



**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 2023-172

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)	14
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](#)  
**Subject:** Controlled activity orders applications - processing time  
**Date:** Tuesday, 16 May 2023 6:50:44 PM

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**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Good afternoon,

I have a query about the six applications for controlled activity orders that were submitted by a member of the public in the past 3 years.

I was wondering if you could let me know how long each of the six controlled activity order applications took to process.

As in, the date submitted by a member of the public to the date the first notice of decision letter was returned to the submitter.

I don't need any details of the orders, just the date received and the date the decision letter was issued.

Thank you, it doesn't have to be an FOI.

For context:

[https://www.parliament.act.gov.au/\\_\\_data/assets/pdf\\_file/0005/2156585/Exhibit-18-Name-withheld\\_Redacted.pdf](https://www.parliament.act.gov.au/__data/assets/pdf_file/0005/2156585/Exhibit-18-Name-withheld_Redacted.pdf)

Thank you,

[REDACTED]

[REDACTED]



## 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 16 May 2023. You have requested additional information relating to another recent FOI (CMTEDFOI 2022-355). Specifically, you have sought access to the following information:

- *How long each of the six controlled activity order applications took to process (the date submitted by a member of the public to the date the first notice of decision letter was returned to the submitter)*

### 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 15 June 2023.

### Decision on access

Searches were completed for relevant information maintained by CMTEDD and I have decided to grant **full access** to the available information (see below).

The table below shows how long each of the six controlled activity order (CAO) applications took to process. The CAO Application date is from the payment date.

	<b>Key processing dates</b>
1	Application: 24/2/2021 Decision: 7/04/2021 28 working days
2	Application: 2/11/2020 Decision: 20/04/2021 115 working days
3	Application: 11/1/2022 Decision: 14/04/2022 66 working days

4	Application: 12/7/2022 Decision: 6/10/2022 61 working days
5	Application: 22/09/2021 Decision: 27/10/2022 274 working days
6	Application: 23/02/2022 Decision: 27/10/2022 169 working days

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

### **Statement of Reasons**

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per Schedule 1 of the Act
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in Schedule 2

### **The public interest information under schedule 2 of the Act**

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.

Taking into consideration the information 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:**

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (i) *promote open discussion of public affairs and enhance the government's accountability;*
  - (ii) *contribute to positive and informed debate on important issues or matters of public interest.*

I have placed substantial weight on the above factors favouring disclosure. It is reasonable to expect that information about this topic may be of interest to other residents within the Canberra community. The release of this information can reasonably be expected to provide information that will inform the community and enhance debate.

I did not identify any factor favouring nondisclosure and have decided to release this information to you in full.

### **Charges**

Processing charges are not applicable for this request because the number of pages released to you is below 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 and my decision will be published on the CMTEDD disclosure log. 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-2023>

## 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)

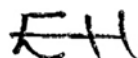
## ACT Civil and Administrative Tribunal (ACAT) Review

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 at:

ACT Civil and Administrative Tribunal  
15 Constitution Avenue  
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 the CMTEDD FOI team 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

5 June 2023