



**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 2020-044

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Schedule only
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	17
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

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**From:** [REDACTED]  
**Sent:** Monday, 2 March 2020 11:18 AM  
**To:** CMTEDD FOI  
**Subject:** foi request

**Categories:** Matt

To the FOI coordinator,

I write to request the following documents under the Freedom of Information Act 2016:

-draft report commissioned by the government on the impacts of its tax reform agenda, as outlined in the below media article.

<https://www.canberratimes.com.au/story/6466785/have-rates-hikes-hurt-households-analysis-to-find-out/>

A number of applicable factors in the Act favour release of such information including:

Schedule 2 section 2.1 (i), (ii), (iii), (iv), (vii), (viii)

Should fees be found to be applicable, I ask they are waived under section 107 2, b, considering the considerable public interest in the major taxation reform and impact on a large proportion of Canberra residents.



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Our ref: CMTEDDFOI 2020-044



## **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 2 March 2020, in which you sought access to:

- Draft report commissioned by the government on the impacts of its tax reform agenda.

### **Authority**

I am an Information Officer appointed by the Director-General of CMTEDD 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 31 March 2020.

### **Decision on access**

Searches were completed for relevant documents and three Cabinet documents were identified that fall within the scope of your request.

I have decided to refuse access to the entire Cabinet documents as the information within it is contrary to the public interest information under section 1.6 of Schedule 1 of the Act.

In accordance with section 54(2) of the Act a statement containing the reason for my decision is below.

### **Material considered**

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

- the Act; and
- the content of the Cabinet documents that fall within the scope of your request.

## **Exemption claimed**

### Contrary to the public interest information under schedule 1 of the Act

The Cabinet documents that have been identified as being within the scope of your request are entirely composed of information that is considered to be contrary to the public interest information under section 1.6 of Schedule 1 of the Act as it is Cabinet information.

In reviewing the document, I note the requirements of schedule 1 section 1.6(2) of the Act which states that the exemption for Cabinet Information does not apply to 'purely factual information' unless the disclosure of the information would involve the disclosure of a deliberation or decision of Cabinet and the fact of the deliberation or decision has not been officially published. In the case of *Parnell & Dreyfus and Attorney-General's Department* [2014] AICmr 71, the Australian Information Commissioner stated that the term 'purely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document, or is embedded in or intertwined with the deliberative content in such a manner that it is impractical to separate it from the other content.

Having reviewed the document, I consider that the purely factual information within the document identified is an integral part of the deliberative content and as stated by the Commissioner, the analysis and views in the [documents] would be robbed of their essential meaning without incorporation of this material. I am satisfied that disclosure of this purely factual information would involve the disclosure of a deliberation or decision of Cabinet.

## **Charges**

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request as no documents are 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 and my decision in response to your access application will be published in the CMTEDD disclosure log 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/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 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](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 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](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Philip Dachs  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate  
26 March 2020



**ACT**  
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Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Draft report commissioned by the government on the impacts of its tax reform agenda	CMTEDDFOI 2020-044

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1		Report for ACT Treasury	Jan-2020	Exempt	Sch 1 s1.6	Yes
2		ACT Draft Report	Jan-2020	Exempt	Sch 1 s1.6	Yes
3		ACT Tax Reform Analysis	Undated	Exempt	Sch 1 s1.6	Yes
<b>Total No of Docs</b>						
3						