



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 2022-121

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)	35
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

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Re: CMTEDDFOI 2022-121 Freedom of Information request
Date: Tuesday, 10 May 2022 12:18:56 PM
Attachments: [Intention to refuse.pdf](#)

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I only require the documents showing the decision to move the protestors from EPIC. Ie an email with the instructions or letter would suffice.

Thank you.

Kind regards



On 9 May 2022, at 5:56 pm, CMTEDD FOI <CMTEDDFOI@act.gov.au> wrote:

OFFICIAL

Good afternoon [REDACTED]

Please see attached a letter regarding your application.

Kind regards

Sue

Sue Locke | Freedom of Information Coordinator | Information Access Team

Phone: 02 6207 5583 | Email: suzanne.locke@act.gov.au

Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 5, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | act.gov.au

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ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2022-121



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 10 May 2022.

Specifically, you are seeking: *"I only require the documents showing the decision to move the protestors from EPIC. IE an email with the instructions or letter would suffice."*

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 8 June 2022 however, following third-party consultations, the due date is now 30 June 2022.

Decision on access

Searches were completed for relevant documents and one document was identified that falls within the scope of your request.

I have decided to grant partial access to the document relevant to your request.

My access decision is detailed further in the following statement of reasons and the document released to you is provided as **Attachment A** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act,
- the content of the documents that fall within the scope of your request, and
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

In *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'. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure in the public interest under Schedule 2.1:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (xiii) *contribute to the administration of justice generally, including procedural fairness.*

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in the document may contribute to procedural fairness by allowing you to have a copy of the documents that fall within the scope of your request.

Factors favouring nondisclosure in the public interest under Schedule 2.2:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (ii) *Prejudice the protection of an individual's right to privacy or other rights under the Human Rights Act 2004.*

Having reviewed the documents, I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal information for the purposes of working with the ACT Government. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter.

Individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved. I therefore weight the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this

information (email address not publicly available of individuals not employed by the ACT Public Service and a signature of an employee) could prejudice their right to privacy under the *Human Rights Act 2004*.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Charges

Processing charges are not applicable for this request because there are less than 50 pages 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. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 3 days after the date of my decision. 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 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
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 'K Stuart', written in a cursive style.

Katharine Stuart
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
30 June 2022



ACT
Government

Chief Minister, Treasury and
Economic Development

CMTEDD2022/516

Cmdr Linda Champion
Commander Operations
ACT Policing
Sch 2.2(a)(ii)

Dear Cmdr Champion

Removal of protesters camping at EPIC (Exhibition Park in Canberra)

I am the Deputy Director-General, Economic Development Division, Chief Minister, Treasury and Economic Development Directorate with responsibility for Venues Canberra which manages the land at Block 6 Section 72 Lyneham, Block 4 Section 72 Lyneham, Block 799 Gungahlin and Block 765 Gungahlin known as Exhibition Park Canberra (also known as EPIC) (EPIC), which is land occupied and operated by the Australian Capital Territory.

Thank you for engaging with Venues Canberra management regarding the significant influx of protesters camping at EPIC event precinct.

EPIC has managed to work around the protesters to support the delivery of the Lifeline Bookfair but as you aware, the Capital Region Farmers Market has now cancelled its event for Saturday 12 February.

As you are aware there is a significant booking of the entire EPIC site for the Royal Canberra Show and we require the grounds to be vacated by the protesters no later than Monday 14 February to enable the remediation and preparation of the site for this booking that takes possession of the entire site on Wednesday 16 February 2022.

Currently there are persons camping in and around the event site, including areas which are not designed for camping and outside the formal camping ground. Any legal right to occupy the land will end at midday Sunday 13 February 2022. I understand that joint activities between Venues Canberra and the AFP have been undertaken to request that campers depart EPIC midday Sunday 13 February 2022, including the affixing of posters in EPIC which articulate this request. The relevant legislation is the *Crimes Act 1900*, s 154. These provisions appear sufficient to take action with respect to those campers.

We advise that there are a small number of people camping in the formal campground that do have an agreement to remain on the site until Monday 14 February 2022 10:00am. These individuals are therefore not trespassing and would not have any requirement to vacate earlier than the time agreed with the Territory. We intend to provide details of those individuals, including their names, car registration and contact numbers. We can also provide details in relation to where these persons are located within the campground to ensure they are not inadvertently regarded as trespassing.

Accordingly, I request that the AFP take steps to notify and require that the people without any legal right to occupy the site and who are currently camping on all parts of EPIC event site, vacate the premises no later 2359 on Sunday 13 February 2022. If any campers refuse to do so, I request that the AFP take whatever steps they can consider appropriate in relation to those persons.

Yours sincerely

Sch 2.2(a)(ii)

KAREENA ARTHY
Deputy Director-General
Economic Development

12 February 2022