



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 2023-341

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)	16
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: no-reply@act.gov.au
To: [CMTEDD FOI](#)
Subject: Freedom of Information request
Date: Friday, 22 September 2023 10:24:33 AM

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](#)

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:
First Name:
Last Name:
Business/Organisation
Address:
Suburb:
Postcode:
State/Territory:
Phone/mobile:
Email address:

A large grey rectangular area redacting the user's personal details in the form fields.

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Information requested: 1. Correspondence between the Board of Inquiry, and its staff, chaired by Mr Walter Sofronoff KC and media, such as individual journalists and or media organisations, between 2 June 2023 and 4 August 2023; 2. Documents produced by the Board of Inquiry, between 2 June 2023 and 4 August 2023, discussing media strategy, plans, journalists or media outlets; 3. Documents produced as part of preparing media responses directed to the Board of Inquiry between 2 June 2023 and 4 August 2023; and 4. Correspondence between the Board of Inquiry and CMTEDD during between 2 June 2023 and 4 August 2023. I ask that my own request be dealt with at the same time and I receive the same documents

I do not want to access the following documents in relation to my request:: This request excludes documents such as subpoenas, or documents that form part of the Board of Inquiry itself, but does include documents and correspondence on the operations of the board of inquiry that are administrative

Thank you.
Freedom of Information Coordinator



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2023-341

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 22 September 2023, in which you sought access to:

- “1. Correspondence between the Board of Inquiry, and its staff, chaired by Mr Walter Sofronoff KC and media, such as individual journalists and or media organisations, between 2 June 2023 and 4 August 2023;*
- 2. Documents produced by the Board of Inquiry, between 2 June 2023 and 4 August 2023, discussing media strategy, plans, journalists or media outlets;*
- 3. Documents produced as part of preparing media responses directed to the Board of Inquiry between 2 June 2023 and 4 August 2023; and*
- 4. Correspondence between the Board of Inquiry and CMTEDD during between 2 June 2023 and 4 August 2023. I ask that my own request be dealt with at the same time and I receive the same documents.*

This request excludes documents such as subpoenas, or documents that form part of the Board of Inquiry itself, but does include documents and correspondence on the operations of the board of inquiry that are administrative.”

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 of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 6 November 2023.

Decision on access

I have decided to refuse to deal with your application under sections 43(1)(d), and 45(a) of the Act.

Section 43(1)(d) states a respondent may refuse to deal with an access application wholly or in part only if— the government information is already available to the applicant (see section 45).

Section 45(a) states a respondent may refuse to deal with an access application wholly or in part only if— the government information is already available to the applicant.

I note that you were sent an email on 13 October 2023 advising you that CMTEDDFOI 2023-270 was now published, with the following advice:

An FOI that includes the same information as your request has been completed and was published on the CMTEDD Disclosure Log today as per the ACT FOI Act. The link containing the decision and information can be accessed here: [2023-270.pdf \(act.gov.au\)](#)

Charges

Processing charges are not applicable for this request because no pages 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. A description of the access application and my decision will be published in the CMTEDD disclosure log after **20 October 2023**. Your personal contact details will not be published. You may view CMTEDD disclosure log at [Disclosure Log 2023 - Chief Minister, Treasury and Economic Development Directorate \(act.gov.au\)](#).

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 [Apply-for-Ombudsman-review.pdf \(act.gov.au\)](#) 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

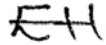
ACT Civil and Administrative Tribunal (ACAT) Review

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
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.

Yours sincerely,

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

Emma Hotham

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

17 October 2023