Traders \(Licensing\) Act 2016](#) and the [Traders \(Licensing\) Regulation 2017](#) when considering the suitability of an entity to be provided with a licence.

I note that in the case of [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'.

I am satisfied that appropriate searches were completed and that no documents relevant to your request exist.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)*, processing charges are not applicable for this request because no information concerning your request exists.

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 11 April 2019. Your personal contact details will not be published.

You may view the CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

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 a review by the Ombudsman of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision 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 by the Ombudsman under section 82(1), you may apply to the ACAT for a 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 'SMcB', with a stylized flourish at the end.

Sarah McBurney
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

8 April 2019