



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 2023-025

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	N/A
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	32
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
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2023-025
CMTEDDFOI 2023-027
CMTEDDFOI 2023-032



via email: 

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) received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 7 February 2023, 8 February 2023 and 9 February 2023, in which you sought access to the following Ministerial Briefs:

- | | |
|---------------------|---------------------|
| 1. CMTEDD2022/2867 | 14. CMTEDD2022/3546 |
| 2. CMTEDD2022/3819 | 15. CMTEDD2022/3677 |
| 3. CMTEDD2022/3476 | |
| 4. CMTEDD2022/2821 | 1. CMTEDD2022/2259 |
| 5. CMTEDD2022/2964 | 2. CMTEDD2022/3083 |
| 6. CMTEDD2022/3173 | 3. CMTEDD2022/3866 |
| 7. CMTEDD2022/3189 | 4. CMTEDD2022/3232 |
| 8. CMTEDD2022/3313 | 5. CMTEDD2022/3475 |
| 9. CMTEDD2022/3950 | 6. CMTEDD2022/3800 |
| 10. CMTEDD2022/2673 | 7. CMTEDD2022/3373 |
| | 8. CMTEDD2022/2600 |
| 1. CMTEDD2022/3216 | 9. CMTEDD2022/3901 |
| 2. CMTEDD2022/3488 | 10. CMTEDD2022/1708 |
| 3. CMTEDD2022/2372 | |
| 4. CMTEDD2022/3245 | |
| 5. CMTEDD2022/2926 | |
| 6. CMTEDD2022/3360 | |
| 7. CMTEDD2022/3662 | |
| 8. CMTEDD2022/2920 | |
| 9. CMTEDD2022/4134 | |
| 10. CMTEDD2022/3125 | |
| 11. CMTEDD2022/3294 | |
| 12. CMTEDD2022/3188 | |
| 13. CMTEDD2022/3371 | |



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As advised on 15 February 2023, under section 43(2) of the Act, these requests have been combined into a single access application.

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 7 March 2023. On 7 March 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.

This request currently still requires a disproportionately large portion of available FOI resources to process.

There has already been a significant amount of work undertaken in attempting to process similar applications, 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 35 separate applications.

I am mindful that we also have other requests from your office for 82 briefs (CMTEDD2022-275), 50 briefs (CMTEDD 2022-379), 113 briefs (CMTEDD 2022-309), with the 35 briefs from this request bringing the total to 280 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 93 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 **28 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

ACT Civil and Administrative Tribunal (ACAT) Review

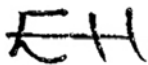
Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT:

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.

Yours sincerely,

Handwritten signature of Emma Hotham, consisting of the letters 'EH' in a stylized, cursive font.

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

23 March 2023

From: [REDACTED]
To: [CMTEDD FOI](#)
Cc: [REDACTED]
Subject: FOI Request-CMTEDDFOI 2023-025
Date: Tuesday, 7 February 2023 3:58:41 PM

Good afternoon,

On behalf of [REDACTED] I write to request, under the *Freedom of Information Act 2016*, copies of the following briefs:

1. CMTEDD2022/2867
2. CMTEDD2022/3819
3. CMTEDD2022/3476
4. CMTEDD2022/2821
5. CMTEDD2022/2964
6. CMTEDD2022/3173
7. CMTEDD2022/3189
8. CMTEDD2022/3313
9. CMTEDD2022/3950
10. CMTEDD2022/2673

Kind regards,



From: [REDACTED]
To: [CMTEDD FOI](#)
Cc: [REDACTED]
Subject: FOI Request
Date: Wednesday, 8 February 2023 12:44:16 PM

Good afternoon,

On behalf of [REDACTED] I write to request, under the *Freedom of Information Act 2016*, copies of the following briefs:

1. CMTEDD2022/3216
2. CMTEDD2022/3488
3. CMTEDD2022/2372
4. CMTEDD2022/3245
5. CMTEDD2022/2926
6. CMTEDD2022/3360
7. CMTEDD2022/3662
8. CMTEDD2022/2920
9. CMTEDD2022/4134
10. CMTEDD2022/3125
11. CMTEDD2022/3294
12. CMTEDD2022/3188
13. CMTEDD2022/3371
14. CMTEDD2022/3546
15. CMTEDD2022/3677

Kind regards,



From: [REDACTED]
To: [CMTEDD FOI](#)
Cc: [V](#) [REDACTED]
Subject: FOI Request
Date: Thursday, 9 February 2023 5:40:14 PM

Good afternoon,

On behalf of [REDACTED] I write to request, under the *Freedom of Information Act 2016*, copies of the following briefs:

1. CMTEDD2022/2259
2. CMTEDD2022/3083
3. CMTEDD2022/3866
4. CMTEDD2022/3232
5. CMTEDD2022/3475
6. CMTEDD2022/3800
7. CMTEDD2022/3373
8. CMTEDD2022/2600
9. CMTEDD2022/3901
10. CMTEDD2022/1708

Kind regards,

