

From: [REDACTED]
To: [EPSDFOI](#)
Subject: ministerial briefs
Date: Thursday, 18 October 2018 3:13:52 PM

Dear EPSD FOI team,

Please find below a request.

I make the following request under the auspices of the Freedom of Information Act 2016.

I seek a copy of all ministerial briefs produced by the environment, planning and sustainable development directorate, provided to all relevant ministers, in the period from July 1, 2017 to October 18, 2018.

I request this information in line with the ACT government's Open Government initiative, which acknowledges the need to enhance the openness and transparency of the government.

Please note that I have no wish to access information that would identify non-executive officers of the ACT Public Service. Indeed, it is customary to suppress the names of non-executive officers in documents released under FOI law.

However, it is usual to name executive officers when the information released relates to their work.

I ask that you waive processing charges for this request because:

- it is limited in scope and can likely be processed quickly; and
- access to the information is in the general public interest.

Size of request

The act empowers you to charge for access to documents but I request that, under section 2(2), you exercise your discretion "as far as possible to facilitate and promote, promptly and at the lowest reasonable cost, the disclosure of information" and waive all charges.

Although this request is made under the ACT legislation, the Australian Information Commissioner has issued guidelines on interpreting the federal FOI Act, which is, in the relevant parts, almost identical to the ACT Act.

These guidelines urge FOI decision-makers to consider reducing or exempting charges when:

- the "cost of calculating and collecting a charge might exceed the cost to the agency of processing the request"; and
- the "agency was able to identify and retrieve the document easily and at marginal cost"

I refer to the great public interest in all the work the directorate does, and the regularly used precedents in the ACT and Commonwealth of releasing ministerial briefs, incoming minister's briefs and Estimates briefs (particularly in the territory).

Section 1 (9) of the FOI Act 2016 states the government should promote access to government information.

“It is the intention of the Legislative Assembly that this Act be administered with a pro-disclosure bias and discretions given under it be exercised as far as possible in favour of disclosing government information.”

In the same legislation, the public interest test defined in Section 16 (17) (1a) states an agency or minister, in deciding whether disclosure of information would, on balance, be contrary to the public interest, must take steps to identify any factor favouring disclosure that applies in relation to the information.

Factors favouring disclosure in the public interest include, but are not limited to, as mentioned in Schedule 2 section 2.1, the disclosure of information that could reasonably be expected to promote open discussion of public affairs and enhance the government’s accountability and contribute to positive and informed debate on important issues or matters in the public interest.

I believe I have provided sufficient reasons for you to provide the information I seek free of charge in a timely fashion. However, please contact me via email or phone if you face any barriers to releasing this information.

Kind Regards,

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