



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 2021-145


Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	Waived
6. Processing time (in working days)	34
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: 
To: [CMTEDD FOI](#)
Subject: FOI REQUEST – USE OF AFP LOGO
Date: Tuesday, 29 June 2021 2:11:23 PM

Good afternoon,

RE: FREEDOM OF INFORMATION REQUEST – USE OF AUSTRALIAN FEDERAL POLICE (AFP) LOGO

I write to request under the *Freedom of Information Act 2016* documents in relation to the use of the AFP logo by the ACT Government. This request includes, but is not limited to, any correspondence, briefs, advice or documentation between ACT Policing/AFP and Access Canberra regarding the use of AFP branding (including AFP letterhead and the AFP logo) by Access Canberra or other ACT Government entities.

Should you require any further information or clarification about my request, please contact my office on 

Kind regards,





ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2021-145



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 29 June 2021, in which you sought access to Documents in relation to the use of the AFP logo by the ACT Government.

Specifically, you are seeking: *“Documents in relation to the use of the AFP logo by the ACT Government. This request includes, but is not limited to, any correspondence, briefs, advice or documentation between ACT Policing/AFP and Access Canberra regarding the use of AFP branding (including AFP letterhead and the AFP logo) by Access Canberra or other ACT Government entities”*.

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 were required to provide a decision on your access application by 27 July 2021 however, following on from third party consultation the due date is now 17 August 2021.

Decision on access

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

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

I have decided to grant access in full to four documents and partial access to twelve documents, as I consider them to be:

- information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

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

Third party consultation

In determining this access request, I identified that some of the information may reasonably be expected to be of concern to relevant third parties. In accordance with section 38 of the Act, I have undertaken third party consultation. I have considered the contentions raised by the third parties in making this decision.

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

Material considered

In reaching my access decision, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the *Human Rights Act 2004*.

Exemption claimed

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

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure in the public interest:

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

I consider that disclosing the contents of the information sought would significantly contribute to open discussion and informed debate on the matters contained in the documents. I am satisfied there is a public interest in discussing the usage of AFP logo by ACT Government departments including Access Canberra. The release of this information would help to create positive and informed debate on issues of importance to the public.

I am satisfied that these are relevant considerations favouring disclosure in this case, and in the interests of enhancing transparency and accountability, I afford them significant weight.

I also note the FOI Act has an express pro-disclosure bias which reflects the importance of public access to government information for the proper working of a representative democracy. This concept is promoted through the objects of the FOI Act. I have considered this overarching concept in making my decision in relation to access.

Factors favouring nondisclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal contact information for the purposes of working with the ACT Government. I have considered this information and in my opinion the protection of these individuals' personal details (such as emails addresses and personal phone numbers which are not publicly available) outweighs the benefit which may be derived from releasing them. I consider that these individuals are entitled to expect that the personal information they have supplied as part of this process to the ACT Government will be dealt with in a manner that protects their privacy.

Charges

Processing charges are not applicable for this request because the number of pages falls below the charging threshold of 50 pages.

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, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 3-10 days of the decision. 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>.

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 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
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

16 August 2021



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Documents in relation to the use of the AFP logo by the ACT Government, including any correspondence, briefs, advice or documentation between ACT Policing/AFP and Access Canberra regarding the use of AFP branding (including AFP letterhead and the AFP logo) by Access Canberra or other ACT Government entities.	CMTEDDFOI 2021-145

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Road Transport (General) Chief Police Officer Delegation 2019	4 September 2019	Full	N/A	Yes
2	4	Letter from Minister Tara Cheyne to Mr Peter Cain	27 April 2021	Partial	Sch 2.2(a)(ii)	Yes
3	5-6	E-mail – Signed Final – Cain MLA 21/30498	20 May 2021	Full	N/A	Yes
4	7-8	E-mail – Discontinuance of ACT Policing Letterhead	28 April 2021	Partial	Sch 2.2(a)(ii)	Yes
5	9	E-mail – Cleared 21/20498 – Ministerial – Cheyne – Peter Cain MLA – AC Use of ACT Police letterhead in infringement Correspondence	22 April 2021	Full	N/A	Yes
6	10	E-mail – Re: For DDG Clearance: Due to MO 22/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement Correspondence	21 April 2021	Full	N/A	Yes
7	11-12	E-mail - RE: For COO Clearance: Due to MO 22/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement Correspondence	21 April 2021	Partial	Sch 2.2(a)(ii)	Yes
8	13-14	E-mail - RE: For COO Clearance: Due to MO 22/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement Correspondence	21 April 2021	Partial	Sch 2.2(a)(ii)	Yes
9	15-17	E-mail - RE: For Clearance- 21/30498 Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement Correspondence	15 April 2021	Partial	Sch 2.2(a)(ii)	Yes
10	18-20	E-mail - FW: 16/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement Correspondence	7 April 2021	Partial	Sch 2.2(a)(ii)	Yes
11	21-24	E-mail - RE: 16/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement Correspondence	7 April 2021	Partial	Sch 2.2(a)(ii)	Yes
12	25-27	E-mail - RE: 16/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement Correspondence	7 April 2021	Partial	Sch 2.2(a)(ii)	Yes

13	28-30	E-mail – Due : 16/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement Correspondence	7 April 2021	Partial	Sch 2.2(a)(ii)	Yes
14	31-32	E-mail - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement Correspondence	7 April 2021	Partial	Sch 2.2(a)(ii)	Yes
15	33	Letter from Mr Peter Cain to Ms Tara Cheyne	1 April 2021	Partial	Sch 2.2(a)(ii)	Yes
16	34-35	Access Canberra Infringement copy	26 March 2021	Partial	Sch 2.2(a)(ii)	Yes
Total No of Docs						
16						

Road Transport (General) Chief Police Officer Delegation 2019

Notifiable instrument NI2019–579

made under the

Road Transport (General) Act 1999, s18 (Delegation of chief police officer's functions) and s54 (1) (Delegation of administering authority's functions)

1 Name of instrument

This instrument is the *Road Transport (General) Chief Police Officer Delegation 2019*.

2 Commencement

This instrument commences on the day after it is signed.

3 Delegation

1) I, Chief Police Officer, both in that capacity and in my capacity as an administering authority, delegate those of my powers and functions as described under sections 92A and 93 of the *Road Transport (General) Act 1999* to the:

- a) head of Access Canberra; and
- b) chief operating officer of Access Canberra.

Note: Section 18 (b) of the *Road Transport (General) Act 1999* provides that the Chief Police Officer can delegate their functions to a public employee.

2) I, Chief Police Officer in my capacity as an administering authority for the purposes of certain infringement notice offences under the *Road Transport (General) Act 1999*, delegate all my powers and functions under Part 3 - Infringement Notices for certain offences of the *Road Transport (General) Act 1999* (except in relation to infringement notices issued to a police vehicle or emergency vehicle) to:

- a) police officers;
- b) head of Access Canberra; and

c) chief operating officer of Access Canberra.

3) I, Chief Police Officer in my capacity as an administering authority for the purposes of certain infringement notice offences under the *Road Transport (General) Act 1999*, delegate all my powers and functions under sections 11, 14, 14A, 14B, 14D, 16B and 16BA of the *Road Transport (Offences) Regulation 2005* to:

- a) police officers;
- b) head of Access Canberra; and
- c) chief operating officer of Access Canberra.

Note: Section 8 (2) of the *Road Transport (Offences) Regulation 2005* provides that the Chief Police Officer is the administering authority for infringement notice offences that are not described in section 8 (1).

Section 54 (1) of the *Road Transport (General) Act 1999* provides that an administering authority can delegate their functions under Part 3 to a person prescribed by regulation.

Section 15 of the *Road Transport (Offences) Regulation 2005* provides that the administering authority may delegate their functions to a public employee or police officer.

4 Definitions

In this instrument:

Access Canberra, means the business unit known as Access Canberra.

chief operating officer, of Access Canberra, means the public employee occupying, from time to time, the position of chief operating officer of Access Canberra.

emergency vehicle, means any vehicle driven by a person who is:

- a) an emergency worker; and
- b) driving the vehicle in the course of his or her duties as an emergency worker.

emergency worker, means:

- a) a member of the ambulance service rendering or providing transport for sick or injured people; or
- b) a member of the ambulance service, the fire and rescue service, the rural fire service or the SES providing transport in an emergency; or
- c) a person who is declared by the road transport authority to be an emergency worker; or
- d) a person defined as an emergency worker under a Territory law.

head, of Access Canberra, means the person occupying, from time to time, the position (however described) of head of Access Canberra

police officer, means a person either declared a member or appointed a special member of the Australian Federal Police, who occupies, from time to time, a position (however described) in the Australian Federal Police.

police vehicle, means any vehicle driven by a person who is:

- a) a police officer; and
- b) driving the vehicle in the course of his or her duties as a police officer.

5 Revocation

This instrument revokes *Road Transport (General) Chief Police Officer Delegation 2018 (No 2)* NI2018-672.

Ray Johnson
Chief Police Officer and an administering authority
4 September 2019



Tara Cheyne MLA
Assistant Minister for Economic Development
Minister for the Arts
Minister for Business and Better Regulation
Minister for Human Rights
Minister for Multicultural Affairs

Member for Ginninderra

21/30498

Mr Peter Cain MLA
Member for Ginninderra
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

27 April 2021

Dear Mr Cain

Peter

Thank you for your letter of 1 April 2021 on behalf of your constituent, **Sch 2.2(a)(ii)** regarding the use of Australia Federal Police (AFP) letterhead by an employee of Access Canberra.

The AFP is an administering authority for infringement notices issued under Part 3 of the *Road Transport (General) Act 1999* (the Act). The Chief Police Officer has delegated powers and functions under Part 3 of the Act to Access Canberra.

Accordingly, when Access Canberra is issuing infringement notices on behalf of police under this particular delegation, the AFP letterhead is appropriately used. The signature block of the Access Canberra employee indicates that they are tasked as a delegate of the Chief Police Officer.

If you have any further questions about this matter, please contact Mr Nick Argy in my office.

Sincerely

Tara Cheyne

Tara Cheyne MLA
Minister for Business and Better Regulation

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601

+61 2 6205 0100

cheyne@act.gov.au

@In_The_Taratory

taraforginninderra

in_the_taratory

From: [Bharadwaj, Vaishnavi](#) on behalf of [AC Ministerial](#)
To: [Muir, Richard](#)
Subject: Signed final - FW: Final - Cain MLA - 21/30498
Date: Thursday, 20 May 2021 4:31:00 PM
Attachments: [Mr Cain MLA - Use of AFP letterhead.pdf](#)
[image002.png](#)
[image003.jpg](#)
[image001.png](#)
[21_30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro.obr](#)

OFFICIAL: Sensitive

Hi Rick,
Signed final FYI. NFA
Thanks,
Vaish

From: Hodshon, Gerard <Gerard.Hodshon@act.gov.au> **On Behalf Of** ACDLO
Sent: Thursday, 29 April 2021 8:55 AM
To: AC Ministerial <ACMinisterialCMT@act.gov.au>
Subject: Final - Cain MLA - 21/30498

OFFICIAL: Sensitive

Hi team
Ministerial for finalising pls.
Many thanks,
Gez

Gerard Hodshon | Directorate Liaison Officer | Access Canberra
Phone: 6205 4007 | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au
Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: CHEYNE <CHEYNE@act.gov.au>
Sent: Wednesday, 28 April 2021 6:50 PM
To: CAIN <CAIN@parliament.act.gov.au>
Subject: RE: Correspondence from Peter Cain regarding the use of Australian Federal Police letterhead

Hi Amy
Please find attached correspondence from the Minister for Business and Better Regulation, Tara Cheyne MLA, on regarding the use of AFP letterhead by an employee at Access Canberra.

Kind regards

Jemma

Jemma Cavanagh

Adviser | Office of Tara Cheyne MLA

Member for Ginninderra
Minister for the Arts
Minister for Business and Better Regulation
Minister for Human Rights
Minister for Multicultural Affairs
Assistant Minister for Economic Development

T 02 6205 0100



From: CAIN <CAIN@parliament.act.gov.au>

Sent: Thursday, 1 April 2021 10:55 AM

To: CHEYNE <CHEYNE@act.gov.au>

Subject: Correspondence from Peter Cain regarding the use of Australian Federal Police letterhead

Good morning Minister

Please see attached correspondence from Peter Cain regarding the use of Australian Federal Police letterhead by Access Canberra employees.

Kind regards

Amy

Amy Vickers

Senior Adviser | Office of Peter Cain MLA

Liberal Member for Ginninderra

Assistant Shadow Attorney-General

Shadow Minister for Regulatory Services

Shadow Minister for Jobs and Workplace Affairs

Ph: 02 6205 1927

[Website](#) [Facebook](#) [Instagram](#)

ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601



From: [McPherson, Alex](#)
To: [Laundess, Daniel](#); [Muir, Richard](#)
Cc: [Cubin, Derise](#); [Mangeruca, Giuseppe](#)
Subject: RE: Discontinuance of ACT Policing Letterhead [SEC=OFFICIAL]
Date: Wednesday, 28 April 2021 12:05:25 PM
Attachments: [image002.png](#)
[image003.gif](#)

OFFICIAL

Thanks Daniel.

I have had a quick chat about this with Madelin and Nithya. I'll get some proper thoughts together and then we can determine our response.

Cheers
Alex

From: Laundess, Daniel <Daniel.Laundess@act.gov.au>
Sent: Wednesday, 28 April 2021 11:59 AM
To: Muir, Richard <Richard.Muir@act.gov.au>; McPherson, Alex <Alex.McPherson@act.gov.au>
Subject: FW: Discontinuance of ACT Policing Letterhead [SEC=OFFICIAL]

OFFICIAL

Good morning Alex

Please see below, ACT Policing have requested that the Infringement review team cease using AFP letterhead for correspondence on traffic camera infringement notices. I might suggest that some advice be sought, prior to the implementation of correspondence regarding Mobile Phone Detection Cameras.

Regards

Daniel Laundess | Assistant Director

Phone: 62075770 | Email: daniel.laundess@act.gov.au

Infringement Review | Fair Trading and Regulatory Strategy | Access Canberra

Chief Minister Treasury and Economic Development Directorate

ACT Government | Email www.act.gov.au/accesscbr



From: Sch 2.2(a)(ii) <[REDACTED]@afp.gov.au>
Sent: Wednesday, 28 April 2021 11:03 AM
To: Laundess, Daniel <Daniel.Laundess@act.gov.au>
Cc: Sch 2.2(a)(ii) <[REDACTED]@afp.gov.au>; Sch 2.2(a)(ii) <[REDACTED]@afp.gov.au>;
Sch 2.2(a)(ii) <[REDACTED]@afp.gov.au>

Subject: Discontinuance of ACT Policing Letterhead [SEC=OFFICIAL]

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.

OFFICIAL

Dear Daniel

I am writing in relation to the use of AFP letterhead for ACT Government/Access Canberra correspondence for the purpose of camera infringements.

On behalf of the Chief Police Officer I ask that the use of AFP letterhead ceases. It is ACT Policing's view that Access Canberra may use its own branded correspondence as the Notifiable Instrument delegating the CPO's authority also extends to agency correspondence. I realise the practice has been continuing since Access Canberra assumed the role of managing the camera infringement system, however it is more appropriate that the issuing/reviewing agency utilise its own branding in correspondence rather than that of ACT Policing.

Please don't hesitate to contact me (or in my absence between today and 17 May, A/Inspector Sch 2.2(a)(ii))

Kind regards

INSPECTOR Sch 2.2(a)(ii)
OIC JUDICIAL & FAMILY VIOLENCE OPERATIONS
ACT POLICING
Tel Sch 2.2(a)(ii)
www.afp.gov.au



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AFP Web site: <http://www.afp.gov.au>

From: [Nasr, Nancy](#) on behalf of [AC Ministerial](#)
To: [ACDLO](#)
Subject: CLEARED: 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro
Date: Thursday, 22 April 2021 4:56:00 PM
Attachments: [21_30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro.obr](#)

OFFICIAL: Sensitive

Hi Gez

A ministerial corro cleared for Minister Cheyne.

Cheers

Nancy

From: [Pryce, David](#)
To: [AC Ministerial](#)
Cc: [AC - Office of the DDG](#)
Subject: RE: FOR DDG CLEARANCE: Due to MO 22/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro
Date: Wednesday, 21 April 2021 2:42:55 PM
Attachments: [image001.png](#)

OFFICIAL: Sensitive

Hi Nancy,
Cleared with tracked changes via objective.
Thanks,

David Pryce | Deputy Director-General
Head of Access Canberra

Phone: 02 6205 9898 | Email: david.pryce@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR



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From: Nasr, Nancy <Nancy.Nasr@act.gov.au> **On Behalf Of** AC Ministerial
Sent: Wednesday, 21 April 2021 1:20 PM
To: Pryce, David <David.Pryce@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: FOR DDG CLEARANCE: Due to MO 22/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro

OFFICIAL: Sensitive

Hi David
Please find attached a ministerial corro cleared by COO for your final clearance please.
Cheers
Nancy

Open in Navigator

Double click on the attachment

Open in ECM for Browser

<https://objective.act.gov.au/#/documents/qA910671/details>

From: [McKinnon, Margaret](#)
To: [AC Ministerial](#)
Cc: [AC - Office of the DDG](#)
Subject: RE: FOR COO CLEARANCE: Due to MO 22/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro
Date: Wednesday, 21 April 2021 9:37:19 AM
Attachments: [image001.png](#)

OFFICIAL: Sensitive

Oh, and btw – its cleared!!

Margaret McKinnon | Chief Operating Officer

Phone: [Sch 2.2\(a\)\(ii\)](#) | Email: Margaret.McKinnon@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Nasr, Nancy <Nancy.Nasr@act.gov.au> **On Behalf Of** AC Ministerial
Sent: Tuesday, 20 April 2021 2:10 PM
To: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: RE: FOR COO CLEARANCE: Due to MO 22/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro

OFFICIAL: Sensitive

Hi Margaret

As far as I'm aware, this is the first time this correspondence is being progressed to your clearance.

ACMin team received this corro on Thursday at 4:28pm to QA. Since we had multiple corro that need to go through QA and clearances by Friday before Objective shut down at 4pm, I had to prioritise correspondences by due dates. Priority was given to overdue ministerials. Further to this, ACMin received a flux of 22 new requests yesterday from the MO that needed to be processed and sent to the line areas in order to meet the ministerial timeframes. Noting the team's limited capacity, resources were again shifted to juggle competing priorities. I hope this clarifies but happy to discuss further.

Regards

Nancy

From: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Sent: Tuesday, 20 April 2021 12:50 PM
To: AC Ministerial <ACMinisterialCMT@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: RE: FOR COO CLEARANCE: Due to MO 22/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro

OFFICIAL: Sensitive

Nancy – where has this been since 15 April? I'm not looking to hunt down and blame somebody – I just recall already clearing this one (or one extremely like it)

Margaret

Margaret McKinnon | Chief Operating Officer

Phone: [Sch 2.2\(a\)\(ii\)](#) | Email: Margaret.McKinnon@act.gov.au



From: Nasr, Nancy <Nancy.Nasr@act.gov.au> **On Behalf Of** AC Ministerial

Sent: Tuesday, 20 April 2021 12:09 PM

To: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>

Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>

Subject: FOR COO CLEARANCE: Due to MO 22/04 - 21/30498 - Ministerial - Cheyne - Peter Cain
MLA - AC use of ACT Police letterhead in infringement corro

OFFICIAL: Sensitive

Hi Margaret

Please find attached a ministerial corro for your clearance please.

Cheers

Nancy

From: Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>

Sent: Thursday, 15 April 2021 4:28 PM

To: McPherson, Alex <Alex.McPherson@act.gov.au>

Cc: Armitage, Eva <Eva.Armitage@act.gov.au>; AC Ministerial <ACMinisterialCMT@act.gov.au>

Subject: RE: For clearance- 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT
Police letterhead in infringement corro

OFFICIAL: Sensitive

Hi there

This is cleared.

Giuseppe

From: [McKinnon, Margaret](#)
To: [AC Ministerial](#)
Cc: [AC - Office of the DDG](#)
Subject: RE: FOR COO CLEARANCE: Due to MO 22/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro
Date: Wednesday, 21 April 2021 9:36:56 AM
Attachments: [image001.png](#)

OFFICIAL: Sensitive

Thanks Nancy – it just feels really familiar.....we do need to talk to the Office about the “everything needs an answer” syndrome...

Marg

Margaret McKinnon | Chief Operating Officer

Phone: [Sch 2.2\(a\)\(ii\)](#) | Email: Margaret.McKinnon@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Nasr, Nancy <Nancy.Nasr@act.gov.au> **On Behalf Of** AC Ministerial
Sent: Tuesday, 20 April 2021 2:10 PM
To: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: RE: FOR COO CLEARANCE: Due to MO 22/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro

OFFICIAL: Sensitive

Hi Margaret

As far as I'm aware, this is the first time this correspondence is being progressed to your clearance.

ACMin team received this corro on Thursday at 4:28pm to QA. Since we had multiple corro that need to go through QA and clearances by Friday before Objective shut down at 4pm, I had to prioritise correspondences by due dates. Priority was given to overdue ministerials. Further to this, ACMin received a flux of 22 new requests yesterday from the MO that needed to be processed and sent to the line areas in order to meet the ministerial timeframes. Noting the team's limited capacity, resources were again shifted to juggle competing priorities.

I hope this clarifies but happy to discuss further.

Regards

Nancy

From: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Sent: Tuesday, 20 April 2021 12:50 PM
To: AC Ministerial <ACMinisterialCMT@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: RE: FOR COO CLEARANCE: Due to MO 22/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro

OFFICIAL: Sensitive

Nancy – where has this been since 15 April? I'm not looking to hunt down and blame somebody

– I just recall already clearing this one (or one extremely like it)

Margaret

Margaret McKinnon | Chief Operating Officer

Phone: [Sch 2.2\(a\)\(ii\)](#) | Email: Margaret.Mckinnon@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Nasr, Nancy <Nancy.Nasr@act.gov.au> **On Behalf Of** AC Ministerial

Sent: Tuesday, 20 April 2021 12:09 PM

To: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>

Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>

Subject: FOR COO CLEARANCE: Due to MO 22/04 - 21/30498 - Ministerial - Cheyne - Peter Cain
MLA - AC use of ACT Police letterhead in infringement corro

OFFICIAL: Sensitive

Hi Margaret

Please find attached a ministerial corro for your clearance please.

Cheers

Nancy

From: Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>

Sent: Thursday, 15 April 2021 4:28 PM

To: McPherson, Alex <Alex.McPherson@act.gov.au>

Cc: Armitage, Eva <Eva.Armitage@act.gov.au>; AC Ministerial <ACMinisterialCMT@act.gov.au>

Subject: RE: For clearance- 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT
Police letterhead in infringement corro

OFFICIAL: Sensitive

Hi there

This is cleared.

Giuseppe

From: [Mangeruca, Giuseppe](#)
To: [McPherson, Alex](#)
Cc: [Armitage, Eva](#); [AC Ministerial](#)
Subject: RE: For clearance- 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro
Date: Thursday, 15 April 2021 4:27:42 PM
Attachments: [21_30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro.obr](#)
[image001.png](#)
[image002.png](#)

OFFICIAL: Sensitive

Hi there
This is cleared.
Giuseppe

From: McPherson, Alex
Sent: Wednesday, 14 April 2021 9:33 AM
To: Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>
Cc: Armitage, Eva <Eva.Armitage@act.gov.au>; AC Ministerial <ACMinisterialCMT@act.gov.au>
Subject: For clearance- 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro

OFFICIAL: Sensitive

Hi Sep
For clearance please, an infringements mino about the use of AFP letterhead.
Cheers
Alex

From: Muir, Richard <Richard.Muir@act.gov.au>
Sent: Tuesday, 13 April 2021 5:43 PM
To: Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>
Cc: Armitage, Eva <Eva.Armitage@act.gov.au>; McPherson, Alex <Alex.McPherson@act.gov.au>
Subject: FW: 16/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro

OFFICIAL: Sensitive

Hi Giuseppe,
I trust this finds you well.
Please find attached the Objective reference to a Ministerial response concerning Access Canberra staff members' use of AFP letterhead in traffic infringement-related correspondence. AC Ministerial are hoping to have this back and cleared by you this **Friday 16 April**.
As always, more than happy to discuss any aspects further.
Thanks and talk soon.
Rick.

From: Bharadwaj, Vaishnavi <Vaishnavi.Bharadwaj@act.gov.au> **On Behalf Of** AC Ministerial
Sent: Wednesday, 7 April 2021 10:52 AM
To: Muir, Richard <Richard.Muir@act.gov.au>
Cc: McPherson, Alex <Alex.McPherson@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Armitage, Eva <Eva.Armitage@act.gov.au>
Subject: DUE: 16/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro

OFFICIAL: Sensitive

Hi Rick,

Please find attached a Ministerial that requires a response from your area for the below matter.

Can you please assign it to the most appropriate person in your team to action?

If the correspondence needs to be transferred to another Directorate or requires input, please let me know ASAP.

In order to meet the Ministers Office timeframes, could you please send the cleared draft back to AC Ministerial by no later than **COB Friday 16 April**, cleared by Giuseppe.

We will then do a quick QA check and forward on for Executive approval.

Thanks,

Vaish

From: Hodshon, Gerard <Gerard.Hodshon@act.gov.au> **On Behalf Of** ACDLO

Sent: Wednesday, 7 April 2021 8:51 AM

To: AC Ministerial <ACMinisterialCMT@act.gov.au>

Cc: Pryce, David <David.Pryce@act.gov.au>; AC - Office of the DDG

<ACOfficeoftheDDG@act.gov.au>; McIntosh, Andrew <Andrew.McIntosh@act.gov.au>

Subject: Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro

OFFICIAL: Sensitive

Hello

May I have a ministerial response for this correspondence please.

For reply by Minister Cheyne.

Due to the MO by 22 April 2021.

Can you advise at your earliest convenience if input from another directorate is required.

Many thanks,

Gez

Gerard Hodshon | Directorate Liaison Officer | Access Canberra

Phone: [Sch 2.2\(a\)\(ii\)](tel:0262012601) | Email: acdlo@act.gov.au

Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation

Minister for Consumer Affairs

Minister for Planning and Land Management

From: CHEYNE <CHEYNE@act.gov.au>

Sent: Thursday, 1 April 2021 3:53 PM

To: ACDLO <ACDLO@act.gov.au>

Subject: FW: Correspondence from Peter Cain regarding the use of Australian Federal Police letterhead

Hi Gez

Ministerial response to this one please, noting that the issue at hand is addressed in the correspondence between [Sch 2.2\(a\)\(ii\)](mailto:Sch 2.2(a)(ii)@act.gov.au) and Access Canberra (also attached) – extract below: “I can also advise that the AFP letterhead is correctly used by an authorised Access Canberra Review officer when delegated by the Chief Police Officer in relation to Traffic Infringement Notices.”

Thanks

Nick

From: CAIN <CAIN@parliament.act.gov.au>

Sent: Thursday, 1 April 2021 3:34 PM

To: CHEYNE <CHEYNE@act.gov.au>

Subject: RE: Correspondence from Peter Cain regarding the use of Australian Federal Police letterhead

Good afternoon Minister,

As requested by your office, please see attached for the letter as referenced in the correspondence sent to your office earlier today.

Sincerely,

Hamish Wright

Hamish Wright

Adviser | Office of Peter Cain MLA

Liberal Member for Ginninderra

Assistant Shadow Attorney-General

Shadow Minister for Regulatory Services

Shadow Minister for Jobs and Workplace Affairs

Ph: 02 6205 1927

ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601



From: CAIN

Sent: Thursday, 1 April 2021 10:55 AM

To: CHEYNE <CHEYNE@act.gov.au>

Subject: Correspondence from Peter Cain regarding the use of Australian Federal Police letterhead

Good morning Minister

Please see attached correspondence from Peter Cain regarding the use of Australian Federal Police letterhead by Access Canberra employees.

Kind regards

Amy

Amy Vickers

Senior Adviser | Office of Peter Cain MLA

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Shadow Minister for Jobs and Workplace Affairs

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[Website](#) [Facebook](#) [Instagram](#)

ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601



From: Muir, Richard
Sent: Wednesday, 7 April 2021 11:43 AM
To: Laundess, Daniel
Cc: McPherson, Alex
Subject: FW: 16/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro
Attachments: 20210326 - Sch 2.2(a)(ii) - Sch 2.2(a)(ii) - Internal Review.pdf; Peter Cain - AFP letterhead inquiry - 1 April 2021.pdf; 21_30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro.obr

OFFICIAL: Sensitive

Hi Daniel,

I trust this finds you well.

Could you please have a look at this Ministerial and put together a response? By the looks of it, it simply relates to the use of AFP letterhead and what the basis for its use is.

Thanks and as always, more than happy to discuss any elements further.

Talk soon.

Rick.

From: Bharadwaj, Vaishnavi <Vaishnavi.Bharadwaj@act.gov.au> **On Behalf Of** AC Ministerial
Sent: Wednesday, 7 April 2021 10:52 AM
To: Muir, Richard <Richard.Muir@act.gov.au>
Cc: McPherson, Alex <Alex.McPherson@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Armitage, Eva <Eva.Armitage@act.gov.au>
Subject: DUE: 16/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro

OFFICIAL: Sensitive

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Can you please assign it to the most appropriate person in your team to action?

If the correspondence needs to be transferred to another Directorate or requires input, please let me know ASAP.

In order to meet the Ministers Office timeframes, could you please send the cleared draft back to AC Ministerial by no later than **COB Friday 16 April**, cleared by Giuseppe.

We will then do a quick QA check and forward on for Executive approval.

Thanks,
Vaish

From: Hodshon, Gerard <Gerard.Hodshon@act.gov.au> **On Behalf Of** ACDLO
Sent: Wednesday, 7 April 2021 8:51 AM
To: AC Ministerial <ACMinisterialCMT@act.gov.au>
Cc: Pryce, David <David.Pryce@act.gov.au>; AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; McIntosh, Andrew <Andrew.McIntosh@act.gov.au>
Subject: Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro

OFFICIAL: Sensitive

Hello

May I have a ministerial response for this correspondence please.

**For reply by Minister Cheyne.
Due to the MO by 22 April 2021.**

Can you advise at your earliest convenience if input from another directorate is required.

Many thanks,
Gez

Gerard Hodshon | Directorate Liaison Officer | Access Canberra
Phone: [\(Sch 2.2\(a\)\(ii\)\)](tel:Sch 2.2(a)(ii)) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

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To: ACDLO <ACDLO@act.gov.au>
Subject: FW: Correspondence from Peter Cain regarding the use of Australian Federal Police letterhead

Hi Gez

Ministerial response to this one please, noting that the issue at hand is addressed in the correspondence between [\(Sch 2.2\(a\)\(ii\)\)](mailto:Sch 2.2(a)(ii)) and Access Canberra (also attached) – extract below:
“I can also advise that the AFP letterhead is correctly used by an authorised Access Canberra Review officer when delegated by the Chief Police Officer in relation to Traffic Infringement Notices.”

Thanks
Nick

From: CAIN <CAIN@parliament.act.gov.au>
Sent: Thursday, 1 April 2021 3:34 PM
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Subject: RE: Correspondence from Peter Cain regarding the use of Australian Federal Police letterhead

Good afternoon Minister,

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Sincerely,
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Hamish Wright
Adviser | Office of Peter Cain MLA

Liberal Member for Ginninderra
Assistant Shadow Attorney-General
Shadow Minister for Regulatory Services
Shadow Minister for Jobs and Workplace Affairs

Ph: 02 6205 1927
ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601



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Kind regards
Amy

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ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601



From: [Muir, Richard](#)
To: [Laundess, Daniel](#)
Cc: [McPherson, Alex](#)
Subject: FW: 16/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro
Date: Wednesday, 7 April 2021 11:42:59 AM
Attachments: [20210326 - Sch 2.2\(a\)\(ii\) - Internal Review.pdf](#)
[image002.png](#)
[image003.png](#)
[Peter Cain - AFP letterhead inquiry - 1 April 2021.pdf](#)
[21_30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro.obr](#)

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Subject: Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro

OFFICIAL: Sensitive

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**For reply by Minister Cheyne.
Due to the MO by 22 April 2021.**

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Many thanks,
Gez

Gerard Hodshon | Directorate Liaison Officer | Access Canberra
Phone: [Sch 2.2\(a\)\(ii\)](#) | Email: acdlo@act.gov.au
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GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
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“I can also advise that the AFP letterhead is correctly used by an authorised Access Canberra

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From: [Muir, Richard](#)
To: [AC Ministerial](#)
Cc: [McPherson, Alex](#); [Mangeruca, Giuseppe](#); [Armitage, Eva](#)
Subject: RE: 16/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro
Date: Wednesday, 7 April 2021 11:43:28 AM
Attachments: [image001.png](#)
[image002.png](#)

OFFICIAL: Sensitive

Hi Vaish,
Thanks for sending this through.
I've sent it through for action and we'll certainly have it back to you by the required date.
Thanks again and talk soon.
Rick.

From: Bharadwaj, Vaishnavi <Vaishnavi.Bharadwaj@act.gov.au> **On Behalf Of** AC Ministerial
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Minister for Business and Better Regulation

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Minister for Planning and Land Management

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Cc: [McPherson, Alex](#); [Mangeruca, Giuseppe](#); [Armitage, Eva](#)
Subject: DUE: 16/04 - 21/30498 - Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro
Date: Wednesday, 7 April 2021 10:51:00 AM
Attachments: [20210326 - Sch 2.2\(a\)\(ii\) - Internal Review.pdf](#)
[image002.png](#)
[image003.png](#)
[Peter Cain - AFP letterhead inquiry - 1 April 2021.pdf](#)
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Hamish Wright

Hamish Wright

Adviser | Office of Peter Cain MLA

Liberal Member for Ginninderra

Assistant Shadow Attorney-General

Shadow Minister for Regulatory Services

Shadow Minister for Jobs and Workplace Affairs

Ph: 02 6205 1927

ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601



From: CAIN

Sent: Thursday, 1 April 2021 10:55 AM

To: CHEYNE <CHEYNE@act.gov.au>

Subject: Correspondence from Peter Cain regarding the use of Australian Federal Police letterhead

Good morning Minister

Please see attached correspondence from Peter Cain regarding the use of Australian Federal Police letterhead by Access Canberra employees.

Kind regards

Amy

Amy Vickers

Senior Adviser | Office of Peter Cain MLA

Liberal Member for Ginninderra

Assistant Shadow Attorney-General

Shadow Minister for Regulatory Services

Shadow Minister for Jobs and Workplace Affairs

Ph: 02 6205 1927

[Website](#) [Facebook](#) [Instagram](#)

ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601



From: [Hodshon, Gerard](#) on behalf of [ACDLO](#)
To: [AC Ministerial](#)
Cc: [Pryce, David](#); [AC - Office of the DDG](#); [McIntosh, Andrew](#)
Subject: Ministerial - Cheyne - Peter Cain MLA - AC use of ACT Police letterhead in infringement corro
Date: Wednesday, 7 April 2021 8:51:09 AM
Attachments: [20210326 - Sch 2.2\(a\)\(ii\) - Internal Review.pdf](#)
[image002.png](#)
[image003.png](#)
[Peter Cain - AFP letterhead inquiry - 1 April 2021.pdf](#)

OFFICIAL: Sensitive

Hello

May I have a ministerial response for this correspondence please.

For reply by Minister Cheyne.

Due to the MO by 22 April 2021.

Can you advise at your earliest convenience if input from another directorate is required.

Many thanks,

Gez

Gerard Hodshon | Directorate Liaison Officer | Access Canberra

Phone: [Sch 2.2\(a\)\(ii\)](#) | Email: acdlo@act.gov.au

Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation

Minister for Consumer Affairs

Minister for Planning and Land Management

From: CHEYNE <CHEYNE@act.gov.au>

Sent: Thursday, 1 April 2021 3:53 PM

To: ACDLO <ACDLO@act.gov.au>

Subject: FW: Correspondence from Peter Cain regarding the use of Australian Federal Police letterhead

Hi Gez

Ministerial response to this one please, noting that the issue at hand is addressed in the correspondence between [Sch 2.2\(a\)\(ii\)](#) and Access Canberra (also attached) – extract below: “I can also advise that the AFP letterhead is correctly used by an authorised Access Canberra Review officer when delegated by the Chief Police Officer in relation to Traffic Infringement Notices.”

Thanks

Nick

From: CAIN <CAIN@parliament.act.gov.au>

Sent: Thursday, 1 April 2021 3:34 PM

To: CHEYNE <CHEYNE@act.gov.au>

Subject: RE: Correspondence from Peter Cain regarding the use of Australian Federal Police letterhead

Good afternoon Minister,

As requested by your office, please see attached for the letter as referenced in the correspondence sent to your office earlier today.

Sincerely,

Hamish Wright

Hamish Wright

Adviser | Office of Peter Cain MLA

Liberal Member for Ginninderra

Assistant Shadow Attorney-General
Shadow Minister for Regulatory Services
Shadow Minister for Jobs and Workplace Affairs
Ph: 02 6205 1927
ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601



From: CAIN

Sent: Thursday, 1 April 2021 10:55 AM

To: CHEYNE <CHEYNE@act.gov.au>

Subject: Correspondence from Peter Cain regarding the use of Australian Federal Police letterhead

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Kind regards

Amy

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Peter Cain MLA

Liberal Member for Ginninderra

Shadow Minister for Regulatory Services
Shadow Minister for Jobs and Workplace Affairs
Assistant Shadow Attorney-General

1 April 2021

Tara Cheyne MLA
Minister for Business and Better Regulation
ACT Legislative Assembly
London Circuit, Canberra ACT 2601

Dear Minister

I write on behalf of Ginninderra constituent, **Sch 2.2(a)(ii)**, regarding correspondence received by him, dated 26 March 2021, on Australian Federal Police letterhead in relation to traffic infringements.

Sch 2.2(a)(ii) does not intend to further pursue his request for withdrawal of the infringements; however, he has asked about the use of Australian Federal Police letterhead by an employee of Access Canberra.

Please advise on what legal basis employees of Access Canberra are authorised to issue correspondence on Australian Federal Police letterhead.

I look forward to receiving your response.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by several loops and a long horizontal stroke.

Peter Cain MLA



Sch 2.2(a)(ii)

Dear Sch 2.2(a)(ii)

TRAFFIC INFRINGEMENT NOTICE NUMBER - Sch 2.2(a)(ii)

I refer to your correspondence in relation to the above Traffic Infringement Notice.

Your correspondence has been dealt with as a request to review the original decision not to withdraw the Traffic Infringement Notice made on 22/03/2021.

I have been assigned, under Section 92A of the Road Transport (General) Act 1999 (the Act), to review the original decision and I am also an authorised delegate for the provisions of Section 35(1) of the Act.

This review was based on the information you provided in your initial request for withdrawal, any additional information provided in your correspondence requesting a review and the Road Transport (General) Withdrawal of Infringement Notices Guidelines 2019 (the guidelines), which provides the applicable framework for the decision.

After careful consideration, I have determined the original decision not to withdraw the Traffic Infringement Notice will remain unchanged, my reasons are below.

When determining whether to withdraw an infringement notice the Road Transport (General) Withdrawal of Infringement Notices Guidelines 2019 states the administering authority must consider:

- The circumstances in which the infringement notice was issued, including the level of risk posed by the applicant's behaviour to other members of the community.
- The seriousness of the offence; and
- The extent to which the applicant was aware, or ought reasonably to have been aware, that the conduct constituting the offence was contrary to law.

This is considered a serious offence as operating an unregistered and uninsured vehicle has potentially damaging consequences to yourself, other road user and the community. I can advise that ultimately it is the responsibility of the registered operator to be aware of the registration period and not receiving a registration renewal reminder notice does not lessen this responsibility. Additionally, reminder notices are a courtesy and not a legislation requirement.

I can also advise that the AFP letterhead is correctly used by an authorised Access Canberra Review officer when delegated by the Chief Police Officer in relation to Traffic Infringement Notices.

As the decision has not been varied, I now have an obligation under the Act to inform you of your options in this matter. Please ensure you have exercised one of the following options by 20/04/2021. Failure to exercise an option by 20/04/2021 will result in a reminder notice being generated. The issuing of a reminder

notice will also incur an additional charge of \$34. You will then have to pay the prescribed infringement penalty in addition to the reminder notice fee.

You may pay the prescribed penalty amount of [Sch 2.2\(a\)\(ii\), Sch 2.2\(a\)\(xi\)](#) and the matter will be considered finalised. To make payment online please visit: www.act.gov.au/infringements. For all other payment options, please refer to the information on the infringement notice.

If you are having difficulty making payment you may be eligible to enter an Infringement Notice Management Plan. To set up your payment plan online, please visit: www.act.gov.au/infringements

Alternatively, you may be eligible to apply for a community work or social development plan. For more information please visit: www.act.gov.au/infringements

Alternatively, you may dispute liability for the offence in accordance to Section 51 of the Act. To do this you must notify this office in writing by 20/04/2021 stating that you dispute liability for the Traffic Infringement Notice and provide the grounds you rely on. If you dispute liability the matter will be referred to the ACT Magistrates Court for determination.

Or you may request additional time to pay this penalty. To do this you must notify the Authority in writing requesting an extension of time to pay the penalty notice, no later than 20/04/2021.

If you are dissatisfied with the outcome of the internal review, you have the right to apply to the ACT Civil and Administrative Tribunal (ACAT) for a review of the decision. Applications to the ACAT must be made within 28 days of receiving this letter. Information on the fees and how to apply can be found via the ACAT website: <https://www.acat.act.gov.au/case-types/review-of-act-government-decisions>

You are entitled to request the documentation held in relation to the decision-making process about your application under the Freedom of Information Act 2016. A freedom of information application can be requested online via the Chief Minister, Treasury and Economic Development Directorate website: <https://www.cmtedd.act.gov.au/functions/foi>

If you have any questions, please phone the Access Canberra Infringement Office on 62076000.

Yours sincerely,



Corey
Senior Review Officer
Delegate of the Chief Police Officer
Access Canberra Infringement Office

26 March 2021