



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 2022-030

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	N/A
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	9
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: no-reply@act.gov.au
To: [CMTEDD.FOI](#)
Subject: 2022-030 Freedom of Information request
Date: Tuesday, 8 February 2022 6:17:02 AM

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

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

Your details

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

Title:

First Name:

Last Name:

Business/Organisation

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

Request for information

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

In relation to a meeting held between [redacted] and [redacted] and [redacted] on 25 November 2020 at the Realm Hotel, Mr [redacted] read from a written statement stating the ACT Government's position. In that Statement [redacted] stated "of which 74 were received in the 4 months prior to sending the letter" We require the 74 complaints referred to in [redacted] statement, received by Regulators and referred to by [redacted] as being received between October 2018 and January 2019. Order Number and date of the complaint will suffice.

I do not want to access the following documents in relation to my request::

Thank you.
Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2022-030



FREEDOM OF INFORMATION REQUEST

I am writing to you in response 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 8 February 2022.

Specifically, your request stated:

"In relation to a meeting held between [redacted] and [redacted] and [redacted] on 25 November 2020 at the Realm Hotel, [redacted] read from a written statement stating the ACT Government's position. In that Statement [redacted] stated, "of which 74 were received in the 4 months prior to sending the letter" We require the 74 complaints referred to in [redacted] statement, received by Regulators and referred to by [redacted] as being received between October 2018 and January 2019. Order Number and date of the complaint will suffice."

Authority

I am an Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 8 March 2022.

Decision on access

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, in particular Section 1.3(6) Information disclosure of which is prohibited under law,
- *Fair Trading (Australian Consumer Law) Act 1992*, and

- the information provided by the Director of Investigations, Fair Trading and Compliance branch, Access Canberra.

Exemption claimed

The information requested is entirely composed of, or contains, information that is considered to be contrary to the public interest under schedule 1 of the Act.

Section 1.3(6) Information disclosure of which is prohibited under law

The complaints referred to in [REDACTED] statement are entirely composed of information that I consider to be contrary to the public interest under schedule 1.3(6) of the Act.

Section 54 of the *Fair Trading (Australian Consumer Law) Act 1992* is a secrecy provision which prohibits the release of 'protected information' about someone else. 'Protected Information' for the purposes of the *Fair Trading (Australian Consumer Law) Act 1992* is defined as:

" ... information about a person that is disclosed to, or obtained by, a person to whom this section applies because of the exercise of a function under this Act by the person or someone else".

Having reviewed the information, I am satisfied that the 74 complaints referred to by [REDACTED] in his statement fall within the definition provided above. As a result, this information is deemed to be contrary to the public interest in accordance with schedule 1, section 1.3, of the Freedom of Information Act 2016.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because no information is being released to you.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision in response to your access application will be published in the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published. You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman 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 by the Ombudsman under section 82(1), you may apply to the ACAT for a 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 (02) 6207 7754 or by email at CMTEDDFOI@act.gov.au.

Yours sincerely,



Katharine Stuart
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

21 February 2022