



**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 2022-164

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)	20
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:** [REDACTED]  
**To:** [CMTEDD FOI](#)  
**Subject:** Re: Lockdowns  
**Date:** Friday, 20 May 2022 10:12:34 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. Learn why this is important<<http://www.act.gov.au/emailsecurity>>

Dear Ciaran,

The date and time I gave was the time the pandemic lockdown went into effect. I am after any ACT specific modelling, predictions or other expectations on the ACT economy that were considered by the ACT government prior to that lockdown going into effect. Small business closures, bankruptcies, long term projections, that kind of thing.

Sincerely,

[REDACTED]

> On 2022-05-19, at 15:36, CMTEDD FOI <CMTEDDFOI@act.gov.au> wrote:

>

> OFFICIAL

>

> Good afternoon [REDACTED]

>

> Thank you for submitting a Freedom of Information (FOI) request with Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

>

> I note that you are requesting: information presented to the ACT government prior to 5pm August 12th 2021 on the expected effects of lockdown on the ACT.

>

> Are you referring to lockdown related to the Covid-19 pandemic? School lockdowns due to a threat? Do you have a start date for the date range?

>

> If you are seeking information relating to lockdown related to the Covid-19 pandemic, there is wealth of information that is publicly available at [www.covid19.act.gov.au](http://www.covid19.act.gov.au) Should this not provide the information you are seeking, please elaborate on the scope of your request as, currently the parameters of your request are exceptionally broad. Refining the scope of your request may assist in ensuring that the information you are specifically seeking can be located.

>

> Additionally, when you say "presented to the ACT Government" are you seeking information from the Commonwealth Government, State Governments, private organisations, businesses and citizens?

>

> We look forward to your reply.

>

> Regards

>

> Ciaran

>

>

> Ciaran Holmes | Freedom of Information Coordinator | Information Access Team

> Phone: 02 6205 5042 | Email: [ciaran.holmes@act.gov.au](mailto:ciaran.holmes@act.gov.au)

> Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government

> Level 5, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | [act.gov.au](http://act.gov.au)

>

>

> -----Original Message-----

> From: [REDACTED]  
> Sent: Wednesday, 18 May 2022 8:07 AM  
> To: CMTEDD FOI <CMTEDDFOI@act.gov.au>  
> Subject: Lockdowns

>  
>  
> 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<<http://www.act.gov.au/emailsecurity>>

>  
>  
> To The FOI Coordinator,

>  
> Under Freedom of Information, I request information presented to the ACT government prior to 5pm August 12th 2021 on the expected effects of lockdown on the ACT.

>  
> Regards,

> [REDACTED]  
> [REDACTED]

> -----  
> This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.  
> -----



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2022-164



## **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 27 May 2022, in which you sought access to:

- *Any ACT specific modelling, predictions or other expectations on the ACT economy that were considered by the ACT government prior to that lockdown going into effect. Small business closures, bankruptcies, long term projections.*

### **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 21 June 2022.

### **Decision on access**

I have decided to refuse to deal with part of your application under sections 43(1)(d), and 45(a) of the Act.

Section 43(1)(d) states a respondent may refuse to deal with an access application wholly or in part only if— the government information is already available to the applicant (see section 45).

Section 45(a) states a respondent may refuse to deal with an access application wholly or in part only if— the government information is already available to the applicant.

The documents that are covered by these sections of the Act can be found as part of the Economic impact analysis: National plan to transition to Australia's national COVID 19 response. This can be accessed here <https://treasury.gov.au/publication/p2021-196731>

I have decided to refuse access to one document as I consider it to be contrary to the public interest information under Schedule 1.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as an attachment 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 information that falls within the scope of your request.

## **Exemption claimed**

My reasons for deciding not to grant access to the identified document is as follows:

### Contrary to the public interest information under Schedule 1 of the Act

One document that was identified is composed of information that is considered to be contrary to the public interest under Schedule 1 of the Act. Information that falls under the exemptions in Schedule 1 is not subject to the public interest test as detailed in section 17 of the Act.

The document has been identified as information the disclosure of which would reveal deliberations of Cabinet. Under section 1.6 of Schedule 1 of the Act, Cabinet information is exempt from release. 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.

The information that you have requested falls within section 1.6 of the Act as it is information which has been brought into existence to guide Cabinet in its decision making and to assist it in its deliberations, and the disclosure of which would reveal those deliberations. It is therefore exempt from release under the Act.

## **Charges**

Processing charges are not applicable for this request because no pages are 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. A description of the access application and my decision will be published in the CMTEDD disclosure log after 7 June 2022. 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](mailto: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](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Matt Leonard  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

21 June 2022