



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: (02) 6207 1923

Reference: 21/62059

Dear [REDACTED]

### **Freedom of Information 21/62059**

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the Act) received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 14 July 2021, in which you sought access to documents relating to the subject lines of final ministerial briefs.

Specifically, you are seeking:

*“...the subject line of all final ministerial briefs since 14 June 2021, including dates, positions of authority it was written by and addressed to, generated for, or directed to the below Ministers:*

- *Chief Minister*
- *Deputy Chief Minister*
- *Minister for Early Childhood Development*
- *Minister for Education and Youth Affairs*
- *Minister for Housing and Suburban Development*
- *Minister for Women*
- *Minister for the Prevention of Domestic and Family Violence*
- *Minister for Sport and Recreation*
- *Manager of Government Business*
- *Minister for Planning and Land Management*
- *Minister for Police and Emergency Services*
- *Minister for Corrections*
- *Minister for Industrial Relations and Workplace Safety*
- *Attorney-General*
- *Minister for Consumer Affairs*
- *Minister for Water, Energy and Emissions Reduction*
- *Minister for Gaming*
- *Minister for Health*
- *Minister for Families and Community Services*
- *Minister for Aboriginal and Torres Strait Islander Affairs*

- *Minister for Transport and City Services*
- *Minister for Skills*
- *Special Minister of State*
- *Minister for the Arts*
- *Minister for Business and Better Regulation*
- *Minister for Human Rights*
- *Minister for Multicultural Affairs*
- *Minister for the Environment*
- *Minister for Heritage*
- *Minister for Homelessness and Housing Services*
- *Minister for Sustainable Building and Construction*
- *Assistant Minister for Families and Community Services*
- *Minister for Disability*
- *Minister for Justice Health*
- *Minister for Mental Health*

*This request includes briefs prepared for Question Time, but not for Estimates or Annual Reports.”*

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 of the Act.

As third-party consultation was undertaken, the due date was extended. As such, EPSDD must decide on your application on or by 21 October 2021.

### **Searches Conducted**

Comprehensive searches were conducted and 77 documents within the scope of your application were located.

### **Decision on Access**

I have included as **Attachment A** to this decision the schedule of relevant documents. The schedule provides a description of each document that falls within the scope of your application and the access decision for each of those documents.

I have decided to grant full access to 74 documents relevant to your application.

I have decided to grant partial access to two documents and, in accordance with section 50 of the Act, provide you with copies of documents with deletions applied to information that is contrary to the public interest.

I have refused access to one document. Access to this document is refused in accordance with Schedule 1, 1.6(1)(a) of the Act.

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.

## **Material Considered**

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

- the Act, particularly sections 6, 17, 50, Schedules 1 and 2 of the Act
- the content of the documents that fall within the scope of your request
- the *Human Rights Act 2004*

## **Public Interest Considerations**

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

### **Information Disclosure – Contrary to the Public Interest under Schedule 1 of the Act**

- Schedule 1.6(1)(a) – Cabinet information 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.

This information does not identify corruption or the commission of an offence by a public official or that the scope of a law enforcement investigation has exceeded the limits imposed by law.

### **Information Disclosure – Schedule 2 of the Act**

The Act recognises the right of every person to obtain access, under its provisions, to government information (see section 7, the Act). As an Information Officer, I am required to allow access to information subject to the Act, unless, on balance, disclosure would be contrary to the public interest.

In assessing the public interest, I must apply the test outlined under section 17 of the Act which requires consideration of factors favouring disclosure, any favouring nondisclosure and the balance of those factors when considered cumulatively.

#### *Factors Favouring Disclosure*

- Schedule 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision
- Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability; and
- Section 2.1(a) (ii) - contribute to positive and informed debate on important issues or matters of public interest.

#### *Factors Favouring Nondisclosure*

- Schedule 2.2(a)(ii) – prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.

## **Personal Information**

Documents relevant to your application contain personal information of individuals. I have considered how the public interest would be advanced by releasing this information in part or in whole. It is my view that the information if disclosed, could reasonably be expected to prejudice the protection of an individual's right to privacy under section 12 of the

*Human Rights Act 2004*. On balance, and the information available to me, I am satisfied that the disclosure of this personal information is not in the public interest.

To provide you with the information that I have determined to be in the public interest to release, copies of some documents have been prepared with personal information redacted in accordance with section 50 and the Objects of the Act.

### **Charges**

No charges are applicable to this application as the number of pages to be released is below the minimum threshold.

### **Online Publication**

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Your original access application, this decision, and documents released will be published in the EPSDD disclosure log no earlier than three days after you receive this decision. Your personal contact details will not be published.

You may view the EPSDD disclosure log at

<https://www.environment.act.gov.au/about-us/access-government-information/disclosure-log>

### **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 the disclosure log, or a longer period allowed by the Ombudsman. For more information and the application form for Ombudsman review, please visit:

[https://www.ombudsman.act.gov.au/data/assets/pdf\\_file/0026/79190/Apply-for-Ombudsman-review.pdf](https://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf)

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/>

## Further Information

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact EPSDD Customer Service on (02) 6207 1923 and ask for the FOI team, or email to [EPSDFOI@act.gov.au](mailto:EPSDFOI@act.gov.au).

Yours sincerely



Geoffrey Rutledge

Information Officer

Deputy Director-General - Sustainability and the Built Environment  
Environment, Planning and Sustainable Development Directorate

22 October 2021