

SENSITIVE: CABINET

*Executive Documents Release 2016*  
*Economic Development Recommendations*

Out of scope



*Casino Control Bill 2005*

- Full release proposed

Outline

This Submission relates to Cabinet's agreement to introduce the Casino Control Bill 2005. Although the attachments are not included with the submission, the Bill, Explanatory Statement, Presentation Speech and Human Rights Compatibility are all on the public record through either the ACT Legislation Register or Hansard. There is no issue with releasing the PCO Memorandum.

The Bill was developed to implement outcomes of the ACT Gambling and Racing Commission's Review of the *Casino Control Act 1998*. A rewrite of the Act was undertaken to provide for technical and minor improvements, the removal of duplication and the updating of offence provisions.

Sensitivities:

None

Proposed speaking points (if required):

- The Casino Control Bill 2005 was developed following extensive community consultation by the ACT Gambling and Racing Commission.
- The Bill implemented outcomes of the ACT Gambling and Racing Commission's Review of the *Casino Control Act 1998* and rewrote the existing Act to provide for technical and minor improvements, the removal of duplication the updating of offence provisions, in line with good drafting practice.
- The *Casino Control Act 2006* has been amended a number of times since, but it remains the primary Act regulating casino operations in conjunction with the *Gambling and Racing Control Act 1999*.

Out of scope



SENSITIVE: CABINET



## SENSITIVE: CABINET

*Gaming Machine Tax Rates*

- Full release proposed

Outline

On 19 March 2005, Cabinet considered a revenue option that indicated \$14.6m could be raised by changing gaming machine tax rates. This option was based on applying the Victorian flat tax rate of 24.24% applied to gaming machine revenue. Submission 0880 appears to be providing further information to this Cabinet meeting.

The taxation options presented to Cabinet in this submission sought to benefit smaller to medium clubs by reducing their tax liabilities provided their gaming machine revenue was under the minimum threshold. This reduction in tax revenue was offset by increased tax rates for higher revenue earners (the 'big clubs').

The Submission highlighted the role clubs play in providing broader services to the ACT community. This was contrasted with the commercial nature of the Victorian gaming environment.

The submission advises that the GST credit allowance, which offsets the cost of the GST payable on ACT club gaming revenue, should be removed before taxes are adjusted and tax rates decreased accordingly. This allowance was cited as the reason the ACT collects less gaming tax revenue than most other jurisdictions.

Sensitivities:

Given the industry's ongoing assertions about financial difficulties, including for larger clubs, the submission's content could be construed as a decade-long imposition of ever increasing taxes on community clubs – particularly in light of some of the statements made during last year's PAC inquiry. As such, the focus on supporting small/medium clubs and ongoing commitment to their viability should be highlighted in response (if required) – see suggested points below.

The Executive Document does not include the Cabinet decision – as decisions are provided with other submissions, it may be requested. However, taxation rates are a matter of public record through the Budget papers and consequential changes to the taxation rates in the *Gaming Machine Act 2004*.

Proposed speaking points (if required):

- The Government recognises the value of our community clubs. We continue to work with the industry to support its ongoing viability. Recent reforms include:
  - Amendments to gaming machine taxation rates introduced in July 2015 as part of the ACT Government's Gaming Machine Reform Package. These reforms provided relief to small and medium sized clubs through a reduction in tax liabilities, while increasing tax rates for larger, higher revenue earning clubs.
  - The Electronic Gaming Machine (EGM) Trading Scheme was also introduced as part of the Reform Package and allows licensed clubs to buy and sell EGM authorisations, thereby providing a mechanism for clubs to generate revenue through the sale of unwanted gaming machines.
  - Establishing the Community Clubs Taskforce. The Taskforce is the key point of contact on matters relating to the future viability of community clubs. The Taskforce:

**SENSITIVE: CABINET**

- Provides advice to individual clubs or ClubsACT (representing community clubs) on proposals put forward to diversify operations - primarily concentrating on the development or sale of club land. However, this may also include other land related activities such as relocation, amalgamation, and the like.
- Provides the opportunity to discuss other matters that may assist in the clubs' operational longevity where a clear economic or social benefit is demonstrated.
- An ongoing program of reducing unnecessary red tape on the industry and introducing contemporary regulatory arrangements including the establishment of Access Canberra as a one-stop-shop.

**Kalleske, Mark**

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**From:** MACC  
**Sent:** Thursday, 28 April 2016 2:20 PM  
**To:** Ferguson, David  
**Cc:** Cabinet Office; Bogiatzis, Patti; Hurrell, Erica; Pirani, Yuka; Wilson, Chris  
**Subject:** RE: Further executive documents requested [SEC=UNCLASSIFIED]  
**Categories:** Kate

Hi David

Following a review of the below executive documents proposed for release in the link below, Economic Development does not have any comments or redactions.

- Block 21 Section 52 Belconnen – Direct Grant – 22 March 2005
- Direct sale of Part Block 12 Section 56 Lyneham – 18 April 2005
- Possible impact of deferral of land sales – 23 May 2005
- Development of private sector investment in affordable housing – 20 June 2005

Out of scope



Dorena

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**From:** Ferguson, David  
**Sent:** Tuesday, 19 April 2016 2:00 PM  
**To:** MACC  
**Cc:** Cabinet Office  
**Subject:** Further executive documents requested [SEC=UNCLASSIFIED]

Good afternoon ED colleagues,

Further documents have been requested by **Out of scope** from 2005/6. The ED relevant items are available [here](#).

Could you please arrange for these documents to be reviewed, and save any comments/recommended redactions in the drive as with your previous round?

Your assistance by next Thursday, 28 April would be a great help.

Thanks

David

**Kalleske, Mark**

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**From:** Stewart, KateE  
**Sent:** Tuesday, 3 May 2016 1:24 PM  
**To:** Engele, Sam  
**Subject:** FW: Executive documents - requested by [Out of scope] [SEC=UNCLASSIFIED]

Another response re exec docs.

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**From:** Allen, Jonas (Health)  
**Sent:** Tuesday, 3 May 2016 12:59 PM  
**To:** Stewart, KateE  
**Subject:** FW: Executive documents - requested by [Out of scope] [SEC=UNCLASSIFIED]

Good afternoon Kate

In David's absence please find the ACT Health response regarding the release of Executive documents below.

Kind regards

**Jonas Allen**

Freedom of Information Coordinator  
 Ministerial and Government Services  
 ACT Health




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**From:** Allen, Jonas (Health)  
**Sent:** Tuesday, 3 May 2016 12:55 PM  
**To:** Ferguson, David  
**Cc:** Andersen, Jackie (Health); Carey, Megan (Health); Pearson, Karen (Health)  
**Subject:** FW: Executive documents - requested by [Out of scope] [SEC=UNCLASSIFIED]

Good Afternoon David

ACT Health has reviewed the Executive Document provided on 19 April 2016 and provides the following advice:

ACT Health holds no objection to the release of Memorandum No.1018 – Report and Ministerial statement on the Medicinal Use of Cannabis.

ACT Health advises against the release of Submission No.0952 – Proposal to Change Governance of Calvary Public Hospital in accordance with the following sections of the *Freedom of Information Act 1989*.

Section 40 Documents concerning certain operations of agencies

(1)(d) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

Section 43 Documents relating to business affairs etc

(1)(c) A document is an exempt document if its disclosure under this Act would disclose information concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, being information—

- (i) the disclosure of which would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or
- (ii) the disclosure of which under this Act could reasonably be expected to prejudice the future supply of information to the Territory or an agency for the purpose of the administration of a law or the administration of matters administered by an agency.

Please contact me if you have any questions

**Jonas Allen**

Freedom of Information Coordinator  
Ministerial and Government Services  
ACT Health  
Ph 620 51340  
Lvl 3, 11 Moore St, Canberra



**ACT**  
Government  
Health

Care ▲ Excellence ▲ Collaboration ▲ Integrity

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**From:** Engele, Sam  
**Sent:** Thursday, 28 April 2016 5:31 PM  
**To:** Andersen, Jackie (Health)  
**Cc:** Ministerial and Government Services - Health; Ferguson, David; Bobos, Megan; Allen, Jonas (Health); Carey, Megan (Health); Stewart, KateE  
**Subject:** RE: Executive documents - requested by [Out of scope] [SEC=UNCLASSIFIED]

Thanks Jackie, I'll make a note.

Sam

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**From:** Andersen, Jackie (Health)  
**Sent:** Thursday, 28 April 2016 5:02 PM  
**To:** Engele, Sam  
**Cc:** Ministerial and Government Services - Health; Ferguson, David; Bobos, Megan; Allen, Jonas (Health); Carey, Megan (Health)  
**Subject:** FW: Executive documents - requested by [Out of scope] [SEC=UNCLASSIFIED]

Hi Sam

In David's absence, Health advise that we will not be in a position to respond till Monday 2 May 2016.

Can you please note this so that documents are not released prior to our response being received.

thanks

**Jackie Andersen** | Senior Manager  
Ministerial and Government Services  
ACT Health | ACT Government  
Phone: 6205 0829 | Mobile: 0466 169 984  
Email: [jackie.andersen@act.gov.au](mailto:jackie.andersen@act.gov.au)

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**From:** Carey, Megan (Health)  
**Sent:** Tuesday, 19 April 2016 2:23 PM  
**To:** Ferguson, David  
**Subject:** RE: Executive documents - requested by [Out of scope] [SEC=UNCLASSIFIED]

Will do.

**From:** Ferguson, David  
**Sent:** Tuesday, 19 April 2016 1:56 PM  
**To:** Carey, Megan (Health)  
**Subject:** RE: Executive documents - requested by [Out of scope] [SEC=UNCLASSIFIED]

If you could review by next Friday, 28 April that would be excellent

**From:** Carey, Megan (Health)  
**Sent:** Tuesday, 19 April 2016 1:56 PM  
**To:** Ferguson, David  
**Cc:** Cabinet Office; Ministerial and Government Services - Health  
**Subject:** RE: Executive documents - requested by [Out of scope] [SEC=UNCLASSIFIED]

Will do David.

Can you please advise of the timing?

Thanks

Megan

**From:** Ferguson, David  
**Sent:** Tuesday, 19 April 2016 1:55 PM  
**To:** Ministerial and Government Services - Health  
**Cc:** Carey, Megan (Health); Cabinet Office  
**Subject:** Executive documents - requested by [Out of scope] [SEC=UNCLASSIFIED]

Good afternoon Karen and Megan,

[Out of scope] are continuing to request Executive Documents from 2005/6. The latest two for ACT Health to review are saved [here](#).

Could you arrange for the appropriate officers in ACT Health to review these two files, and brief your Director general on their proposed release?

Please save any recommended redactions or comments in this folder and reply by email when complete.

Thanks

David



**Kalleske, Mark**

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**From:** MACC  
**Sent:** Monday, 9 May 2016 11:38 AM  
**To:** Cabinet Office  
**Cc:** Boglitzis, Patti  
**Subject:** Further executive documents requested [SEC=UNCLASSIFIED]

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Cabinet Office

Economic Development is currently reviewing the following Executive documents and we hope to be able to provide our advice later today or tomorrow. **Out of scope**

- **Out of scope**
- **Out of scope**
- Development of Private Sector Investment in Affordable Housing –(this submission was taken to Cabinet by the Minister for Disability, Housing and Community Services)

**Out of scope**

- Direct sale of land – Section 52 Belconnen to Westfield

Dorena

Dorena Morris | Manager, Ministerial, Assembly and Cabinet Coordination  
 Economic Development | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 ☎ 02 6205 2701 | ✉ [dorena.morris@act.gov.au](mailto:dorena.morris@act.gov.au)  
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**From:** Ferguson, David  
**Sent:** Tuesday, 19 April 2016 2:00 PM  
**To:** MACC  
**Cc:** Cabinet Office  
**Subject:** Further executive documents requested [SEC=UNCLASSIFIED]

Good afternoon ED colleagues,

Further documents have been requested by Out of scope from 2005/6. The ED relevant items are available [here](#).

Could you please arrange for these documents to be reviewed, and save any comments/recommended redactions in the drive as with your previous round?

Your assistance by next Thursday, 28 April would be a great help.

Thanks

David

**Kalleske, Mark**

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**From:** MACC  
**Sent:** Monday, 9 May 2016 4:46 PM  
**To:** Cabinet Office  
**Cc:** Boglitzis, Patti; Hurrell, Erica  
**Subject:** Further executive documents requested [SEC=UNCLASSIFIED]

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Exec Docs

Hi Cabinet Office

Please refer to the below advice in relation to the release of Executive documents.

Out of scope



Economic Development does not have any comments or redaction on the following submissions:

- Out of scope
- Development of Private Sector Investment in Affordable Housing

Out of scope



- Direct sale of land – Section 52 Belconnen to Westfield

Please contact MACC if further information is required.

With many thanks

Dorena Morris | Manager, Ministerial, Assembly and Cabinet Coordination  
 Economic Development | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 ☎ 02 6205 2701 | ✉ [dorena.morris@act.gov.au](mailto:dorena.morris@act.gov.au)  
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Out of scope




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**From:** MACC

**Sent:** Thursday, 28 April 2016 5:00 PM

**To:** Wilden, Karen; Tennent, Simon; Collett, David; Steele, JessicaL; Gordon, Tom; Oakeshott, Allison; Ten Donkelaar, Tara; Hargreaves, Anita

**Cc:** Lopa, Liz; Ponton, Ben; Marcantonio, Laura; McDonald, Helen; Coyles, Laurel; Luchetti, Christine; Bogiatzis, Patti; Hurrell, Erica

**Subject:** RE: FOR ACTION - Further executive documents requested [SEC=UNCLASSIFIED]

Dear All

We have been further asked to review and advise on the below executive documents from 2005-06 [here](#) which have been requested by **Out of scope**. Some of the submissions were prepared by other Directorates (formerly Departments) and we have been asked to review them as they potentially fall under our current portfolio responsibility. Please advise MACC ASAP if that is not the case.

Can the documents please be reviewed and advice provided to MACC by **12 noon Tuesday 3 May 2016** of any information in the documents that should not be released under the FOI Act or any sensitivities that should be noted. If redactions or sensitivities are identified, can speaking notes please be prepared.

- **Out of scope**
- **Out of scope**
- Development of Private Sector Investment in Affordable Housing – SPD (this submission was taken to Cabinet by the Minister for Disability, Housing and Community Services)
- **Out of scope**

Out of scope

- Direct sale of land – Section 52 Belconnen to Westfield – OCG (this is the next stage submission)

Please contact MACC if further assistance is required.

**Dorena Morris** | Manager, Ministerial, Assembly and Cabinet Coordination | Economic Development  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 ☎ 02 6205 2701 | ✉ [dorena.morris@act.gov.au](mailto:dorena.morris@act.gov.au)  
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**From:** MACC  
**Sent:** Tuesday, 19 April 2016 5:17 PM  
**To:** Wilden, Karen; Tennent, Simon  
**Cc:** Lopa, Liz; Ponton, Ben; Marcantonio, Laura; McDonald, Helen; Coyles, Laurel; Luchetti, Christine  
**Subject:** FOR ACTION - Further executive documents requested [SEC=UNCLASSIFIED]

Hi all

Further executive documents from 2005-06, available [here](#), have been requested by the **Out of scope**. Can they please be reviewed and advice provided to MACC of any information in the documents that should not be released under the FOI Act or any sensitivities that should be noted. If redactions or sensitivities are identified, can speaking note please be prepared.

- Block 21 Section 52 Belconnen – Direct Grant – 22 March 2005 - OCG
- Direct sale of Part Block 12 Section 56 Lyneham – 18 April 2005 - OCG
- Possible impact of deferral of land sales – 23 May 2005 - ? SPD
- Development of private sector investment in affordable housing – 20 June 2005 - SPD

Please provide advice (or nil comment) to MACC by **COB Tuesday 26 April 2016**. MACC will obtain relevant DDG and DG clearance.

**Dorena Morris** | Manager, Ministerial, Assembly and Cabinet Coordination | Economic Development  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 ☎ 02 6205 2701 | ✉ [dorena.morris@act.gov.au](mailto:dorena.morris@act.gov.au)  
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**From:** Ferguson, David  
**Sent:** Tuesday, 19 April 2016 2:00 PM  
**To:** MACC  
**Cc:** Cabinet Office  
**Subject:** Further executive documents requested [SEC=UNCLASSIFIED]

Good afternoon ED colleagues,

Further documents have been requested by the **Out of scope** from 2005/6. The ED relevant items are available [here](#).

Could you please arrange for these documents to be reviewed, and save any comments/recommended redactions in the drive as with your previous round?

Your assistance by next Thursday, 28 April would be a great help.

Thanks

David

**Kalleske, Mark**

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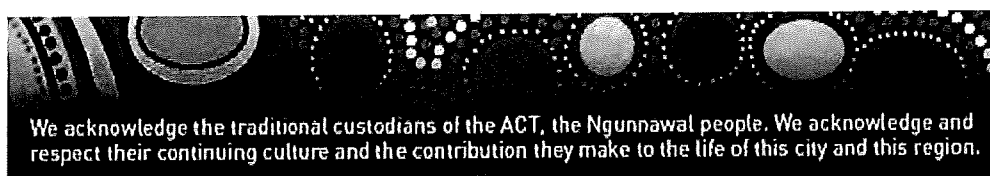
**From:** Schofield, Karen  
**Sent:** Wednesday, 18 May 2016 11:50 AM  
**To:** Cabinet Office; Bobos, Megan  
**Subject:** MIN 2016 002322-001 MFJ Ministerial Brief - 2016 Release of Executive Documents [SEC=UNCLASSIFIED]  
**Attachments:** MIN 2016 002322-001 MFJ Ministerial Brief - 2016 Release of Executive Documents.docx  
**Categories:** \*\*Important

Good Morning,

Please find attached an approved Ministerial Brief addressing release of Executive Documents.

Kind Regards

**Karen Schofield** | Senior Manager JACS Ministerial Services Unit  
Justice and Community Safety Directorate | ACT Government  
P: (02) 6205 4775





UNCLASSIFIED

TRIM No.: 2016/2322

Date Rec'd Minister's Office .../.../...

**To:** Minister for Justice and Consumer Affairs**From:** Executive Director Governance**Subject:** 2016 Release of Executive Documents**Critical Date:** 28 April 2016**Critical Reason:** Comments are to be provided to the Head of Service by 28 April 2016

- DDG J 27/04/16 VP

**Purpose**

1. To provide you with information regarding the 2016 Release of Executive Documents.

**Background**

2. The *Territory Records Act 2002* provides for the public release of Cabinet papers ten years after they have been considered by Cabinet. The list of accessible Executive Documents required by the Act is produced by the Cabinet Office and updated on Canberra Day each year at the following website: <http://www.cmd.act.gov.au/functions/publications>.
3. On 14 March 2016, documents from 2005/06 were published online. Members of the public are able to request access to any documents, at which time they will be reviewed by the relevant directorate for any material that would be exempt under the *Freedom of Information Act 1989* (with the exception of Executive Documents that are older than 10 years).

**Issues**

4. On 19 April 2016, **Out of scope** contacted the Cabinet Office seeking access to one Executive document which falls under your portfolio as the Minister for Justice and Consumer Affairs:
  - a. S-1013 – Extension of the mobile speed camera network.
5. Cabinet Office has requested the Justice and Community Safety Directorate (JACS) review the above document to identify any content which may be exempt under the *Freedom of Information Act 1989*. Upon completion of this review, the Head of Service has requested a brief outlining any issues identified with the release of the requested Executive documents. A copy of the Executive Document can be provided to you by Cabinet Office on request.

**S-1013 – Extension of the mobile speed camera network**

6. Justice Planning and Safety Programs of the Legislation, Policy and Programs Branch (LPP) and ACT Policing have reviewed this Executive Document, which relates to a proposal to expand the range of ACT roads on which mobile speed cameras could be used in order to improve road safety outcomes. The position taken in the submission is broadly consistent with the current ACT Road Safety Camera Strategy released in 2015.

UNCLASSIFIED



7. The document includes reference to the legislated degree of accuracy of cameras (a 2km/h technical tolerance) which is public information. The document also makes reference to the existence of an enforcement tolerance. The Government does not publish the enforcement tolerance (a tolerance level which is set above the technical tolerance) as this would effectively create a de facto speed limit. The document does not disclose the enforcement tolerance but identifies the role ACT Policing had at the time in setting the relevant tolerance level. JACS does not propose seeking non-disclosure of any document or redaction of any text including the above.
8. While road safety camera operations are of general media and community interest, there are no other matters referred to in the document identified as raising potential issues or likely to raise media or community concern.

**Financial Implications**

9. Nil with this brief.

**JACS Directorate and Cross Directorate Consultation**

10. JACS LPP and ACT Policing were consulted in the preparation of this brief.

**Benefits/Sensitivities**

11. Nil with this brief.

**Media Implications**

12. Should release of the Executive documents generate media interest, media materials can be provided.

**Recommendations**

That you:

1. note the contents of this brief; and

**Noted / Please Discuss**

2. agree to provide this brief to the Head of Service.

**Agreed / Not Agreed / Please Discuss**

Shane Rattenbury MLA ...../...../.....

Minister's Comments

Signatory Name:	Danielle Krajina	Phone:	X74813
Title:	Executive Director Governance		
Date:	26 April 2016		
Action Officer:	Karen Schofield	Phone:	X54775

**Engele, Sam**

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**From:** Engele, Sam  
**Sent:** Thursday, 26 May 2016 12:05 PM  
**To:** Cook, Michael; Driscoll, Jamie  
**Subject:** 10 year old executive documents released to [Out of scope] today  
 [SEC=UNCLASSIFIED]

Jamie, Michael

As a heads up I have just released the following 10 year old Cabinet documents to [Out of scope] and a member of the public:

- S-862 - Block 21 Section 52 Belconnen - Direct Grant
- S-872 - Direct Sale of Part Block 12 Section 56 Lyneham
- S-915 - Possible impact of deferral of land sales
- S-1013 - Extension of the mobile speed camera network

For your reference I have saved a copy of the documents [here](#).

I alert you to S-915 - Possible impact of deferral of land sales, which provides Treasury advice on the impact of changing the sale date of a block of land on the Budget outcome.

Regards,

**SAM ENGELE** | Acting Executive Director | Strategic Policy & Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039

Email [Sam.Engele@ACT.gov.au](mailto:Sam.Engele@ACT.gov.au)

Policy and Cabinet Division

Chief Minister, Treasury and Economic Development Directorate | ACT Government

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**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

**Engele, Sam**

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**From:** Engele, Sam  
**Sent:** Tuesday, 21 June 2016 9:38 AM  
**To:** Ministerial and Government Services - Health  
**Cc:** Dakin, Michael  
**Subject:** RE: Request regarding executive documents [SEC=UNCLASSIFIED]

Jonas, Just chasing up advice on executive document 1073 and 952.

Sam

---

**From:** Ministerial and Government Services - Health  
**Sent:** Wednesday, 15 June 2016 2:35 PM  
**To:** Dakin, Michael; Ministerial and Government Services - Health  
**Cc:** Carey, Megan (Health); Andersen, Jackie (Health); Engele, Sam  
**Subject:** RE: Request regarding executive documents [SEC=UNCLASSIFIED]

Good Afternoon Michael

The advise on this matter is in the process of being cleared through the Office of the Director-General, I envisage that I will be able to provide it tomorrow afternoon. However if I am able to provide it earlier I certainly will. I will ensure that Sam is included in the response.

Kind regards

**Jonas Allen**

Freedom of Information Coordinator  
 Ministerial and Government Services  
 ACT Health




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**From:** Dakin, Michael  
**Sent:** Wednesday, 15 June 2016 1:50 PM  
**To:** Ministerial and Government Services - Health  
**Cc:** Carey, Megan (Health); Andersen, Jackie (Health); Engele, Sam  
**Subject:** RE: Request regarding executive documents [SEC=UNCLASSIFIED]

Hi Jonas

Just checking on the status of advice on this. Would it be possible to have advice by the end of today or sometime tomorrow (copied to Sam please, as I will be away tomorrow).

Thanks

**Michael Dakin** | Policy Officer

Phone: +61 2 6205 0460 | Fax: +61 2 6207 0025 | Email: [michael.dakin@act.gov.au](mailto:michael.dakin@act.gov.au)  
 Strategic Policy Group | Chief Minister, Treasury and Economic Development | ACT Government  
 Level 4 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

*I leave work at 3pm Tuesday to Friday*

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**From:** Dakin, Michael  
**Sent:** Thursday, 9 June 2016 8:46 AM  
**To:** Ministerial and Government Services - Health  
**Cc:** Carey, Megan (Health); Andersen, Jackie (Health); Engele, Sam  
**Subject:** RE: Request regarding executive documents [SEC=UNCLASSIFIED]

Apologies, I need to correct the below response...

Yes we would appreciate information on both submissions – 1073 is included amongst the batch of documents I am directly handling at the moment, but I understand 952 has also been requested.

Thanks  
Michael

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**From:** Dakin, Michael  
**Sent:** Thursday, 9 June 2016 8:26 AM  
**To:** Ministerial and Government Services - Health  
**Cc:** Carey, Megan (Health); Andersen, Jackie (Health); Engele, Sam  
**Subject:** RE: Request regarding executive documents [SEC=UNCLASSIFIED]

Hi Jonas

At this stage, we're seeking information regarding 1073. The document I have includes the submission itself, agency comments on the draft submission and the Cabinet decision.

Thanks  
Michael

---

**From:** Ministerial and Government Services - Health  
**Sent:** Wednesday, 8 June 2016 5:04 PM  
**To:** Dakin, Michael  
**Cc:** Carey, Megan (Health); Andersen, Jackie (Health); Engele, Sam  
**Subject:** RE: Request regarding executive documents [SEC=UNCLASSIFIED]

Good afternoon Michael

It has just come to my attention that there are two submissions regarding governance at Calvary Hospital that ACT Health has submitted objections to their release at different times this year. Can you please confirm if information is required on Submission No. 0952, Submission No. 1073 or both.

Kind regards

**Jonas Allen**  
Freedom of Information Coordinator  
Ministerial and Government Services  
ACT Health



---

**From:** Dakin, Michael  
**Sent:** Wednesday, 8 June 2016 1:51 PM  
**To:** Ministerial and Government Services - Health  
**Cc:** Carey, Megan (Health); Andersen, Jackie (Health); Engele, Sam; Mehrton, Andrew; James, David  
**Subject:** RE: Request regarding executive documents [SEC=UNCLASSIFIED]

Thanks Jonas

Just to clarify, the Head of Service is the decision maker in relation to the release of executive documents. I am therefore seeking advice to assist the Head of Service in making her final decision on which documents are to be released, redacted or withheld.

In the case of executive documents relating to the governance of Calvary Hospital, I am seeking advice as follows:

- Confirmation of your (Jonas) telephone advice this morning that the documents should be withheld in their entirety.
- Justification for withholding relevant documents in their entirety, noting relevant provisions of the FOI Act and an explanation of how the relevant provisions apply to the entirety of the documents. If different FOI provisions apply to different specific documents, or portions of text, this should also be clearly differentiated.
- Should it be decided that the package of documents can be released in part, we would require advice specifying which specific documents should be withheld, or which portions of text redacted, together with an explanation of the application of relevant FOI provisions against each withheld document or redacted portion of text.

Thanks

**Michael Dakin** | Policy Officer

Phone: +61 2 6205 0460 | Fax: +61 2 6207 0025 | Email: [michael.dakin@act.gov.au](mailto:michael.dakin@act.gov.au)

Strategic Policy Group | Chief Minister, Treasury and Economic Development | ACT Government  
 Level 4 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

*I leave work at 3pm Tuesday to Friday*

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**From:** Ministerial and Government Services - Health  
**Sent:** Wednesday, 8 June 2016 1:29 PM  
**To:** Dakin, Michael  
**Cc:** Carey, Megan (Health); Andersen, Jackie (Health)  
**Subject:** Request regarding executive documents

Good Afternoon Michael

I am following up on our telephone conversation this morning regarding providing further information about ACT Health's objection to the public release of executive documents related to the governance of Calvary Hospital. I have been asked to contact you to ask if your request can be provided in writing so I can provide it to the decision maker to clarify what further information is required.

Happy to discuss if needed.

Kind regards

**Jonas Allen**

Freedom of Information Coordinator  
 Ministerial and Government Services  
 ACT Health

Ph 620 51340

Lvl 3, 11 Moore St, Canberra



Care ▲ Excellence ▲ Collaboration ▲ Integrity

**Thompson, Corinne**

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**From:** Allen, Jonas (Health)  
**Sent:** Thursday, 23 June 2016 10:33 AM  
**To:** Engele, Sam; Dakin, Michael; Stewart, KateE  
**Cc:** Carey, Megan (Health); Andersen, Jackie (Health)  
**Subject:** Executive Document release  
**Attachments:** ACT Health Response - Release of executive documents S0952 and S1073.pdf

Good morning

Please find attached ACT Health's Input regarding the proposed release of executive documents Submissions 0952 and 1073.

Kind regards

**Jonas Allen**

Freedom of Information Coordinator

Ministerial and Government Services

ACT Health

Ph 620 51340

Lvl 3, 11 Moore St, Canberra



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**Kalleske, Mark**

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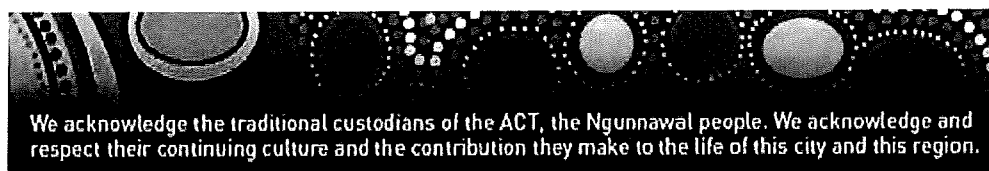
**From:** Schofield, Karen  
**Sent:** Tuesday, 19 July 2016 11:26 AM  
**To:** Kalleske, Mark  
**Subject:** HPRM: RE: FOR PRIORITY ACTION: Executive Document release - March 2016 [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Mark,

JACS Legislation, Policy & Programs and ACT Policing have reviewed Executive Document *S-0970 - Joint study into ACT Policing Report - Policing for the Future Final Report* and have not identified any issues with the release of this document.

Kind Regards

**Karen Schofield** | Senior Manager JACS Ministerial Services Unit  
 Justice and Community Safety Directorate | ACT Government  
 P: (02) 6205 4775




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**From:** Kalleske, Mark  
**Sent:** Friday, 15 July 2016 5:24 PM  
**To:** #CMTEDD, CLO Network  
**Cc:** Engele, Sam  
**Subject:** FOR PRIORITY ACTION: Executive Document release - March 2016 [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi everyone

Over the past few weeks I have been reviewing where we are up to with this year's release of Executive Documents.

The attached document provides the latest on where we are at. Documents highlighted in amber still require a brief to (and decision by) the Head of Service (HoS). Policy and Cabinet Division briefs the HoS following advice from the relevant Directorate on any concerns they may have in releasing the document(s) allocated to them for review in full or in part.

I have ensured the outstanding documents (and only those documents) are in your relevant drop boxes. Here is a link: <V:\DROPBOX\Exec Docs 2016>. Please note that Sub 888 is not in the drop box at this time.

Can you please review the remaining document(s) and let me know whether it/they should be released: a) in full; b) in part; or c) not at all. Apologies in advance if you have already provided this advice to us or whether there are new documents that you have not seen previously. **I can assure you that this will be the last time you are asked to check this year's documents.**

As a refresher, Part 4 of the *Freedom of Information Act 1989* covers Exempt document categories: [http://www.legislation.act.gov.au/a/alt\\_a1989-46co/current/pdf/alt\\_a1989-46co.pdf](http://www.legislation.act.gov.au/a/alt_a1989-46co/current/pdf/alt_a1989-46co.pdf). The Executive Document

exemption obviously no longer applies. It is also worth mentioning that section 36 'internal working documents' exemption is not generally applicable for documents that went to Cabinet in a final form 10 years ago.

I would very much appreciate all responses by no later than **CLOSE OF BUSINESS NEXT THURSDAY 21 JULY 2016**. By all means give me a call if you have any questions or concerns.

Thanks

Mark

**Mark Kalleske** | Senior Manager | Cabinet Office

Chief Minister, Treasury and Economic Development Directorate | ACT Government

Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)

Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

**Kalleske, Mark**

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**From:** Kalleske, Mark  
**Sent:** Thursday, 28 July 2016 1:39 PM  
**To:** Driscoll, Jamie; O'Daly, Edward  
**Cc:** Engele, Sam; Howell, Elizabeth; Cook, Michael  
**Subject:** HPRM: FOR INFO: Release of Executive Document: S1053: Public Interest Disclosure Bill 2006: In-principle agreement [SEC=UNCLASSIFIED]

Jamie and Ed

The following document will be provided to [REDACTED] today under the Executive document release arrangements.

A link to the document is [here](#).

Thanks  
Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

**Kalleske, Mark**

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**From:** Fenning, Sheldon  
**Sent:** Monday, 1 August 2016 4:25 PM  
**To:** Kalleske, Mark  
**Subject:** Exec Doc Release [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Mark

S-0929 – Full release

Out of scope



Sorry for the delay.

Regards

**Sheldon Fenning** | Cabinet Liaison Officer  
Ph: 6205 0457  
Organisational Governance | Community Services Directorate | ACT Government

**Kalleske, Mark**

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**From:** Wahren, Lee-Anne  
**Sent:** Monday, 8 August 2016 10:36 AM  
**To:** Kalleske, Mark; Cabinet Office  
**Cc:** Schofield, Karen; Leach, Meredith  
**Subject:** FW: FOR ADVICE: Exec Doc Release: S-0929 Development of Private Sector Investment in Affordable Housing [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Mark

You raised with me a potential need to redact paragraphs 23 and 23 of the above submission last week.

I can confirm that the Government Solicitor's office agrees that 22 and 23 should be redacted. They would also like to redact paragraph 24.

See below.

Kind regards

Lee-Anne Wahren PSM | Cabinet Liaison Officer  
**Phone 02 62070542** | Fax 02 62070514 |  
**Ministerial Services Unit** | Justice and Community Safety Directorate | **ACT Government**  
 Physical Address | 12 Moore Street Canberra | Mail Address | GPO Box 158 Canberra ACT 2601 | [www.jacs.act.gov.au](http://www.jacs.act.gov.au)

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**From:** Junakovic, Lana  
**Sent:** Monday, 8 August 2016 10:34 AM  
**To:** Wahren, Lee-Anne  
**Subject:** FW: FOR ADVICE: Exec Doc Release: S-0929 Development of Private Sector Investment in Affordable Housing [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Lee-Anne

Apologies. To confirm the delegate should exempt paras 22,23,24 on the basis of legal privilege as per Laetitia's advise below.

**Lana Junakovic** | General Manager | ACT Government Solicitor  
 ☎ 02 6205 2544 | ☎ 02 6207 0630 | DX 5602 Canberra | 📧 PO Box 260 Civic Square ACT 2608  
[www.actgs.act.gov.au](http://www.actgs.act.gov.au)

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**From:** Holley, Laetitia  
**Sent:** Thursday, 4 August 2016 5:43 PM  
**To:** Junakovic, Lana; Zamprogno, Loretta  
**Subject:** RE: FOR ADVICE: Exec Doc Release: S-0929 Development of Private Sector Investment in Affordable Housing [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

**ACT GOVERNMENT SOLICITOR**  
(see confidentiality notice below)

Dear Lana,

As discussed, while these types of summary or briefing documents are not clearly documents prepared for the dominant purpose of seeking or providing legal advice as required to uphold an exemption based on legal privilege, disclosure of this type of summary may result in privilege over the advice itself being waived. Accordingly, I would advise redacting the two paragraphs (and also by the looks of it paragraph 24) on the basis of legal professional privilege in the first instant.

Regards  
Laeticia

**Laeticia Holley** | Principal Solicitor | ACT Government Solicitor  
☎ 02 620 70643 | ☎ 02 620 70650 | DX 5602 Canberra | 📮 PO Box 260 Civic Square ACT 2608  
[www.actgs.act.gov.au](http://www.actgs.act.gov.au)

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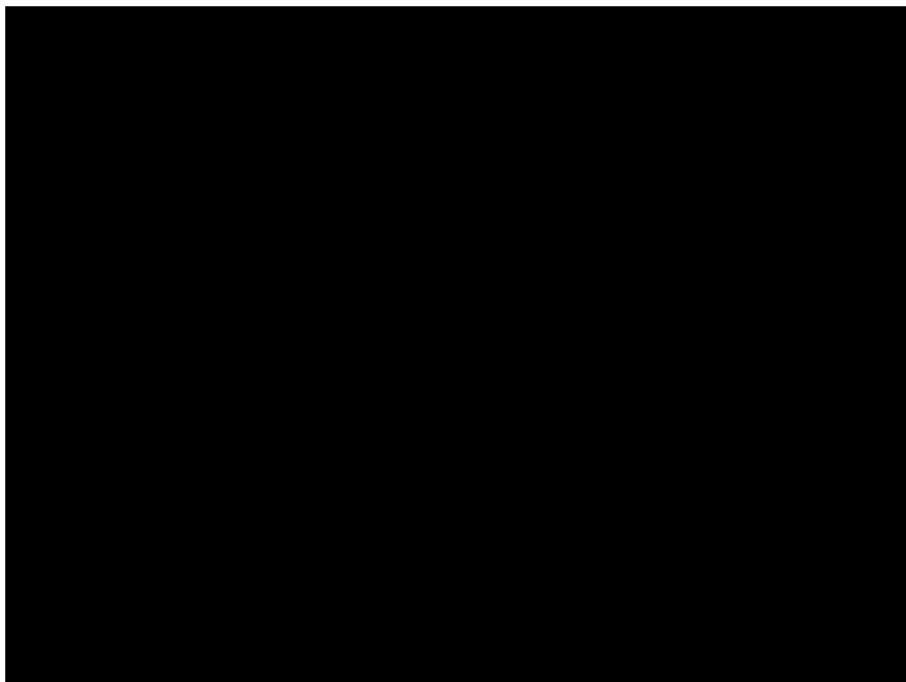
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**From:** Junakovic, Lana  
**Sent:** Thursday, 4 August 2016 11:22 AM  
**To:** Zamprogno, Loretta; Holley, Laeticia  
**Subject:** FW: FOR ADVICE: Exec Doc Release: S-0929 Development of Private Sector Investment in Affordable Housing [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]  
**Importance:** High

Laeticia/Loretta

We have another request from CMTEDD regarding release of Executive Documents. They are seeking advice on whether the following paragraphs should be exempted from release of the above name document relying on the legal professional privilege exemption under the FOI Act.

If you cannot access the Cabinet Submission folder link highlighted below I attached relevant two paragraphs highlighted in the sub as follows:



I am assuming the advice on these schemes in 2005 (or earlier) were originally a P&C matters.

Noting the that the text CMTEDD are seeking advice as to whether it should be exempted from release under the proposed access to Executive Document request and if so, confirming the FOI exemption provision considered most applicable.

We are required to respond to MSU by tomorrow and your views by then would be gratefully appreciated.

**Lana Junakovic** | General Manager | ACT Government Solicitor  
 ☎ 02 6205 2544 | 📠 02 6207 0630 | DX 5602 Canberra | 📬 PO Box 260 Civic Square ACT 2608  
[www.actgs.act.gov.au](http://www.actgs.act.gov.au)

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**From:** Wahren, Lee-Anne  
**Sent:** Thursday, 4 August 2016 9:26 AM  
**To:** Saunderson, Anne  
**Cc:** Junakovic, Lana; Schofield, Karen; Leach, Meredith  
**Subject:** FW: FOR ADVICE: Exec Doc Release: S-0929 Development of Private Sector Investment in Affordable Housing [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]  
**Importance:** High

Hi Anne –

I received an out of office email from Peter advising that I contact you if the matter couldn't wait until his return.

I also called Lana, as she was in the email to ensure she was in, but I received no reply. (Sorry if you are in Lana. I couldn't wait to find out.)

I have been provided documentation from the Cabinet office regarding a couple of paragraphs within a submission that is up for Executive Document Release and need someone from GSO to review the identified paragraphs from the submission.

I require the advice by COB tomorrow and I was wondering who in GSO would be best placed to review the document.

Many thanks

Lee-Anne Wahren PSM | Cabinet Liaison Officer

Phone 02 62070542 | Fax 02 62070514 |

Ministerial Services Unit | Justice and Community Safety Directorate | ACT Government

Physical Address | 12 Moore Street Canberra | Mail Address | GPO Box 158 Canberra ACT 2601 | [www.jacs.act.gov.au](http://www.jacs.act.gov.au)

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**From:** Wahren, Lee-Anne

**Sent:** Thursday, 4 August 2016 9:15 AM

**To:** Garrisson, Peter; Junakovic, Lana

**Cc:** Leach, Meredith; Schofield, Karen

**Subject:** FW: FOR ADVICE: Exec Doc Release: S-0929 Development of Private Sector Investment in Affordable Housing [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

**Importance:** High

Hi Peter and Lana –

The Cabinet office has raised another Executive Document Release matter with JACS last night.

This is a matter that was under review by CSD. CSD have no issues with the release of this document:

However, Cabinet office have noted that paragraphs 22 and 23 of the submission may be subject to legal privileged and could be considered for redaction for release.

I have saved a copy of the submission (S-0929 Development of Private Sector Investment in Affordable Housing) in your Cabinet folder and you can review the paragraphs by opening [this link](#).

I would appreciate your opinion on these paragraphs by COB on Friday 5 August 2016.

Kind regards

Lee-Anne Wahren PSM | Cabinet Liaison Officer

Phone 02 62070542 | Fax 02 62070514 |

Ministerial Services Unit | Justice and Community Safety Directorate | ACT Government

Physical Address | 12 Moore Street Canberra | Mail Address | GPO Box 158 Canberra ACT 2601 | [www.jacs.act.gov.au](http://www.jacs.act.gov.au)

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**From:** Kalleske, Mark

**Sent:** Wednesday, 3 August 2016 6:11 PM

**To:** Wahren, Lee-Anne

**Subject:** FOR ADVICE: Exec Doc Release: S-0929 Development of Private Sector Investment in Affordable Housing [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hey Lee-Anne

As briefly discussed, I would appreciate GSO's review of paragraphs 22 and 23 (as marked) of S-929 and whether it should be considered as covered by legal privilege, and thus redacted.

The document is in your drop box.

Thanks



Mark

**Mark Kalleske** | Senior Manager | Cabinet Office

Chief Minister, Treasury and Economic Development Directorate | ACT Government

Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)

Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

**Engele, Sam**

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**From:** Engele, Sam  
**Sent:** Tuesday, 16 August 2016 10:32 AM  
**To:** Kalleske, Mark  
**Subject:** FW: FOR APPROVAL: Request for legal advice - Executive Document release [SEC=UNCLASSIFIED]  
**Attachments:** ACTGS request - Exec doc release Aug 2016.docx; Re: Executive Document release: S-1053: Public Interest Disclosure Bill 2006: In-principle agreement [SEC=UNCLASSIFIED]; Executive Document release [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Approved.

---

**From:** Kalleske, Mark  
**Sent:** Tuesday, 16 August 2016 10:28 AM  
**To:** Engele, Sam  
**Subject:** FOR APPROVAL: Request for legal advice - Executive Document release [SEC=UNCLASSIFIED]

Sam

I am seeking legal advice on whether we need to consult a third party in certain instances and whether access to the Cabinet notebook could be reasonably denied.

For your approval.

Thanks  
 Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

**Kalleske, Mark**

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**From:** Kalleske, Mark  
**Sent:** Thursday, 1 September 2016 4:43 PM  
**To:** Driscoll, Jamie; O'Daly, Edward  
**Cc:** Engele, Sam; Howell, Elizabeth; Cook, Michael  
**Subject:** RE: FOR INFO: Release of Executive Document: S1053: Public Interest Disclosure Bill 2006: In-principle agreement [SEC=UNCLASSIFIED]

Jamie and Ed

Following further requests for information from [REDACTED] the following documents will be provided to him under Executive Document release arrangements:

- all documents on file in relation to *S-1053 Public Interest Disclosure Bill 2006: In-principle agreement* (additional documents not previously released are highlighted).

A link to the document is [here](#).

Thanks  
 Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

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**From:** Kalleske, Mark  
**Sent:** Thursday, 28 July 2016 1:39 PM  
**To:** Driscoll, Jamie; O'Daly, Edward  
**Cc:** Engele, Sam; Howell, Elizabeth; Cook, Michael  
**Subject:** FOR INFO: Release of Executive Document: S1053: Public Interest Disclosure Bill 2006: In-principle agreement [SEC=UNCLASSIFIED]

Jamie and Ed

The following document will be provided to [REDACTED] today under the Executive document release arrangements.

A link to the document is [here](#).

Thanks  
 Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

**Kalleske, Mark**

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**From:** Kalleske, Mark  
**Sent:** Wednesday, 7 September 2016 8:47 AM  
**To:** Driscoll, Jamie; O'Daly, Edward  
**Cc:** Engele, Sam; Cook, Michael; Howell, Elizabeth  
**Subject:** HPRM: FOR INFO: Executive Document release S-0929 (with redactions) and S-0970 [SEC=UNCLASSIFIED]

Jamie and Ed

Under Executive Document release arrangements, the following document will be provided (with redactions) to [REDACTED] today:

0929	Development of Private Sector Investment in Affordable Housing	Partial Release
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Also, the following document has been approved for full release to [REDACTED]

0970	RESTRICTED: Joint Study into ACT Policing: Policing for the Future – Final Report	Full Release
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A link to these documents and the relevant release restraint determination is [here](#).

Thanks  
Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

**Engele, Sam**

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**From:** Engele, Sam  
**Sent:** Wednesday, 7 September 2016 9:11 AM  
**To:** Engele, Sam  
**Subject:** FILE NOTE: RE: Executive Documents follow up - [REDACTED] [SEC=UNCLASSIFIED]

I contacted [REDACTED] yesterday. I expressed my apology for the time it has taken to release 10 year old executive records.

I confirmed with him:

- that two 'missing decisions' had been released to him
- that he is generally satisfied with the release of information
- that there are two records to be released to him by COB today.

I outlined that:

- one record on Asbestos was only partial (that the submission is currently missing but we continue to search for it)
- we are confirming the release of the notebook to ensure we do not breach our legal responsibility
- we are looking at ways to improve the timely release of executive documents next year.

He did not raise any further issues and expressed that he was satisfied with the phone call.

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**From:** [REDACTED]  
**Sent:** Tuesday, 6 September 2016 9:56 AM  
**To:** Engele, Sam  
**Subject:** Re: Executive Documents follow up [SEC=UNCLASSIFIED]

Mr Engele,

1.30 today would ok with me.

On 5 September 2016 at 17:02, Engele, Sam <[Sam.Engele@act.gov.au](mailto:Sam.Engele@act.gov.au)> wrote:

[REDACTED] would a phone call at 12:30pm tomorrow (Tuesday) be convenient for you?

Sam

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**From:** [REDACTED]  
**Sent:** Monday, 5 September 2016 2:30 PM

**To:** Engele, Sam

**Subject:** Re: Executive Documents follow up [SEC=UNCLASSIFIED]

Dear Mr Engele,

My mobile is [REDACTED] but I am too busy to take your call today. Tomorrow may be convenient. Please confirm a time via email.

Regards,

[REDACTED]

On 2 September 2016 at 15:45, Engele, Sam <[Sam.Engele@act.gov.au](mailto:Sam.Engele@act.gov.au)> wrote:

[REDACTED]

Ms Kathy Leigh, the Head of Service, asked me to contact you in relation to your correspondence on the outstanding executive documents, and to provide you with an update of the remaining documents in your request.

I do not appear to have your phone contact details in my records.

If you would like to give me a call this afternoon or Monday morning my contact details are below.

Alternatively I am happy to phone you - please let me know when would be convenient, and an appropriate contact number.

Regards,

**SAM ENGELE** | Executive Director | Strategic Policy & Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039

Email [Sam.Engele@ACT.gov.au](mailto:Sam.Engele@ACT.gov.au)

Policy and Cabinet Division

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**  
Lv 4 Nara Centre, 1 Constitution Av, Canberra

GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

-----  
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**Kalleske, Mark**

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**From:** Kalleske, Mark  
**Sent:** Monday, 10 October 2016 4:03 PM  
**To:** 'enquiries@oaic.gov.au'  
**Subject:** HPRM: CONFIDENTIAL: ACT GOVERNMENT: Notice of Executive Document release - former ACT Asbestos Task Force (Email 1 of 4) [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]  
**Attachments:** Commonwealth consultation 10 October 2016.pdf; Attachment A - S-0888 Pages 1-24.pdf

Hello

Under the *Territory Records Act 2002* (the Records Act), after ten years, Cabinet documents of the ACT Government must be released to the public unless they are exempt under the *Freedom of Information Act 1989* (the Act).

Under section 26 of the Act, where a document is identified as falling within the scope of a request which contains matter originating from the Commonwealth or a State government, and the Commonwealth or State may reasonably have objections to the release of the document, consultation is required before a directorate can make a decision to release the document.

The ACT Government wishes to consult with the Commonwealth Government on two documents relating to the former ACT Asbestos Task Force. The attached letter provides further context. Also attached is one of the documents. Due to technical limitations, the second document will be provided in three emails to follow.

Please contact me if you require further information about this request.

Regards  
Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601





Our ref: CMTEDD2016/197

Australian Information Commissioner  
Office of the Australian Information Commissioner  
GPO Box 5218  
Sydney NSW 2001

Via email: [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

Dear Mr Pilgrim

**Notice of Executive Document release consultation – former ACT Asbestos Task Force**

The Chief Minister, Treasury and Economic Development Directorate (CMTEDD) have received requests under the ACT *Territory Records Act 2002* (the Records Act) for access to documents relating to the former ACT Asbestos Task Force. Under the Records Act, after ten years, Cabinet documents of the ACT Government must be released to the public unless they are exempt under the *Freedom of Information Act 1989* (the Act).

The following documents have been requested by two parties, one of which is Out of scope

- S-0888 Progress of the ACT Asbestos Task Force (Attachment A); and
- S-0983 Asbestos Task Force Report (Attachment B).

Under section 26 of the Act, where a document is identified as falling within the scope of a request and which contains matter originating from the Commonwealth or a State government, and the Commonwealth or State may reasonably have objections to the release of the document, consultation is required before a directorate can make a decision to release the document.

Any objection to release must be based on the grounds for exemption contained in section 34 of the Act. These grounds are:

1. that disclosure would or could reasonably be expected to cause damage to relations between the Territory and the Commonwealth or State; or
2. that disclosure would divulge information or matter communicated in confidence to the Territory by or on behalf of the Government of the Commonwealth or State.

Chief Minister, Treasury and Economic Development

GPO Box 158 Canberra ACT 2601 | phone: 132281 | [www.act.gov.au](http://www.act.gov.au)

The above grounds for exemption do not apply in respect of the disclosure of matter in documents which would, on balance, be in the public interest. To enable the decision maker to give full consideration to the request, I am seeking your comments on whether disclosure of the enclosed documents would satisfy the grounds for exemption as outlined above.

The mere assertion that release of the documents would be a breach of confidence or that Territory/Commonwealth relations would be damaged is not sufficient to sustain exemption from disclosure under the Act. The responsibility for providing reasons for withholding documents, together with supporting evidence, rests with the organisation opposing release.

Please also address the question of whether deletion of sensitive information from the documents would eliminate or substantially reduce any objections you may have to their release. You will need to provide evidence in support of your claim.

The decision maker is not bound by the contentions you may make, however they shall give them careful consideration. Should your objections not be accepted I shall contact you concerning your review rights.

#### **What to do next**

I would appreciate your comments by **Friday 21 October 2016** to be sent to [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au) (please quote reference CMTEDD2016/197).

If I have not received comments or a request for an extension by this date, I shall assume that you have no objection to the disclosure of the information and the decision will be made on that basis. Should you have any enquiries concerning this matter, please do not hesitate to contact Mr Kalleske on (02) 607 5989 or via the above email address.

Yours sincerely

Sam Engele  
Executive Director  
Policy and Cabinet

10 October 2016

**Kalleske, Mark**

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**From:** Kalleske, Mark  
**Sent:** Monday, 10 October 2016 4:04 PM  
**To:** 'enquiries@oaic.gov.au'  
**Subject:** HPRM: CONFIDENTIAL: ACT GOVERNMENT: Notice of Executive Document release - former ACT Asbestos Task Force (Email 2 of 4) [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]  
**Attachments:** S-0888 Pages 25-52.pdf

Please refer to earlier email.

Mark Kalleske | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

**Kalleske, Mark**

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**From:** Kalleske, Mark  
**Sent:** Monday, 10 October 2016 4:05 PM  
**To:** 'enquiries@oaic.gov.au'  
**Subject:** HPRM: CONFIDENTIAL: ACT GOVERNMENT: Notice of Executive Document release - former ACT Asbestos Task Force (Email 3 of 4) [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]  
**Attachments:** S-0888 Pages 53-76.pdf

Please see earlier email.

**Mark Kalleske** | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

**Kalleske, Mark**

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**From:** Kalleske, Mark  
**Sent:** Monday, 10 October 2016 4:05 PM  
**To:** 'enquiries@oalc.gov.au'  
**Subject:** HPRM: CONFIDENTIAL: ACT GOVERNMENT: Notice of Executive Document release - former ACT Asbestos Task Force (Email 4 of 4) [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]  
**Attachments:** Attachment B - S-0983 - Asbestos Task Force Report.pdf

**Tracking:**

Recipient	Delivery
'enquiries@oalc.gov.au'	
Engele, Sam	Delivered: 10/10/2016 4:05 PM

Please refer to earlier email.

**Mark Kalleske** | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

**Kalleske, Mark**

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**From:** Kalleske, Mark  
**Sent:** Thursday, 27 October 2016 2:15 PM  
**To:** Donne, Geneva  
**Cc:** Kefford, Andrew; Reynolds, Chris  
**Subject:** RE: Release of Executive Documents S888 and S983 [SEC=UNCLASSIFIED, DLM=Sensitive]

Thanks Geneva. I will be sure to consult with you on any further consideration of information release outside of the current scope of Executive Documents.

Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

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**From:** Donne, Geneva  
**Sent:** Thursday, 27 October 2016 1:51 PM  
**To:** Kalleske, Mark  
**Cc:** Kefford, Andrew; Reynolds, Chris  
**Subject:** Release of Executive Documents S888 and S983 [SEC=UNCLASSIFIED, DLM=Sensitive]

Good afternoon Mark

**Request for access to Executive documents**

As per our discussion, conversations have been held with Taskforce Executives and the Principal Solicitor regarding the Cabinet Office consultation (21 September 2016) subsequent to Mr Kefford's notice of no objection (9 September 2016) regarding the release of Executive documents (S-983 Asbestos Task Force Report and S-888 Progress of the ACT Asbestos Taskforce).

Please be advised that the Taskforce currently has no further advice to provide in the matter. Please be reminded that, in response to the Cabinet Office request of 31 August 2016, Mr Kefford advised that he had not reviewed the other documents held on file (relating to the drafting process) and should the view be formed that such internal working documents be released, he would like the opportunity to review those documents separately prior to release.

Please do not hesitate to contact me should you wish to discuss further and I appreciate that you will notify me of subsequent developments/requests.

Kind regards

**Genevra Donne**  
**Manager, FOI and Information Management | Asbestos Response Taskforce**  
 Chief Minister, Treasury, and Economic Development Directorate | ACT Government  
 Phone: 02 620 54753 | Fax: 02 620 79313 | Email: [genevra.donne@act.gov.au](mailto:genevra.donne@act.gov.au)  
 Level 2, 221 London Circuit | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au/asbestostaskforce](http://www.act.gov.au/asbestostaskforce)

*Please consider the environment before printing this email*

**Kalleske, Mark**

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**From:** Kalleske, Mark  
**Sent:** Thursday, 3 November 2016 5:01 PM  
**To:** 'peter.arnaud@pmc.gov.au'  
**Subject:** ACT GOVERNMENT: Notice of Executive Document release - former ACT Asbestos Task Force [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]  
**Attachments:** Commonwealth consultation 10 October 2016.pdf

Hi Peter

I spoke with Caitlin today from the Office of the Australian Information Commissioner who has given me your name.

Under the *Territory Records Act 2002* (the Records Act), after ten years, Cabinet documents of the ACT Government must be released to the public unless they are exempt under the *Freedom of Information Act 1989* (the Act).

Under section 26 of the Act, where a document is identified as falling within the scope of a request which contains matter originating from the Commonwealth or a State government, and the Commonwealth or State may reasonably have objections to the release of the document, consultation is required before a directorate can make a decision to release the document.

The ACT Government wishes to consult with the Commonwealth Government on two documents relating to the former ACT Asbestos Task Force. The attached letter provides further information.

Let me know if you are the right person to speak to and I will arrange to get the documents forwarded to you for review.

Regards  
Mark

Mark Kalleske | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

**Kalleske, Mark**

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**From:** Kalleske, Mark  
**Sent:** Friday, 4 November 2016 4:07 PM  
**To:** 'peter.arnaud@pmc.gov.au'  
**Cc:** Jackway, Cathy; McGregor, Anthony  
**Subject:** CONFIDENTIAL: ACT GOVERNMENT: Notice of Executive Document release - former ACT Asbestos Task Force (Email 1 of 4) [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]  
**Attachments:** Commonwealth consultation 10 October 2016.pdf; Attachment A - S-0888 Pages 1-24.pdf

Thanks Peter for agreeing to review the documents.

I have attached one of the documents. Due to technical limitations, the second document will be provided in three emails to follow.

I look forward to hearing from you.

Regards  
 Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

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**From:** Kalleske, Mark  
**Sent:** Monday, 10 October 2016 4:03 PM  
**To:** 'enquiries@oaic.gov.au'  
**Subject:** CONFIDENTIAL: ACT GOVERNMENT: Notice of Executive Document release - former ACT Asbestos Task Force (Email 1 of 4) [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hello

Under the *Territory Records Act 2002* (the Records Act), after ten years, Cabinet documents of the ACT Government must be released to the public unless they are exempt under the *Freedom of Information Act 1989* (the Act).

Under section 26 of the Act, where a document is identified as falling within the scope of a request which contains matter originating from the Commonwealth or a State government, and the Commonwealth or State may reasonably have objections to the release of the document, consultation is required before a directorate can make a decision to release the document.

The ACT Government wishes to consult with the Commonwealth Government on two documents relating to the former ACT Asbestos Task Force. The attached letter provides further context. Also attached is one of the documents. Due to technical limitations, the second document will be provided in three emails to follow.

Please contact me if you require further information about this request.

Regards  
 Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601



**Kalleske, Mark**

---

**From:** Kalleske, Mark  
**Sent:** Friday, 4 November 2016 4:07 PM  
**To:** 'peter.arnaud@pmc.gov.au'  
**Cc:** Jackway, Cathy; McGregor, Anthony  
**Subject:** FW: CONFIDENTIAL: ACT GOVERNMENT: Notice of Executive Document release - former ACT Asbestos Task Force (Email 2 of 4) [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]  
**Attachments:** S-0888 Pages 25-52.pdf

Please refer to earlier email.

**Mark Kalleske** | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

**Kalleske, Mark**

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**From:** Kalleske, Mark  
**Sent:** Thursday, 17 November 2016 4:43 PM  
**To:** 'Arnaudo, Peter'  
**Subject:** RE: ACT GOVERNMENT: Notice of Executive Document release - former ACT Asbestos Task Force [DLM=Sensitive: Cabinet]

Hi Peter

Just checking in whether you have had an opportunity to look at the documents and who the lucky agency is that will reply!

Thanks  
 Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
 Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

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**From:** Arnaudo, Peter [<mailto:Peter.Arnaudo@pmc.gov.au>]  
**Sent:** Friday, 4 November 2016 4:14 PM  
**To:** Kalleske, Mark  
**Cc:** Jackway, Cathy; McGregor, Anthony; Delahaye, Kristin  
**Subject:** RE: ACT GOVERNMENT: Notice of Executive Document release - former ACT Asbestos Task Force [DLM=Sensitive: Cabinet]

Sensitive: Cabinet

Thanks – If I'm not around my EA Kristin can collect as well

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**From:** Kalleske, Mark [<mailto:Mark.Kalleske@act.gov.au>]  
**Sent:** Friday, 4 November 2016 4:12 PM  
**To:** Arnaudo, Peter  
**Cc:** Jackway, Cathy; McGregor, Anthony  
**Subject:** RE: ACT GOVERNMENT: Notice of Executive Document release - former ACT Asbestos Task Force [DLM=Sensitive: Cabinet]

Thanks Peter.

I will get a hard copy of the documents over to you on Monday morning as the restriction on email size makes it impractical to send them to you electronically.

Mark

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**From:** Arnaudo, Peter [<mailto:Peter.Arnaudo@pmc.gov.au>]  
**Sent:** Thursday, 3 November 2016 5:09 PM  
**To:** Kalleske, Mark  
**Cc:** Jackway, Cathy; McGregor, Anthony  
**Subject:** RE: ACT GOVERNMENT: Notice of Executive Document release - former ACT Asbestos Task Force [DLM=Sensitive: Cabinet]

Sensitive: Cabinet

Thanks Mark.

It could be us or Infrastructure and Regional Development. Depends on the docs.  
Can you send them to us please.

Thanks  
Peter

Peter Arnaudo | Assistant Secretary  
Honours, Symbols and Legal Policy Branch | Government Division  
Department of the Prime Minister and Cabinet  
p. 02 6271 5124 | m. 0400 322 577  
e. [peter.arnaud@pmc.gov.au](mailto:peter.arnaud@pmc.gov.au)  
[www.dpmc.gov.au](http://www.dpmc.gov.au) | [www.indigenous.gov.au](http://www.indigenous.gov.au)  
PO Box 6500 CANBERRA ACT 2600

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** Kalleske, Mark [<mailto:Mark.Kalleske@act.gov.au>]  
**Sent:** Thursday, 3 November 2016 5:01 PM  
**To:** Arnaudo, Peter  
**Subject:** ACT GOVERNMENT: Notice of Executive Document release - former ACT Asbestos Task Force  
[SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Peter

I spoke with Caitlin today from the Office of the Australian Information Commissioner who has given me your name.

Under the *Territory Records Act 2002* (the Records Act), after ten years, Cabinet documents of the ACT Government must be released to the public unless they are exempt under the *Freedom of Information Act 1989* (the Act).

Under section 26 of the Act, where a document is identified as falling within the scope of a request which contains matter originating from the Commonwealth or a State government, and the Commonwealth or State may reasonably have objections to the release of the document, consultation is required before a directorate can make a decision to release the document.

The ACT Government wishes to consult with the Commonwealth Government on two documents relating to the former ACT Asbestos Task Force. The attached letter provides further information.

Let me know if you are the right person to speak to and I will arrange to get the documents forwarded to you for review.

Regards  
Mark

Mark Kalleske | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
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**Kalleske, Mark**

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**From:** Kalleske, Mark  
**Sent:** Monday, 12 December 2016 5:51 PM  
**To:** Cook, Michael; O'Daly, Edward  
**Cc:** Engele, Sam; Cook, Michael  
**Subject:** HPRM: FOR INFO: Executive document release: S-0888 and S-0983  
[SEC=UNCLASSIFIED]

Michael and Ed

The following documents will be provided to **Out of scope** and **[REDACTED]** (a private citizen) today under the Executive document release arrangements:

0888	Progress of the ACT Asbestos Task Force	Partial Release
0983	Asbestos Task Force Report	Full Release

A link to the documents is [here](#).

Thanks  
Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601

**Kalleske, Mark**

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**From:** Kalleske, Mark  
**Sent:** Tuesday, 13 December 2016 9:52 AM  
**To:** Landon, Daniel  
**Cc:** Engele, Sam; Donne, Geneva  
**Subject:** FOR INFO: Executive document release: S-0888 and S-0983 [SEC=UNCLASSIFIED]

Hi Dan

The following documents have been provided to **Out of scope** and Mr Daniel Weight (a private citizen) today under the Executive document release arrangements:

0888	Progress of the ACT Asbestos Task Force	Partial Release
0983	Asbestos Task Force Report	Full Release

A link to the documents is [here](#).

Thanks  
Mark

**Mark Kalleske** | Senior Manager | Cabinet Office  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Phone 02 6207 5989 | Email [mark.kalleske@act.gov.au](mailto:mark.kalleske@act.gov.au)  
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