



**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 2022-408

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)	15
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:** "EPSDFOI" <EPSDFOI@act.gov.au>  
**Sent:** 22/12/2022 10:50 PM  
**To:** "CMTEDD FOI" <CMTEDDFOI@act.gov.au>  
**Subject:** 2022-408 Partial transfer

OFFICIAL

Hi Team,

Please advise if you will accept partial transfer of the application below.

Kind regards,

Jedda Kelly (she/her/they/them) | Information Governance Officer | Information Governance  
Environment, Planning and Sustainable Development Directorate | ACT Government  
Phone: 02 6207 2689 | Email: [jedda.kelly@act.gov.au](mailto:jedda.kelly@act.gov.au)



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**From:** [REDACTED]  
**Sent:** Thursday, 22 December 2022 3:27 PM  
**To:** EPSDFOI <EPSDFOI@act.gov.au>  
**Subject:** FOI REQUEST – PLANNING CORRESPONDENCE AND DOCUMENTS

Dear FOI Officer,

RE: FOI REQUEST – PLANNING CORRESPONDENCE AND DOCUMENTS

I write to request under the Freedom of Information Act 2016 all documents generated by and/or shared between any of the **Chief Minister**, Minister Rattenbury, Ms Clay MLA, and/or their staff, in relation to planning matters since September 2022.

This request includes, but is not limited to, any correspondence, media releases and talking points, whether draft or final, relating to the Standing Committee on Planning, Transport, and City Services' inquiry into Planning Bill 2022.

Should you require any further information or clarification about my request, please contact me on 02 6205 1919.

Kind regards





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2022-408



## **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received on 23 December 2022, in which you sought access to:

- *This request includes, but is not limited to, any correspondence, media releases and talking points, whether draft or final, relating to the Standing Committee on Planning, Transport, and City Services' inquiry into Planning Bill 2022.*

On 5 January 2023, your office agreed to amend the scope of the request to:

- *For the time period of 1 September 2022 – 22 December 2022 (inclusive) all documents generated by and/or shared between any of the Chief Minister, Minister Rattenbury, Ms Clay MLA, and/or their staff relating to the Standing Committee on Planning, Transport, and City Services' inquiry into Planning Bill 2022.*

This was a partial transfer from the Environment, Planning and Sustainable Development Directorate.

### **Authority**

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

### **Timeframes**

In accordance with section 40 of the Act, I am required to provide a decision on your access application by 7 February 2023.

### **Decision on access**

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

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to one document and partially release another document relevant to your request. I have decided to refuse access to one document as I consider it to be contrary to the public interest information under schedule 1 of the Act.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** 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.

### **Exemption claimed**

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

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

One of the documents identified is entirely composed of or contains information that is considered to be contrary to the public interest under schedule 1 of the Act. Specifically, Schedule 1 s1.2 and Schedule 1 s1.6. The information exempt from release under section 1.2 of Schedule 1 of the Act is deemed privileged under Legal Professional Privilege. This information can only be released if the parties involved agree to waive that privilege. The parties have not waived privilege.

Additionally, this information has been identified as being composed of information that is considered to be contrary to the public interest under section 1.6 of Schedule 1 of the Act as it is Cabinet information. 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 disclosure of this information would reveal the deliberations of Cabinet (other than through the official publication of a Cabinet decision). It is therefore exempt from release under the Act.

Taking into consideration the remaining 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 of the Act:

- (a) disclosure of the information could reasonably be expected to do any of the following:*
- (ii) contribute to positive and informed debate on important issues or matters of public interest.*

The information contained within the documents will inform the community about government interactions in response to the inquiry into the Planning Bill 2022. I have placed significant weight on this factor.

Factors favouring nondisclosure in the public interest under schedule 2.2 of the Act:

- (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.*

I consider that the protection of an individual's right to privacy is a significant factor in deciding access to this information. I have decided that information that is not already in the public domain such as the mobile phone number of an ACT government employee is not in the public interest to release. This has been redacted accordingly, but I note that this redaction is minor in nature and has minimal impact on the information to be released.

### **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, there is 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 disclosure log 3-10 working days after decision. Your personal contact details will not be published.

You may view the 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 the 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



Emma Hotham  
Information Officer  
Chief Minister, Treasury and Economic Development Directorate  
7 February 2023

## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
For the time period of 1 September 2022 – 22 December 2022 (inclusive) all documents generated by and/or shared between any of the Chief Minister, Minister Rattenbury, Ms Clay MLA, and/or their staff relating to the Standing Committee on Planning, Transport, and City Services' inquiry into Planning Bill 2022.	CMTEDDFOI 2022-408

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Email chain	6-Jan-2023	Full release	N/a	Yes
2	4-6	Email chain	5-Dec-2022	Partial release	Sch 2 s2.2(a)(ii)	Yes
3	7-8	Email	8-Nov-2022	Exempt	Sch 1 s1.2 Sch 1 s1.6	No
<b>Total No of Docs</b>						
3						

**From:** "Paviour, Mark" <Mark.Paviour@act.gov.au>  
**Sent:** 06/01/2023 4:25 AM  
**To:** "Thompson, RhysE" <RhysE.Thompson@act.gov.au>  
**Subject:** FW: ACT Greens media release

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**From:** Paviour, Mark <Mark.Paviour@act.gov.au>  
**Sent:** Thursday, 22 December 2022 1:21 PM  
**To:** Roberts, Lachlan <Lachlan.Roberts@act.gov.au>  
**Subject:** Re: ACT Greens media release

OK, thanks for the heads up.

Mark Paviour  
Director, ACT Government Communications Unit  
Office of the ACT Chief Minister  
0466 521 634

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**From:** Roberts, Lachlan <[Lachlan.Roberts@act.gov.au](mailto:Lachlan.Roberts@act.gov.au)>  
**Sent:** Thursday, December 22, 2022 1:19:24 PM  
**To:** Paviour, Mark <[Mark.Paviour@act.gov.au](mailto:Mark.Paviour@act.gov.au)>  
**Subject:** ACT Greens media release

Hi Mark,

Hope you are well. Just wanted to let you know that the Greens will be publishing the below MR once the Planning Bill report is published later this afternoon – I believe around 2pm.

Talk soon  
Lachlan

**Lachlan Roberts** (he/him)  
Media Adviser | ACT Greens  
Minister Shane Rattenbury and Minister Rebecca Vassarotti  
m: 0481 035 764 | t: 02 6205 3319  
e: [Lachlan.Roberts@act.gov.au](mailto:Lachlan.Roberts@act.gov.au)

Follow Rebecca on [Facebook](#), [Twitter](#) & [Instagram](#)  
Follow Shane on [Facebook](#), [Twitter](#) & [Instagram](#)





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**From:** Booker, Stephanie <[Stephanie.Booker@parliament.act.gov.au](mailto:Stephanie.Booker@parliament.act.gov.au)>  
**Sent:** Thursday, 22 December 2022 12:12 PM  
**To:** Roberts, Lachlan <[Lachlan.Roberts@act.gov.au](mailto:Lachlan.Roberts@act.gov.au)>  
**Subject:** MEDIA RELEASE: More work needed to improve the Planning Bill

Hi Lachlan,

This is the media release, but for the addition of the link to the report(s):



## ACT GREENS MEDIA RELEASE

ACT LEGISLATIVE ASSEMBLY

**22 December 2022**

### **More work needed to improve the Planning Bill**

The ACT Greens have welcomed the release of the Planning, Transport and City Services Committee report on the *Planning Bill*, noting the need for significant amendment before the Bill is debated in the Assembly.

“This Bill is of enormous interest to community and industry. It will impact the way Canberra grows and develops for decades to come,” ACT Greens leader Shane Rattenbury said.

“The Committee’s report demonstrates the need for the ACT Government to take a closer look at specific issues such as governance, community consultation, transparency and environmental protection.

“If the community is going to have confidence in the planning system, we need to make sure these recommendations are incorporated before we debate this Bill.”

“The Committee received 65 written submissions,” ACT Greens spokesperson for planning Jo Clay said. “In the space of two days, we heard evidence from 57 witnesses. The new system is enormously complex and we have to get this right.

“The Committee made 49 recommendations about consultation, housing affordability, governance, environmental protection, climate change and other matters.

“Consultation needs to improve. Government should give people detailed reasons showing why their views weren’t included and provide case studies showing how the new system will work. Government should also restore and improve the process of pre-DA consultation.

“The drafting needs to be clearer. We need to know what is meant by a ‘good planning outcome’ and by ‘substantial public benefit’.

“We need stronger environmental protection. Local protection laws should be recognised. National concepts like ‘ecologically sustainable development’ should be harmonised. Biodiversity and climate change should be better addressed.

“We need a review of governance arrangements and better resourcing for the Territory Planning Authority and ACAT.

“We also need to think about Territory Priority Projects. I’m glad our Committee recommended that Territory Priority Projects must have sufficient community consultation and that the Assembly must be held to account for them. But I made additional comments recommending that a Territory Priority Project must also meet all three public interest tests and must be limited to public projects and community housing.”

The Planning, Transport and City Services Committee’s Inquiry report into the *Planning Bill* is here:

Jo Clay’s additional comments are here:

**ENDS**

**Shane Rattenbury and Jo Clay are available for comment.**

**Rattenbury media contact: Lachlan Roberts – 0434 696 116**

**Clay media contact: Stephanie Booker - 0493 586 398**

**Stephanie Booker (She/Her)**

Advisor

Office of Jo Clay MLA | ACT Greens Member for Ginninderra | ACT Greens Spokesperson for Transport, Planning, Parks and Conservation, Animal Welfare, Arts and Culture, Science, Circular Economy and Women

t: (02) 6205 0131 | e: [Clay@parliament.act.gov.au](mailto:Clay@parliament.act.gov.au)

Follow Jo on [Facebook](#)

Please note that I don’t work on Fridays.



**From:** "BARR Reception"  
**Sent:** 05/12/2022 6:38 AM  
**To:** "LA Committee - PTCS" <LACommitteePTCS@parliament.act.gov.au>  
**Cc:** "EPSDD DLO" <EPSDDDLO@act.gov.au>; "BARR Reception" <BARR@act.gov.au>  
**Subject:** RE: Invitation to public hearing - PTCS inquiry into Planning Bill 2022 - CRA

Dear Ms Clay,

I refer to your correspondence of 2 December 2022 requesting the attendance of City Renewal Authority (CRA) officials before the Committee on Wednesday 7 December 2022.

I understand that Minister Gentleman and officials from the Environment, Planning and Sustainable Development Directorate (EPSDD) are scheduled to appear before the Committee on Wednesday 7 December 2022.

In the interests of supporting the work of the committee in scrutinising the *Planning Bill 2022* CRA officials will be available to attend with Minister Gentleman and EPSDD at their scheduled hearing.

This is noting that CRA officials and Minister Gentleman may not be able to provide information where it sits within my portfolio responsibilities.

Should you have any specific questions within my portfolio of the City Renewal Authority I would encourage you to provide them in writing.

I look forward to continuing to support the work of the Committee.

Kind regards,

**Office of Andrew Barr MLA**

Chief Minister

Treasurer

Minister for Climate Action

Minister for Economic Development

Minister for Tourism

Member for Kurrajong



**From:** LA Committee - PTCS <[LACommitteePTCS@parliament.act.gov.au](mailto:LACommitteePTCS@parliament.act.gov.au)>  
**Sent:** Friday, 2 December 2022 5:22 PM  
**To:** EPSDD DLO <[EPSDDDLO@act.gov.au](mailto:EPSDDDLO@act.gov.au)>; BARR Reception <[BARR@act.gov.au](mailto:BARR@act.gov.au)>  
**Cc:** LA Committee - PTCS <[LACommitteePTCS@parliament.act.gov.au](mailto:LACommitteePTCS@parliament.act.gov.au)>  
**Subject:** RE: Invitation to public hearing - PTCS inquiry into Planning Bill 2022 - CRA

OFFICIAL

Dear Minister Barr,

Please find attached correspondence from the Standing Committee on Planning, Transport and City Services in relation to the Committee's public hearing for the *Inquiry into Planning Bill 2022*.

Should you have any questions, please don't hesitate to contact me.

Kind Regards,

**Miona Ikeda** | Acting Secretary

Standing Committee on Planning, Transport and City Services

Standing Committee on Environment, Climate Change and Biodiversity

Committee Support Office | Office of the Legislative Assembly

P 02 620 50199 | E [miona.ikeda@parliament.act.gov.au](mailto:miona.ikeda@parliament.act.gov.au)



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**From:** EPSDD DLO <[EPSDDDLO@act.gov.au](mailto:EPSDDDLO@act.gov.au)>

**Sent:** Friday, 2 December 2022 11:12 AM

**To:** LA Committee - PTCS <[LACommitteePTCS@parliament.act.gov.au](mailto:LACommitteePTCS@parliament.act.gov.au)>

**Subject:** RE: Invitation to public hearing - PTCS inquiry into Planning Bill 2022 - CRA

**Importance:** High

**OFFICIAL**

Hi Kate

The Chief Minister and the CRA will not be attending the hearing. The CRA was consulted during the drafting of the Bill.

Thanks

Tash

**Anastasia Hartwig** | Directorate Liaison Officer

Environment, Planning and Sustainable Development Directorate | ACT Government | ACT Legislative Assembly

Office of the Chief Minister | Office of Minister Rebecca Vassarotti MLA

MS Teams: 6207 0701 | [Sch 2.2\(a\)\(ii\)](#) | Email: [epsdddlo@act.gov.au](mailto:epsdddlo@act.gov.au)

**From:** LA Committee - PTCS <[LACommitteePTCS@parliament.act.gov.au](mailto:LACommitteePTCS@parliament.act.gov.au)>

**Sent:** Thursday, 24 November 2022 12:04 PM

**To:** EPSDD DLO <[EPSDDDLO@act.gov.au](mailto:EPSDDDLO@act.gov.au)>

**Cc:** LA Committee - PTCS <[LACommitteePTCS@parliament.act.gov.au](mailto:LACommitteePTCS@parliament.act.gov.au)>

**Subject:** Invitation to public hearing - PTCS inquiry into Planning Bill 2022 - CRA

**OFFICIAL**

Good afternoon Tash,

Please find attached an invitation to the City Renewal Authority to appear at a public hearing for the Standing Committee on Planning, Transport and City Services *Inquiry into Planning Bill 2022*.

Also attached are the relevant COVID-19 arrangements, the privilege statement, and a witness form.

Kind regards,

Kate

**Kate Mickelson** (she/her)

Assistant Secretary  
Committee Support Office | Parliamentary Support Branch  
P (02) 620 50199 | E [Kate.Mickelson@parliament.act.gov.au](mailto:Kate.Mickelson@parliament.act.gov.au)



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# Schedule 1 1.6

Schedule 1 1.2, Schedule 1 1.6