



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 2021-232

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	N/A
6. Processing time (in working days)	19
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



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Case:

AC Internal Investigation	Access Canberra Owner	
Objective Reference No.	Feedback Assigned Status	Unresolved
Category	Case Reference Number	
Comment category	Contact Name	Request for information
Response Required	Contact Phone	Yes
Feedback Queues	Contact Email	
Legacy Case ID		

Case Overview

Subject	Freedom of Information Request
Description	<p>Dear FOI Coordinator,</p> <p>I am lodging an Freedom of Information request in relation to the ACT Government. This request is for the purposes of the FOI Act.</p> <p>I understand that ACT Government has participated in the ACON's Pride in Diversity Australian Workplace Equality Index (AWEI) scheme in 2021.</p> <p>I am requesting the following information:</p> <ol style="list-style-type: none"> 1. Submission document to the AWEI scheme; 2. Data collected by ACT Government for provision to Pride in Diversity and AWEI scheme; 3. Results of AWEI employee survey conducted by the ACT Government on your employees 4. Invoices to ACON and Pride in Diversity <p>Please respond to this email with all requested documents.</p> <p>I request that my identity remain confidential for the purposes of this request.</p> <p>Thank you.</p> <p>Kind regards,</p>
AC Description	

Case Location

Block No.	Unit Plan
Section No.	Postcode
Street Address	State
Suburb	Country
Longitude	Latitude
Formatted Address	No Nearby Address

Complaint Categorisation & Assessment

CMT Category Level 1	Other Directorate	Date/Time of incident
CMT Category Level 2	ACT Government Directorates	Complaint Start Date
CMT Category Level 3	CMTEDD	Contacted other party?
Voluntary Demographic Information?		Employer's Insurer

Vehicle	Financial loss
Vehicle registration number	Further damage risk?
Vehicle Colour	Involves vulnerable person?
Vehicle Make	Is Complaint a Ministerial
Vehicle Model	On going issue
Vehicle Moving	Raised with third party?
Vehicle Type	Referred Agency
Audience type	

Demographic Information	
Age	Income
Post code	Employment
Gender	

Parking Operations	
Parking Hours	
Parking Type	

System Information			
Created By	Access Canberra Site Guest User, 3/09/2021 1:55 PM	Last Modified By	[REDACTED], 6/09/2021 3:52 PM
Status	Assigned		

Case History	
6/09/2021 3:52 PM	
User	[REDACTED]
Action	[REDACTED]
6/09/2021 3:49 PM	
User	[REDACTED]
Action	[REDACTED]
3/09/2021 3:52 PM	
User	[REDACTED]
Action	[REDACTED]
3/09/2021 3:46 PM	
User	[REDACTED]
Action	[REDACTED]
3/09/2021 1:55 PM	
User	Access Canberra Site Guest User
Action	[REDACTED]



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2021-232



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 3 September 2021, in which you sought access to documents relating to AWEI scheme.

Specifically, your request was: *"I understand that ACT Government has participated in the ACON's Pride in Diversity Australian Workplace Equality Index (AWEI) scheme in 2021. I am requesting the following information:*

- 1. Submission document to the AWEI scheme;*
- 2. Data collected by ACT Government for provision to Pride in Diversity and AWEI scheme;*
- 3. Results of AWEI employee survey conducted by the ACT Government on your employees*
- 4. Invoices to ACON and Pride in Diversity."*

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 is required to provide a decision on your access application by 1 October 2021.

Decision on access

Searches were completed for relevant documents and two documents were identified that fall within the scope of your request for item number four (4).

The ACT Government has not provided a submission to the AWEI scheme and has not collected data in relation to the AWEI scheme. There also has not been an AWEI employee survey conducted across the ACT Public Service, therefore no documents are available for the first three (3) points 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 partial access to two documents relevant to your request.

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.

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 content of the documents that fall within the scope of your request,
- the views of the relevant third party, and
- the *Information Privacy Act 2014*.

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 interest 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:*

- (xiii) *contribute to the administration of justice generally, including procedural fairness.*

Having considered the factor above, I consider that the release of these documents may contribute to the administration of justice generally by allowing you to have a record of

the documents that fall within the scope of your request. However, this factor is to be balanced against the factors favouring non-disclosure.

Factors favouring nondisclosure in the public interest:

(a) *disclosure of the information could reasonably be expected to do any of the following:*

(xi) *prejudice trade secrets, business affairs or research of an agency or person.*

Having reviewed the documents, I consider that the information contained in the documentation that falls within the scope of your request could reasonably prejudice the business affairs of external entities. “Business affairs” was interpreted in *7 Cockcroft and Attorney-General’s Department and Australian Iron Steel Pty Ltd (1986) 64 ALR 97, 106*, to mean: “the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs.” Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person. The invoices contain information used by ACON for their services and I consider the release of the detailed information could harm the business affairs of ACON. I therefore weight the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information could prejudice business affairs.

Having applied the test outlined in section 17 of the Act and deciding that release of personal 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 the majority of the information held by CMTEDD within the scope of your request.

Charges

Processing charges are not applicable for this request because the number of pages being released to you is below the charging threshold of 50.

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 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 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



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

30 September 2021



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Requesting the following information: 1. Submission document to the AWEI scheme; 2. Data collected by ACT Government for provision to Pride in Diversity and AWEI scheme; 3. Results of AWEI employee survey conducted by the ACT Government on your employees; and 4. Invoices to ACON and Pride in Diversity."	CMTEDDFOI 2021-232

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	ACON Tax Invoice Standard Membership Renewal 2020-2021	8 May 2020	Partial release	Sch 2 s2.2 (a)(xi)	Yes
2	2	ACON Tax invoice Standard Membership Renewal 2021-2022	15 Jan 2021	Partial release	Sch 2 s2.2 (a)(xi)	Yes
Total No of Docs						
2						



ABN: 38 136 883 915

414 Elizabeth St Surry Hills NSW 2010

Telephone 02 9206 2000 Facsimile 02 9206 2134

Tax Invoice

TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE
ACT GOVERNMENT OFFICE FOR LGBTIQ AFFAIRS
GPO BOX 158, CANBERRA ACT 2601
AUSTRALIA
ATTN: LOWRI GRICE

Invoice Number Sch 2.2(a)(xi)
Date 8/05/2020
Customer Code Sch 2.2(a)(xi)

Description	Net Amount
Standard Membership Renewal Period from 20 January 2020 - 19 January 2021	6,000.00
REF: Sch 2.2(a)(xi)	

SubTotal	\$6,000.00
Tax @ 10%	\$600.00
Total Due	\$6,600.00

Remittance Advice

EFT Payment Details

Account Name

Bank

BSB

Account No

Credit Card: We accept Visa/Mastercard/AMEX. Term of Payment 14 days.

To make online payment, please visit: <https://www.prideinclusionprograms.com.au/invoice-payment/>

Please send a copy of remittance advice to Sch 2.2(a)(xi) @acon.org.au

Debtor Details

Client

Debtor No

Invoice No

Invoice Total

ACT GOVERNMENT

Sch 2.2(a)(xi)

\$6,600.00



ABN: 38 136 883 915

414 Elizabeth St Surry Hills NSW 2010

Telephone 02 9206 2000 Facsimile 02 9206 2134

Tax Invoice

TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE
ACT GOVERNMENT OFFICE FOR LGBTIQ AFFAIRS
GPO BOX 158, CANBERRA ACT 2601
AUSTRALIA
ATTN: LOWRI GRICE

Invoice Number Sch 2.2(a)(xi)
Date 15/01/2021
Customer Code Sch 2.2(a)(xi)

Description	Net Amount
Standard Membership Renewal Period from 21 January 2021 to 20 January 2022	6,000.00
REF: Sch 2.2(a)(xi)	

SubTotal	\$6,000.00
Tax @ 10%	\$600.00
Total Due	\$6,600.00

Remittance Advice

EFT Payment Details

Account Name

Bank

BSB

Account No

Credit Card: We accept Visa/Mastercard/AMEX. Term of Payment 14 days.

To make online payment, please visit: <https://www.prideinclusionprograms.com.au/invoice-payment/>

Please send a copy of remittance advice to Sch 2.2(a)(xi) acon.org.au

Debtor Details

Client

Debtor No

Invoice No

Invoice Total

ACT GOVERNMENT

Sch 2.2(a)(xi)

\$6,600.00