



**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 2022-309

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	Waived
6. Processing time (in working days)	106
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





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI2022-309



Dear Ms [REDACTED]

## **FREEDOM OF INFORMATION REQUEST**

I am writing to advise you that I intend to refuse to deal with your access application made under the *Freedom of Information Act 2016* (FOI Act) received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 4 October 2022, in which you sought access to Ministerial Briefs.

Specifically, you sought access to 113 Ministerial briefs for the period May 2022 – June 2022. These Ministerial briefs had been identified in a previous access request. Please see **Attachment A** for the original scope.

### **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.

### **Why I intend to refuse your request**

I intend to refuse to deal with your access application, under section 43 (1)(a) of the FOI Act, because:

- dealing with the application would require an unreasonable and substantial diversion of resources pursuant to section 44(1)(a) of the Act, and
- the resources required does not justify the public interest, refer section 44(1)(b) of the Act.

I note that I and the Senior Director of Information Management have contacted your office multiple times regarding this request to seek clarification, ways to reduce the scope and additional time to process it. Whilst we have been appreciative of your agreement in extending the timelines, your request currently still requires a disproportionately large portion of available FOI resources to continue to process this request.

There has already been a significant amount of work undertaken in attempting to process this application, which has proven to be extremely challenging due to engaging with

multiple business areas of CMTEDD on diverse subject matters with no cohesive issue or theme. This means that each brief must be examined individually, and the public interest test applied separately to each brief. This is akin to undertaking 113 separate applications.

I am mindful that we also have other requests from your office for 82 briefs (CMTEDD2022-275) and 50 (CMTEDD 2022-379), with this request for 113 briefs bringing the total to 245 briefs.

I note that based previous experience, we would expect, on average, one third party consultation for every three briefs. With the above combined requests in mind, it is reasonable to estimate consulting with around 82 third parties.

Balancing the public interest that would be advanced by processing this request in its current form, I have concluded that it does not justify the resources required to complete it.

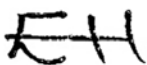
#### **Consultation Period**

Section 46(1) of the Act requires CMTEDD to provide you with the opportunity to amend your application before a decision to refuse to deal with your request can be made. The time allowed for you to amend your request under section 46(4)(a) is 10 working days.

We would welcome your input, however, if no response is received from you by **28 February 2022**, I intend to refuse to deal with your application under section 43(1)(a) of the Act.

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or by email at [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Emma Hotham  
Information Officer  
Chief Minister, Treasury and Economic Development Directorate

14 February 2023

**From:** [REDACTED]  
**Sent:** Tuesday, 4 October 2022 4:35 PM  
**To:** CMTEDD FOI  
**Cc:** [REDACTED]  
**Subject:** CMTEDDFOI 2022-309 - FOI Request | Ministerial Briefs May 2022

**Categories:** New Request

Good Afternoon,

**RE: FOI REQUEST – MINISTERIAL BRIEFS MAY-JUNE 2022**

I write to request under the *Freedom of Information Act 2016* a copy of the Ministerial Briefs with the titles outlined below.

I would like my request to include the selected question time briefs for that period as outlined below. Duplicate documents as well as attachments to the ministerial briefs may be excluded.

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CMTEDD2022/1305	Gungahlin Leisure Centre 50-metre pool rectification works – Program of works
CMTEDD2022/1968	Publishing information relating to the Business Support Grants program and the Small Business Hardship Scheme.
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CM22/60366	QTB - Better Regulation Taskforce - June 2022
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TRSY22/32343	Release of Workers Compensation Claims Data Through Tenders ACT
TRSY22/32344	ACT Auditor-General's Report Procurement Exemptions and Value for Money
TRSY22/32345	Government Procurement (Ethical Treatment of Workers Evaluation) Direction 2021
TRSY22/32346	Response to Campbell Primary School Modernisation Project Procurement – ACT Auditor General's Report No 13/2021
TRSY22/32439	Departing from Tender Evaluation Team recommendations
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22/56889	AC Contact Centre
22/56889	AC Service Centre
22/56889	Building Compliance Compliers
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22/56889	E-Conveyancing
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22/56889	Noise Complaints
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22/56889	Speed Enforcement
22/56889	Working with Vulnerable People
22/56889	Pink Frosting

22/56889	Your Local Plumbing Group
22/56889	Unclean Leasehold Vacant Blocks
22/61971	Access Canberra Customer Satisfaction Survey Results
22/58693	Minister Weekly Brief Week Ending 13 May 2022
22/64816	Update to the Registrar-General's Operating Requirements
22/61482	Minister's Weekly Brief Week Ending 20 May 2022
22/65630	Minister Weekly Brief Week Ending 27 May 2022
22/68099	Minister Weekly Brief Week Ending 3 June 2022
22/71295	Minister's Weekly Brief Week Ending 10 June 2022
22/59251	ACT Government Driver Licence Assessments – Vehicles with an Electronic Park Brake
QTB 1	ACTPS Employee Mental Health and Work Injury Management
QTB 3	Private sector workers' compensation scheme experience
QTB 4	Snapshot of workers compensation and WHS issues a) Quarterly workers compensation statistics - Private Sector b) Quarterly workers compensation statistics - Public Sector
QTB 5	Industrial Relations and Workplace Safety (Worksafe enforcement activity)
QTB 6	Secure Local Jobs Code
QTB 7	ACTPS Secure Work
QTB 8	ACTPS Enterprise Bargaining Agreement Negotiations
QTB 9	Mandatory vaccines in workplaces
QTB 10	COVID Leave Provisions
QTB 11	Recent regulatory actions
QTB 1	Veterans Employment

Should you require any further information or clarification about my request, please contact my office on [REDACTED].

Best,

[REDACTED]





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI2022-309



Dear 

## **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act) received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 4 October 2022, in which you sought access to Ministerial Briefs.

Specifically, you sought access to 113 Ministerial briefs for the period May 2022 – June 2022. These Ministerial briefs had been identified in a previous access request. Please see **Attachment A** for the original scope.

### **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 17 February 2023. On 14 February 2023, I wrote to you advising of my intention to refuse to deal with this application.

### **Consultation**

Under section 46(1)(a) of the Act, before refusing to deal with your application, CMTEDD was required to provide you, in writing, the grounds for the refusal, and (b) provide you with a reasonable opportunity to consult with CMTEDD and provide any additional information that is relevant. CMTEDD was also required to provide any information that may assist you in making an application in a form that would remove the grounds for refusal.

In accordance with section 46(1)(b), the consultation period as outlined in the Act is 10 days from the day after the notice was provided to you, meaning the consultation period has now expired. I note that my office has not had a response from your office.

I am satisfied that my office has made all reasonable attempts to assist you in making an application that would remove the grounds for refusal.

### **Decision on access**

I have decided to refuse to deal with your application, under section 43 (1)(a) of the FOI Act, because:

- dealing with the application would require an unreasonable and substantial diversion of resources pursuant to section 44(1)(a) of the Act, and
- the resources required does not justify the public interest, refer section 44(1)(b) of the Act.

I note that I and the Senior Director of Information Management have contacted your office multiple times regarding this request to seek clarification, ways to reduce the scope and additional time to process it. Whilst we have been appreciative of your agreement in extending the timelines, your request currently still requires a disproportionately large portion of available FOI resources to continue to process this request.

There has already been a significant amount of work undertaken in attempting to process this application, which has proven to be extremely challenging due to engaging with multiple business areas of CMTEDD on diverse subject matters with no cohesive issue or theme. This means that each brief must be examined individually, and the public interest test applied separately to each brief. This is akin to undertaking 113 separate applications.

I am mindful that we also have other requests from your office for 82 briefs (CMTEDD2022-275) and 50 (CMTEDD 2022-379), with this request for 113 briefs bringing the total to 245 briefs.

I note that based previous experience, we would expect, on average, one third party consultation for every three briefs. With the above combined requests in mind, it is reasonable to estimate consulting with around 82 third parties.

For this decision, I note the recent Ombudsman decision relating to a review of decision of CMTEDD2022-206, which has now been published on the Ombudsman's website [Decision-AFOI.RR.22.10020.pdf \(act.gov.au\)](#).

Balancing the public interest that would be advanced by processing this request in its current form, I have concluded that it does not justify the resources required to complete it.

### **Charges**

Processing charges are not applicable for this request because no information is 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. A description of the access application and my decision will be published in the CMTEDD disclosure log after **10 March 2023**. 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:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

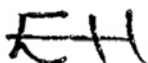
### **ACT Civil and Administrative Tribunal (ACAT) Review**

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:

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 CMTEDD FOI team on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Emma Hotham  
Information Officer  
Chief Minister, Treasury and Economic Development Directorate

7 March 2023

**From:** [REDACTED]  
**Sent:** Tuesday, 4 October 2022 4:35 PM  
**To:** CMTEDD FOI  
**Cc:** [REDACTED]  
**Subject:** CMTEDDFOI 2022-309 - FOI Request | Ministerial Briefs May 2022

**Categories:** New Request

Good Afternoon,

**RE: FOI REQUEST – MINISTERIAL BRIEFS MAY-JUNE 2022**

I write to request under the *Freedom of Information Act 2016* a copy of the Ministerial Briefs with the titles outlined below.

I would like my request to include the selected question time briefs for that period as outlined below. Duplicate documents as well as attachments to the ministerial briefs may be excluded.

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22/71295	Minister's Weekly Brief Week Ending 10 June 2022
22/59251	ACT Government Driver Licence Assessments – Vehicles with an Electronic Park Brake
QTB 1	ACTPS Employee Mental Health and Work Injury Management
QTB 3	Private sector workers' compensation scheme experience
QTB 4	Snapshot of workers compensation and WHS issues a) Quarterly workers compensation statistics - Private Sector b) Quarterly workers compensation statistics - Public Sector
QTB 5	Industrial Relations and Workplace Safety (Worksafe enforcement activity)
QTB 6	Secure Local Jobs Code
QTB 7	ACTPS Secure Work
QTB 8	ACTPS Enterprise Bargaining Agreement Negotiations
QTB 9	Mandatory vaccines in workplaces
QTB 10	COVID Leave Provisions
QTB 11	Recent regulatory actions
QTB 1	Veterans Employment

Should you require any further information or clarification about my request, please contact my office on [REDACTED].

Best,

[REDACTED]