



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 2022-083

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)	20
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](#)
Cc: [REDACTED]
Subject: FOI Request | Titles of Briefs February 2022
Date: Thursday, 10 March 2022 4:10:43 PM

Good afternoon,

RE: FOI REQUEST – BRIEFS TO MINISTERS (10 February – 10 March)

I write to request under the *Freedom of Information Act 2016* the subject line of all final ministerial briefs from 10th of February 2022 to 9th of March 2022 generated for or directed to any ACT Government Minister.

This request includes, wherever possible, the date of the brief, the internal reference, position of authority it was written by, and which Minister it was addressed to.

This request includes briefs prepared for Question Time, but not for Estimates or Annual Reports.

I ask that my request be transferred to other entities that may hold relevant information.

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

Best,






ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2022-083



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 10 March 2022, in which you sought access to:

The subject line of all final ministerial briefs from 10th of February 2022 to 9th of March 2022 generated for or directed to any ACT Government Minister.

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 8 April 2022.

Decision on access

Searches were completed for relevant documents and 98 subject lines were identified that fall within the scope of your request.

I have decided to grant access in full to 71 subject lines and partial access to one subject line relevant to your request. I have decided to refuse access to 26 documents as I consider them to be contrary to the public interest information under Schedule 1.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as an attachment 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 information that falls 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 subject lines are as follows:

Contrary to the public interest information under Schedule 1 of the Act

Twenty-six of the subject lines identified contain information that is considered to be contrary to the public interest under Schedule 1 of the Act. Information that falls under the exemptions in Schedule 1 is not subject to the public interest test as detailed in section 17 of the Act.

The 26 subject lines have been identified as information the disclosure of which would reveal deliberations of Cabinet. Under section 1.6 of Schedule 1 of the Act, Cabinet information is exempt from release. The purpose of this exemption is to maintain the confidentiality of the Cabinet process and to uphold the principle of collective ministerial responsibility.

This exemption was discussed in *The Commonwealth v Northern Land Council* [1993] HCA 24; (1993) 176 CLR 604 (21 April 1993). Paragraph 6 of the decision, states that:

... it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made.

The information that you have requested falls within section 1.6 of the Act as it is information which has been brought into existence to guide Cabinet in its decision making and to assist it in its deliberations, and the disclosure of which would reveal those deliberations. It is therefore exempt from release under the Act.

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

What is the '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:

Despite the Act having an express pro-disclosure bias which reflects the importance of public access to government information for the proper working of a representative democracy, I can find no applicable reason or factor that would favour the release of a constituent's name in this case.

Factors favouring nondisclosure in the public interest:

(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 any other right under the Human Rights Act 2004.

Every constituent has the right and are entitled to expect that the personal information they have supplied as part of the process of corresponding with a Minister or representative of a Minister will be dealt with in a manner that respects and protects their privacy.

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 the number of pages being released to you is less than the charging threshold of 50.

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 3-10 days after the date of this 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



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

08 April 2022



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
The subject line of all final ministerial briefs from 10th of February 2022 to 9th of March 2022 generated for or directed to any ACT Government Minister.	CMTEDDFOI 2022-083

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Brief subject lines		Partial release	Sch 1 s1.6(d) Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
1						

Subject Line	Document ref	Officer responsible	Minister/s
PAGA 3.vi: Delivering an Independent Planning Advisory Service for the ACT	CM22/14527	Wilhelmina Blount	Andrew Barr
Zero Emission Government Facility Guidelines Discussion Paper for the Climate Action Sub Committee	CM22/14533	Graham Tanton	Chris Steel
2021-22 Community Support Fund - Tonga Volcanic Eruption and Tsunami recovery	CM22/14944	Trish Johnston	Andrew Barr
CIT Reform Update - Course Reconfiguration Consultation and Engagement	CM22/15295	Leanne Cover	Chris Steel
Loose-fill Asbestos Disease Support Scheme: seeking Commonwealth endorsement of final scheme design	CM22/16249	Michael Young	Andrew Barr
YourSay Panel - Research Findings - Gas Transition Survey	CM22/17061	Trish Johnston	Andrew Barr
Better Infrastructure Fund Apportionment for 2022-23	CM22/17388	Kareena Arthy	Tara Cheyne
Increasing the waiver for liquor licences from 50 per cent to 100 per cent	CM22/17512	Kathy Goth	Andrew Barr
Eligibility of Fiction Club for a business Support Grant for Nightclubs	CM22/17626	Jenny Priest	Andrew Barr
Letter to The Hon Rob Lucas MLC on behalf of the Board of Treasurers	CM22/18081	Lisa Holmes	Andrew Barr
Voting Shareholder Quarterly Meeting with Icon Water	CM22/18209	Kathy Goth	Andrew Barr / Shane Rattenbury
Parliamentary and Governing Agreement commitments: Status Report No 3	CM22/19007	Russell Noud	Andrew Barr
Education Directorate (EDU) - Final Instruments under the <i>Financial Management Act 1996</i> (FMA): Section 17 - <i>Quality Schools - Non-Government Schools</i>	CM22/19198	Ben Morris	Andrew Barr
Whole of Government Infrastructure Brand Campaign	CM22/19200	Trish Johnston	Andrew Barr
Government Submission to the Standing Committee on Economy and Gender and Economic Equality's Inquiry into the Future of the Working Week	CM22/19213	Dr Damian West	Mick Gentleman
Board of Treasurers correspondence to Council for the Australian Federation - Further Commonwealth supports for COVID-19	CM22/19221	Lisa Holmes	Andrew Barr
Financial Redress to the ACT: Commonwealth Grants Commission Health Infrastructure Cross-Border Adjustment, historical housing debts	CM22/19257	Lisa Holmes	Andrew Barr
CIT Proposed Better Infrastructure Funds Projects (2022-23)	CM22/19378	Leanne Cover	Chris Steel
ACT Public Service takes the Soldier on Pledge	CM22/19393	Janet Wilson	Emma Davidson
2022-23 Better Infrastructure Fund (BIF) proposed allocation	CM22/19542	Gordon Ramsay	Tara Cheyne
Response to ^{Schedule 2.2(a)(ii)}	CM22/19598	Bettina Konti	Andrew Barr
Better Infrastructure Fund Apportionment for 2022-23	CM22/20134	Kareena Arthy	Andrew Barr
Zero Emission Government Facility Guidelines Cabinet Submission	CM22/21198	Graham Tanton	Chris Steel
Out of Session Endorsement for CAF Paper 'Pandemic Response Health Funding'	CM22/21341	Leesa Croke	Andrew Barr
2022 Canberra Citizen of the Year	CM22/21708	Trish Johnston	Andrew Barr
Letter to Speaker for out of session circulation - Government Response to Report No 11/2021 Digital Records Management	CM22/22553	Danielle Wickman	Chris Steel
Update on the Whole of Government Threat and Risk Assessment and requesting approval to bring forward a business case for the 2022-23 Mid-Year Review Budget	CM22/22574	Bettina Konti	Chris Steel
Donation of ACT Flag to Uniting Amala Retirement Village	CM22/22681	Tamerra-Jane Rogers	Yvette Berry
Commonwealth Grants Commission 2022 Update of GST Revenue Sharing Relativities - Draft Terms of Reference	CM22/22923	Lisa Holmes	Andrew Barr
Sport and Recreation Infrastructure	CM22/22985	Rebecca Kelley	Yvette Berry
Instrument of Appointment of the ACT Long Service Leave Authority Governing Board	CM22/23996	Michael Young	Chris Steel
Approval to bring forward a business case for the 2022-23 Budget Cycle - Human Resource and Information Management Solution (HRIMS)	CM22/25728	Bettina Konti	Chris Steel
Gungahlin Leisure Centre 50-metre pool rectification works - Program of works	CM22/27288	Harriet Spring	Yvette Berry
Provision of Fires Services to Commonwealth Properties - contributions methodology	CM22/27345	Stuart Friend	Andrew Barr
Government Response to Standing Committee on Public Accounts - Inquiry into the Auditor-General's Report No 1 of 2020 – Shared Services Delivery of HR and Finance Services	CM22/29033	Graham Tanton	Chris Steel
Aquatics	TRSY22/9376	Graham Tanton	Yvette Berry

Gungahlin Leisure Centre – Tiling Failure	TRSY22/9377	Graham Tanton	Yvette Berry
Community Facilities (ACT Property Group Vacancies and Peppercorn Rents)	TRSY22/9432	Graham Tanton	Chris Steel
Rent Relief	TRSY22/9433	Graham Tanton	Chris Steel
ACT Government Office Accommodation Consolidation	TRSY22/9437	Graham Tanton	Chris Steel
e-Invoicing – ACT Government	TRSY22/9438	Graham Tanton	Chris Steel
COVID-19 Support Shared Services and Property	TRSY22/9439	Graham Tanton	Chris Steel
Hackett Community Centre Direct Sale	TRSY22/9440	Graham Tanton	Chris Steel
Zero emissions transition for ACT Government buildings and facilities	TRSY22/9441	Graham Tanton	Chris Steel
HVAC modifications reducing COVID risks	TRSY22/9442	Graham Tanton	Chris Steel
Release of Workers Compensation Claims Data Through Tenders ACT	TRSY22/9467	Glenn Bain	Chris Steel
ACT Auditor-General's Report Procurement Exemptions and Value for Money	TRSY22/9492	Glenn Bain	Chris Steel
The Role Undertaken by Procurement ACT in the Territory's Response to the Recent COVID-19 Outbreak	TRSY22/9500	Glenn Bain	Chris Steel
Government Procurement (Ethical Treatment of Workers Evaluation) Direction 2021	TRSY22/9502	Glenn Bain	Chris Steel
Cost of living	TRSY22/9516	Stuart Hocking	Andrew Barr
Late Submission of Business Support Grant (BSG) Applications – Adjustment to Original Decision (CMTEDD2021/5882) Following Administrative Error	CM22/15006	Jenny Priest	Andrew Barr
Meeting with United Ngunnawal Elders Council (UNEC)	CM22/12169	Andrew Mehrton	Andrew Barr
Minister Weekly Brief - Week Ending 11 February 2022	22/12077	Margaret McKinnon	Minister Cheyne
Change to an ACT Driver's Licence number	22/12432	Derise Cubin	Minister Cheyne
Outdoor Activation Taskforce update	22/12696	Josh Rynehart	Minister Cheyne
Release of ACCC Funeral Services Sector Report	22/03260	Derise Cubin, Giuseppe Mangeruca	Minister Rattenbury
Access Canberra Belconnen Service Centre Opening - 21 Feb	22/13533	David Pryce	Minister Cheyne
Cessation of any Wheelchair Accessible Taxi (WAT) Operators in Queanbeyan	22/17531	Derise Cubin	Minister Cheyne
Minister Weekly Brief Week Ending 18 February 2022	22/14761	Margaret McKinnon	Minister Cheyne
Access Canberra Ombudsman Complaint Trends	22/19772	Margaret McKinnon	Minister Cheyne
Minister Weekly Brief Week Ending 25 February 2022	22/17791	Margaret McKinnon	Minister Cheyne
Project update – Automatic Mutual Recognition	22/21009	David Pryce	Minister Cheyne
Working with Vulnerable People (WWVP) registration for Public Vehicle (PV) Licence Holders	21/150341	Derise Cubin	Minister Cheyne
Ministerial Meeting Wednesday 2 March 2022 - Update on matters relating to the passage of the Electronic Conveyancing (Adoption of National Law) Amendment Bill 2022	22/22102	David Pryce	Minister Rattenbury
Justice of the Peace - Exemption Requests	21/92404	Derise Cubin	Minister Rattenbury
Dementia Friendly Community Environmental Assessment tool	22/16784	Craig Neiberding	Minister Cheyne
Motor Accident Injuries (MAI) Provider Error in Vehicle Registration Renewal Reminder Notices	22/22085	Derise Cubin	Minister Cheyne
Meeting with the new Canberra Labor Club (CLC) President	22/07247	David Pryce	Minister Cheyne
Switch to EasyPark for phone payments in ACT Government carparks	22/22043	Emily Springett	Minister Cheyne
Minister Weekly Brief - Week Ending 4 March 2022	22/20122	Margaret McKinnon	Minister Cheyne
Austroroads Multi-Jurisdictional Registration and Licensing System (MJRLS) – pre-feasibility and scoping report	22/18556	Derise Cubin	Minister Cheyne
Australian Hotels Association - 10 March 2022	22/16100	Margaret McKinnon	Minister Cheyne
Schedule 1 1.6	CAB22/9728	Kathy Leigh	Andrew Barr
	CM2/22842	Sam Engele	Andrew Barr
	CM22/14517	Wilhelmina Blount	Andrew Barr
	CM22/14844	Sam Engele	Andrew Barr

Schedule 1 1.6

CM22/15204	Wilhelmina Blount	Andrew Barr
CM22/15253	Danielle Wickman	Andrew Barr
CM22/15346	Sam Engele	Andrew Barr
CM22/15485	Danielle Wickman	Chris Steel
CM22/19188	Andrew Mehrton	Andrew Barr / Tara Cheyne / Rachel Stephen-Smith
CM22/19861	Christina Thompson	Andrew Barr
CM22/20529	Daniel Riley	Andrew Barr
CM22/21021	Elizabeth Hall	Andrew Barr
CM22/21951	Wilhelmina Blount	Andrew Barr
CM22/22283	Sam Engele	Andrew Barr
CM22/22555	Josephine Andersen	Chris Steel
CM22/24562	Andrew Mehrton	Andrew Barr / Tara Cheyne / Rachel Stephen-Smith
CM22/25927	Andrew Mehrton	Andrew Barr / Tara Cheyne / Rachel Stephen-Smith
CM22/38627	Kim Salisbury	Andrew Barr
CM22/38627	Kim Salisbury	Andrew Barr
CM22/38972	Kim Salisbury	Andrew Barr
CM22/39108	Kathy Goth	Andrew Barr/Shane Rattenbury
CM22/13278	Andrew Mehrton	Andrew Barr
CM22/15204	Stacey Matthews	Andrew Barr
CM22/33503	Sam Engele	Andrew Barr/ Shane Rattenbury
CM22/15286	Andrew Mehrton	Andrew Barr
22/22537	Derise Cubin	Minister Cheyne