



**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 2023-183

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)	12
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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**From:** [REDACTED]  
**Sent:** Wednesday, 24 May 2023 1:22 PM  
**To:** CMTEDD FOI  
**Subject:** Re: CMTEDDFOI 2023-183-RE: Vetting/security requirements

**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](#)

Hello

- all ACT Government Executive positions or above?yes
- any Commissioner role or a specific Commissioner role?Commissioner

For fair trading

Sent from my iPhone

On 22 May 2023, at 5:45 pm, CMTEDD FOI <CMTEDDFOI@act.gov.au> wrote:

**OFFICIAL**

Good afternoon [REDACTED]

In relation to your access application made under the *Freedom of Information Act 2016* (the Act) below could you please confirm if you are seeking:

1. Policies or guidelines outlining the security requirements and or vetting requirements for
  1. all ACT Government Executive positions or above?
  2. any Commissioner role or a specific Commissioner role?

Providing this additional clarification will assist the team in processing of your application.

In the interim, your application has been suspended under section 34(4) of the Act. Should no response be received to this request for contact by 22 August 2023, your application will not proceed and will be closed in accordance with section 34(6) of the Act.

Kind regards

**Information Access Team**

Phone: 02 6207 7754 | [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

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

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, 21 May 2023 1:08 PM

To: CMTEDD FOI <CMTEDDFOI@act.gov.au>  
Subject: Vetting/security requirements

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>>

Good afternoon,

I'd like to request access to all policies or guidelines outlining the security requirements and or vetting requirements for EL1 positions and above, including the commissioners position for example police checks or other means.



Sent from my iPhone

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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.  
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**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2023-183

[REDACTED]  
via email: [REDACTED]

Dear [REDACTED]

### **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 21 May 2023, in which you sought access to guidelines relating to employment in the ACT Public Service (ACTPS).

On 24 May 2023, you confirmed you were specifically seeking:

*All policies or guidelines outlining the security requirements and or vetting requirements (for example police checks or other means) for:*

- *ACT Government Executive positions and above, and*
- *the Commissioner of Fair Trading.*

### **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 was required to provide a decision on your access application by 22 June 2023.

### **Decision on access**

As set out in the [ACTPS Director-General and Executive Handbook](#) police checks are completed on all executive employees new to the ACTPS. If the police check reveals disclosable convictions the relevant Directorate Strategic Human Resources are advised.

All new ACTPS employees must complete a New Employee Acceptance Pack prior to commencing employment. The purpose of the package is to facilitate mandatory ACTPS pre-employment checks as required by the [Public Sector Management Act 1994](#) (Division 5.3, Section 68).

This is outlined in the [ACTPS Recruitment Policy and Guidelines](#) and [ACTPS-Recruitment-Policy-and-Guidelines-Tool-9-Understanding-Pre-employment-Checks-V1.1-1.pdf](#).

In relation to the role of the Commissioner for Fair Trading, section 32 of the [Fair Trading \(Australian Consumer Law\) Act 1992](#) requires the Director-General to appoint a public

servant as the Commissioner for Fair Trading. This role is subject to the pre-employment checks applicable to ACTPS employees.

As this information is publicly available to you, I have decided to refuse to deal with your application under section 43(1)(d) of the Act.

Under section 43(1)(d) 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.

Section 45 of the Act sets out the circumstances in which government information is already available to the applicant. Those circumstances include where the government information is made publicly available (section 45(a)).

### **Charges**

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this application as no documents 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 no earlier than 3 days after the date my decision is provided. 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 my decision, 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)

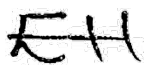
### **ACT Civil and Administrative Tribunal (ACAT) Review**

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  
15 Constitution Avenue  
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



Emma Hotham  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate  
13 June 2023