



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2023-361

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)	28
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: [CMTEDD FOI](#)
To: [CSD FOI](#); [CMTEDD FOI](#)
Cc: [Hotham, Emma](#); [Novak, Brent](#)
Subject: [REDACTED] request for clarification of scope - partial transfer - CMTEDDFOI
2023-361
Date: Wednesday, 18 October 2023 11:27:45 AM
Attachments: [REDACTED]

OFFICIAL: Sensitive - Personal Privacy

Good morning David

Thank you for your email. CMTEDD accepts partial transfer of all points of the below scope except for point three. We will liaise with [REDACTED] directly.

Kind regards
Emma

Emma Hotham (she/her) | Director, Freedom of Information

Phone: 02 6207 0811 | emma.hotham@act.gov.au
Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
Level 1, 220 London Circuit, Canberra City | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: CSD FOI <CSD.FOI@act.gov.au>
Sent: Wednesday, October 18, 2023 10:18 AM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Cc: Hotham, Emma <Emma.Hotham@act.gov.au>; Novak, Brent <Brent.Novak@act.gov.au>; CSD FOI <CSD.FOI@act.gov.au>
Subject: FW: [REDACTED] request for clarification of scope (draft)

OFFICIAL: Sensitive - Personal Privacy

Good morning Team

Pleased see correspondence below related to a request from [REDACTED]

CSD has received the original request attached, the below correspondence relates to a clarification of the date range for the request and confirms the applicant would like information for the time period post the date of the Deed of Settlement signing which is the 27th April 2023 to 17 October 2023.

The applicant has also requested information held by CMTEDD.

Could you please confirm receipt of the application and that CMTEDD will process a separate application in relation to information held by your directorate.

If you have any questions or concerns please give me a call.

Kind regards

David Grace

Assistant Director - FOI & Legal Coordination Unit – Governance
Corporate Services | Community Services Directorate | ACT Government
Level 3, 220 London Circuit, Canberra | GPO Box 158, Canberra ACT 2601
t | 61 2 6205 3105 email: | davidj.grace.act.gov.au

IMPORTANT NOTICE

The information contained in this email and any attachments is for the intended recipient only. It may contain material of a confidential nature relating to the operations of the Community Services Directorate, or its clients, contractors or stakeholders. Information of this nature may be subject to the provisions of the Information Privacy Act 2014, Public Sector Management Act 1994, Health Records Act 2008, Housing Assistance Act 1987, Children and Young Persons Act 2008 and/or the Crimes Act 1900. Any person who inappropriately discloses this information may be subject to disciplinary/criminal proceedings under any of these Acts. If you have received this email in error, please notify the sender and then delete this transmission and any attachments.

From: Balaretnaraja, Ash <Ash.Balaretnaraja@act.gov.au>
Sent: Wednesday, October 18, 2023 9:48 AM
To: Novak, Brent <Brent.Novak@act.gov.au>; Grace, DavidJ <DavidJ.Grace@act.gov.au>
Subject: FW: [REDACTED] request for clarification of scope (draft)

OFFICIAL

Hi team – for action.

From: [REDACTED]
Sent: Tuesday, October 17, 2023 5:27 PM
To: Balaretnaraja, Ash <Ash.Balaretnaraja@act.gov.au>
Subject: RE: [REDACTED] request for clarification of scope (draft)

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

Good afternoon Ash,

Please accept my apologies for the delay in responding, I've been preoccupied with other matters.

Thank you for clarifying the need for scope in relation to my FOI request. I agree that my request is for documents generated from the date of the Deed of Settlement signing which is the 27th April 2023 and up until the date of this email, 17th October 2023 and I'm happy for the statutory period to commence from now, given the delays in our correspondence.

By the way, I have another question for you. This request was lodged via the community services directorate but I'm curious if this request can also include correspondence etc generated within the Chief Ministers Directorate? Or is a separate request required via the Chief Minister's Directorate's FOI request website?

I look forward to hearing from you in due course.

[REDACTED]
[REDACTED]

From: Balaretnaraja, Ash <Ash.Balaretnaraja@act.gov.au>

Sent: Friday, October 13, 2023 4:02 PM

To: [REDACTED]

Subject: [REDACTED] request for clarification of scope (draft)

OFFICIAL

Good afternoon [REDACTED]

Thank you for your request for information made under the *Freedom of Information Act 2016* (FOI Act) – Reference FOI-CSD-23/16. The purpose of my phone call on 9 October 2023, was to discuss the scope of your request. In your application you requested information relating to:

- *“Any information, documentation or records of any actions taken to review or consider the protocol, including the interim protocol arising from the House & House v ACT matter.*
- *Any information, documentation or records of any meeting minutes, correspondence, or any other actions taken in relation to any review.*
- *Any information, documentation or records of and reasons for any changes made to any webpages managed by the Community Services Directorate and related to the Aboriginal and Torres Strait Islander Agreement 2019-2028, the Aboriginal and Torres Strait Islander Eminent Panel for Community Engagement and Healing, and the ACT Indigenous Protocol.*
- *Any information, documentation or records relating to a review of Aboriginal history and cultural connections to land in and around the ACT (excluding personal or culturally sensitive, familial information of a privacy nature).*
- *Any information, documentation or records relating to a review of ACT legislation regarding the interests of First Nations people in the ACT.”*

The current scope of your application is broad without any defined time period. The resources required to collate and examine information within the current scope of your application, without a defined time period, would significantly redirect the resources of the directorate and not give you the information you seek in a timely manner.

I am seeking an agreement to frame these bullet points in the period since the date of the *Deed of Settlement and Release between Paul Girrawah House and Leah House and the Australian Capital Territory* and the date of the FOI application (21 September 2023).

Could you please advise if you agree to the amendment or not via return email.

Regards

Ash Balaretnaraja

Ash BalaretnaRaja

Executive Branch Manager, Governance

Community Services Directorate | ACT Government

Phone: 02 6207 5282 | Mobile: [REDACTED] | Email: ash.balaretnaraja@act.gov.au

Constitution Place, 220 London Circuit, Canberra City, Canberra City ACT 2601 | GPO Box 158 Canberra City ACT 2601 |

www.act.gov.au

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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 18 October 2023 in which you sought:

- *Any information, documentation or records of any actions taken to review or consider the protocol, including the interim protocol arising from the House & House v ACT matter.*
- *Any information, documentation or records of any meeting minutes, correspondence, or any other actions taken in relation to any review.*
- *Any information, documentation or records relating to a review of Aboriginal history and cultural connections to land in and around the ACT (excluding personal or culturally sensitive, familial information of a privacy nature).*
- *Any information, documentation or records relating to a review of ACT legislation regarding the interests of First Nations people in the ACT.*

Please note your request was partially transferred from Community Services Directorate (CSD) as they also hold information related to this request. CSD will respond to you separately.

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 within 30 working days of the access application being received. Therefore, the due date for a decision is **29 November 2023**.

Decision on access

Searches were completed for relevant documents and **13** 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 the documents that fall within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to 4 documents relevant to your request. I have decided to grant partial access to 3 documents and to refuse access to 6 documents as I consider them to be:

- contrary to the public interest information under schedule 1; and or
- contain 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 **Attachments B** to this letter.

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

Statement of Reasons

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

- the Act;
- the scope of your requested information;
- the content of the documents that fall within the scope of your request.

Exemptions claimed

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

Contrary to the public interest information under schedule 1 of the Act

Documents 1-6 (refer **Attachment A**) of the identified documents are entirely composed of or contain information that is considered to be contrary to the public interest under schedule 1 of the Act.

Cabinet information

These documents contain some information that would reveal a deliberation of Cabinet. Therefore, this information is considered to be contrary to the public interest under section 1.6 of schedule 1 of the Act as it contains Cabinet information and is exempt from release.

Under the Act schedule 1, section 1.6 *Cabinet Information* is:

(1) Information—

(a) that has been submitted, or that a Minister proposes to submit, to Cabinet for its consideration and that was brought into existence for that purpose; or

(b) that is an official record of Cabinet; or

(c) that is a copy of, or part of, or contains an extract from, information mentioned in paragraph (a) or (b); or

(d) the disclosure of which would reveal any deliberation of Cabinet (other than through the official publication of a Cabinet decision).

The purpose of this exemption is to maintain the confidentiality of the Cabinet process and to uphold the principle of collective ministerial responsibility. This exemption was discussed in *The Commonwealth v Northern Land Council* [1993] HCA 24; (1993) 176 CLR 604 (21 April 1993). Paragraph 6 of the decision, states that:

... it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made.

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

Public Interest

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

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 under Schedule 2 s2.1:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
 - (i) *Promote open discussion of public affairs and enhance the government's accountability.*
 - (ii) *Contribute to positive and informed debate on important issues or matters of public interest.*
 - (viii) *reveal the reason for a government decision and any background or contextual information that informed the decision.*

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in these documents may reasonably be expected to promote open discussion about government operations within the community.

Noting that the 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, I must consider the above factors for disclosure against those factors favouring nondisclosure. However, in this case I do give some weight to the factors for disclosure.

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.*

Having reviewed the information, I consider that the protection of an individual's right to privacy, is a significant factor. Release of information concerning individuals working within the ACT Public Service is generally not considered to prejudice the protection of an individual's right to privacy. However, where mobile phone numbers may be used for

home and work purposes, this information is redacted, as it could or would reasonably be expected to prejudice an individual's right to privacy under the *Human Rights Act 2004*.

Having applied the test outlined in section 17 of the Act and deciding that release of some of the information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to information held by CMTEDD within the scope of your request.

Charges

Processing charges for this request are not applicable as less than 50 pages are being released to you.

Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log.

Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2023>

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day this decision is published on the disclosure log, or a longer period allowed by the Ombudsman. We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

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:

ACT Civil and Administrative Tribunal
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

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

Yours sincerely,

EH

Emma Hotham

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

27 November 2023



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
<ul style="list-style-type: none"> • <i>Any information, documentation or records of any actions taken to review or consider the protocol, including the interim protocol arising from the House & House v ACT matter.</i> • <i>Any information, documentation or records of any meeting minutes, correspondence, or any other actions taken in relation to any review.</i> • <i>Any information, documentation or records relating to a review of Aboriginal history and cultural connections to land in and around the ACT (excluding personal or culturally sensitive, familial information of a privacy nature).</i> • <i>Any information, documentation or records relating to a review of ACT legislation regarding the interests of First Nations people in the ACT.</i> 	2023-361

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-5	23 400 Cabinet Submission - SIGNED	26 April 2023	Exempt		No
2	6-17	Attach A - Draft Deed of Settlement and Release Cabinet agreed	March 2023	Exempt		No
3	18-29	Attach B - 2023.04.25 - Deed of Settlement and Release - signed by Mr House	April 2023	Exempt		No
4	30	Attach C - Open Access	26 April 2023	Exempt		No
5	31	DECISION 23-400 - Settlement and Release	26 April 2023	Exempt		No
6	32-34	23-400 Statement of Reasons for Non-Release	18 July 2023	Exempt		No
7	35-36	Updates to the ACT Indigenous Protocol – what you need to know	10 May 2023	Full Release		Yes
8	37-38	Correspondence Kathy Leigh - Director-General CSD - ACT Government Indigenous Protocol	8 June 2023	Partial Release	Sch 2 s2.2 (a)(ii)	Yes

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9	39	Attachement A - Letter to Hon Linda Burney	Undated	Full Release		Yes
10	40	Attachment B - Letter to Hon Katy Gallagher - Supreme Court Settlement	Undated	Full Release		Yes
11	41	Re ACT Government Interim Indigenous Protocol	7 June 2023	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
12	42	Acknowledgement Protocol	28 April 2023	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
13	43-44	Updated RAP signature block for CMTEDD staff	16 May 2023	Full Release		Yes
Total						
No of Docs						
13						

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From: "Head Of Service" <Head.Of.Service@act.gov.au>
Sent: 10/05/2023 9:46 AM
To: "Undisclosed recipients:"
Subject: Updates to the ACT Indigenous Protocol – what you need to know

OFFICIAL



10 May
2023

A message from the Head of Service

Kathy Leigh

2023



Updates to the ACT Indigenous Protocol – what you need to know

Colleagues

On 27 April 2023, the Chief Minister, Attorney-General and Minister for Aboriginal and Torres Strait Islander Affairs announced that the Territory had reached a settlement with Mr Paul House and Ms Leah House in relation to a matter recently brought before the Supreme Court under the *Human Rights Act 2004 (ACT)*. A copy of the media release is available [here](#).

Part of this settlement includes a commitment from the ACT Government to undertake a comprehensive review of the ACT Indigenous Protocol. This review will seek traditional custodian community input to any change through a community-led consultation and engagement process.

The ACT Government has agreed to an interim ACT Indigenous Protocol while this process is underway. The interim Protocol continues to acknowledge the Ngunawal people as traditional custodians of the ACT. It includes recognition that other people and families have also determined that they have a traditional connection to this land.

As part of the interim Protocol, the wording used in the Acknowledgement of Country has changed. Across the ACTPS we use the Acknowledgement of Country in different ways - at events and in meetings, in speeches and briefs, in our email signature blocks, in publications and on our websites. It is important that we are all familiar with the wording to use in the Acknowledgement of Country:

'I/We wish to acknowledge the Ngunnawal people as traditional custodians of the land we are meeting on and recognise any other people or families with connection to the lands of the ACT and region. I/We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. I/We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today's event.'

Further information about the Acknowledgement of Country is available [here](#).

You can find the full details of the interim ACT Indigenous Protocol [here](#). Your directorates will provide additional information about actions being taken in your directorate to comply with the interim Protocol.

Kathy Leigh
Head of Service

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 www.act.gov.au

RESPECT INTEGRITY
COLLABORATION
INNOVATION

From: "Kalleske, Sarah" <Sarah.Kalleske@act.gov.au>
Sent: 08/06/2023 1:13 AM
To: "CMTEDD MLO" <CMTEDD.MLO@act.gov.au>
Subject: HoS Trimming: ACT Government Interim Indigenous Protocol
Attachments: Attachement A Letter to Hon Linda Burney.DOCX, Attachment B Letter to Hon Katy Gallagher Supreme Court Settlement.DOCX
Categories: Lily

OFFICIAL: Sensitive

Hi CMTEDD MLO Team

Can you please trim as per table below:

Additional Notes:	Please add any attachments separately to the email into the trim container. Can you please forward the trim container only to me in the first instance? I will forward it onto the relevant business area once Kathy has annotated the original correspondence.
Noting:	Can the attached document/s be saved to Trim for noting only?

Kind regards
Sarah

Sarah Kalleske | Executive Assistant to Kathy Leigh, Head of Service and Director-General
 Phone: 02 6205 0241 | Email: sarah.kalleske@act.gov.au
 Chief Minister, Treasury and Economic Development Directorate | ACT Government
 Level 5, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Rule, Catherine <Catherine.Rule@act.gov.au>
Sent: Wednesday, 7 June 2023 2:20 PM
To: Leigh, Kathy <Kathy.Leigh@act.gov.au>
Cc: Kalleske, Sarah <Sarah.Kalleske@act.gov.au>; Power, Leanne <Leanne.Power@act.gov.au>; CSD, Director General's Office <CSDDirector-General'sOffice@act.gov.au>
Subject: ACT Government Interim Indigenous Protocol

OFFICIAL: Sensitive

Dear Kathy

At a meeting with Minister Stephen Smith on 15 May 2023 to discuss the outcomes from the Supreme Court action brought by the House family, Ngannawal community members requested Minister Stephen Smith clarify the ACT Government position with key stakeholders, particularly Commonwealth Members of Parliament, to avoid confusion on the changes made in the ACT interim protocol. CSD has prepared letters to Minister Linda Burney and Senator Katy Gallagher for the Minister's consideration (draft attached).

The next Ngannawal Community meeting is proposed for the 20 June 2023. In confirming this meeting, the Minister would like to state the letters have been sent to the Commonwealth Ministers as requested. Consequently, we are intending to progress these letters to the Minister's office as soon as possible.

Further to this correspondence, there may be value in clarifying the ACT Government position with the Secretary of PMC, CEO of NIAA and the Secretary of the Dept of Parliamentary Services. I am seeking your consideration of this suggestion, and whether this correspondence would be signed by Head of Service, or if you would prefer it was from Director-General CSD. The letters would be similar in content to the attached.

Kind regards
Catherine

Catherine Rule

Director-General, Community Services | ACT Government

Sch 2.2(a)(ii) | catherine.rule@act.gov.au

Level 3, 220 London Circuit, Canberra City | GPO Box 158 Canberra ACT 2601 | www.act.gov.au





Rachel Stephen-Smith MLA

Minister for Health

Minister for Families and Community Services

Minister for Aboriginal and Torres Strait Islander Affairs

Member for Kurrajong

The Hon Linda Burney MP
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Our ref: M-23/837

Dear Minister Burney,

On 27 April 2023, the ACT Government announced the Territory had reached a settlement with Mr Paul House and Ms Leah House, in relation to their family's identity and culture in the ACT.

In response to this settlement, the ACT Government has implemented an interim form of Acknowledgment of Country for ACT public servants. The amended protocol continues to acknowledge the Ngunnawal people as traditional custodians of the ACT. The evidence supporting Ngunnawal as traditional custodians is strong and Ngunnawal traditional custodianship is well accepted by the community.

The wording of the Acknowledgement of Country has changed to:

*'I/We wish to acknowledge the Ngunnawal people as traditional custodians of the land we are meeting on **and recognise any other people or families with connection to the lands of the ACT and region.** I/We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. I/We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today's event.'*

The ACT Government has committed to review the interim protocol with input from traditional custodians, through a community led consultation and engagement process. In the interim, the ACT Government is committed to the acknowledgement of traditional custodians and will utilise the interim ACT Indigenous Protocol to guide that acknowledgement.

Yours sincerely,

Rachel Stephen Smith MLA

Minister for Aboriginal and Torres Strait Islander Affairs

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

+61 2 6205 2661

stephen-smith@act.gov.au

@RachelSS_MLA

rachelSSMLA

rachelss_mla

**Rachel Stephen-Smith MLA**

Minister for Health

Minister for Families and Community Services

Minister for Aboriginal and Torres Strait Islander Affairs

Member for Kurrajong

The Hon Katy Gallagher
Minister for the Public Service
Parliament House
CANBERRA ACT 2600

Our ref: M-23/837

Dear Senator Gallagher,

On 27 April 2023, the ACT Government announced the Territory had reached a settlement with Mr Paul House and Ms Leah House, in relation to their family's identity and culture in the ACT.

In response to this settlement, the ACT Government has implemented an interim form of Acknowledgment of Country for ACT public servants. The amended protocol continues to acknowledge the Ngunnawal people as traditional custodians of the ACT. The evidence supporting Ngunnawal as traditional custodians is strong and Ngunnawal traditional custodianship is well accepted by the community.

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*'I/We wish to acknowledge the Ngunnawal people as traditional custodians of the land we are meeting on **and recognise any other people or families with connection to the lands of the ACT and region.** I/We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. I/We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today's event.'*

The ACT Government has committed to review the interim protocol with input from traditional custodians, through a community led consultation and engagement process. In the interim, the ACT Government is committed to the acknowledgement of traditional custodians and will utilise the interim ACT Indigenous Protocol to guide that acknowledgement.

Yours sincerely,

Rachel Stephen Smith MLA
Minister for Aboriginal and Torres Strait Islander Affairs

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

+61 2 6205 2661

stephen-smith@act.gov.au

@RachelSS_MLA

rachelSSMLA

rachelss_mla

From: "Leigh, Kathy" <Kathy.Leigh@act.gov.au>
Sent: 07/06/2023 10:14 PM
To: "Rule, Catherine" <Catherine.Rule@act.gov.au>
Cc: "Power, Leanne" <Leanne.Power@act.gov.au>
Bcc: "Leigh, Kathy" <Kathy.Leigh@act.gov.au>
Subject: Re: ACT Government Interim Indigenous Protocol
Attachments: image001.png, Attachement A Letter to Hon Linda Burney.DOCX, Attachment B Letter to Hon Katy Gallagher Supreme Court Settlement.DOCX

Catherine

Thank you for the suggestion. I think that would be very helpful as I have already found myself verbally explaining the issue to a number of senior APS members.

I'd be happy to sign the letters.

Please go ahead and have them prepared for my signature.

Thank you

Kathy

Kathy Leigh | Head of Service and Director General

Phone: 02 6205 0246 | Email: kathy.leigh@act.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 5 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

On 7 Jun 2023, at 2:19 pm, Rule, Catherine <Catherine.Rule@act.gov.au> wrote:

OFFICIAL: Sensitive

Dear Kathy

At a meeting with Minister Stephen Smith on 15 May 2023 to discuss the outcomes from the Supreme Court action brought by the House family, Ngunnawal community members requested Minister Stephen-Smith clarify the ACT Government position with key stakeholders, particularly Commonwealth Members of Parliament, to avoid confusion on the changes made in the ACT interim protocol. CSD has prepared letters to Minister Linda Burney and Senator Katy Gallagher for the Minister's consideration (draft attached).

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Further to this correspondence, there may be value in clarifying the ACT Government position with the Secretary of PMC, CEO of NIAA and the Secretary of the Dept of Parliamentary Services. I am seeking your consideration of this suggestion, and whether this correspondence would be signed by Head of Service, or if you would prefer it was from Director General CSD. The letters would be similar in content to the attached.

Kind regards

Catherine

Catherine Rule

Director-General, Community Services | ACT Government

Sch 2.2(a)(ii) | catherine.rule@act.gov.au

Level 3, 220 London Circuit, Canberra City | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: "Blount, Wilhelmina" <Wilhelmina.Blount@act.gov.au>
Sent: 28/04/2023 9:35 AM
To: "#CMTEDD, Cabinet and Policy" <#CMTEDDCabinetandPolicy@act.gov.au>
Subject: Acknowledgement Protocol

OFFICIAL

Morning colleagues

I thought I would share some clarifying information (below) with you given our discussion yesterday on potential changes to the ACT Government's Aboriginal and Torres Strait Islander Acknowledgement Protocol.

Note; however, that different people use a range of different approaches to acknowledging the traditional custodians and it is important to acknowledge in a way that feels right for you.

Let me know if you have any questions.

Have a good weekend everyone.

Cheers

Wil

- **Acknowledgement Protocol** – the Supreme Court matter has been settled through a deed of settlement and release; however, the ACT Government's acknowledgement protocol has not changed. The preamble to the acknowledgement protocol has changed and the ACT Government has given an undertaking for a community led engagement to review the protocol; however, until that process is complete (and the community has advised the government to make changes to the existing protocol), ACT Public Servants should continue current practice in the context of the existing protocol.

Wilhelmina Blount (she/her) | Executive Group Manager | Policy and Cabinet

Phone [Sch 2.2\(a\)\(ii\)](tel:0262071000) | **Email** wilhelmina.blount@act.gov.au

Chief Minister, Treasury and Economic Development Directorate

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From: "Wright, Robert" <Robert.Wright@act.gov.au>
Sent: 16/05/2023 9:55 AM
To: "Undisclosed recipients:"
Subject: Updated RAP signature block for CMTEDD staff

OFFICIAL



16 May
2023

A message from
Executive Group Manager

Robert Wright
CMTEDD Corporate



Interim ACT Indigenous Protocol

Dear Colleagues

Following on from the message sent on Tuesday 9 May by our Head of Service, the Territory has agreed to an [Interim ACT Indigenous Protocol](#).

Further advice on the update to the Government's policy on our Acknowledgement of Country has been published by [ACT Government Communications](#).

Within CMTEDD, we have applied an update to our RAP signature block with the revised Acknowledgement of Country text. See below.



The image has been uploaded to our [Reconciliation](#) page on the Intranet. If you would like to use this signature block please use these [instructions](#) to insert this image into your Outlook signature picker.

Kind regards

Robert

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