

Schedule 2.2(a)(ii)

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via email Schedule 2.2(a)(ii)

Dear Schedule 2.2(a)(ii)

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by Major Projects Canberra (MPC) on 20 April 2022, in which you sought access to:

The subject line of all final ministerial briefs from 11th of June 2022 to 10th of July 2022 generated for or directed to any ACT Government Minister.

This request includes, wherever possible, the date of the brief, the internal reference, position of authority it was written by, and which Minister it was addressed to.

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

Authority

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

Decision on access

Searches were completed for relevant documents and sixteen (16) documents were identified that fall within the scope of your request.

I have decided to release full details of the nine (9) ministerial briefs identified.

I have decided to withhold the title of seven (7) ministerial briefs identified.

I have included as **Attachment A** to this decision the list of details of the ministerial briefs. As requested, this list includes dates, positions of authority the briefs were written by and addressed to and generated for or directed to.

My decision is detailed further in the following statement of reasons.

Statement of Reasons

In making my decision on disclosing government information, I must identify all relevant factors in schedule 2 of the FOI Act and determine, on balance, where the public interest lies. In reaching my access decision, I have taken the following into account:

Factors favouring disclosure in the public interest (Schedule 2, Section 2.1)

- 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.

The release of this information may possibly help to create positive and informed discussions. I consider that disclosing the contents of the information sought could reasonably contribute to discussion of public affairs. I am satisfied that these are relevant considerations favouring disclosure in this case, and in the interests of enhancing open discussion, I afford them significant weight.

Factors favouring non-disclosure (Schedule 1 Information disclosure of which is taken to be contrary to the public interest)

- Section 1.6 Cabinet information;

I have released full details of most of the Cabinet Meeting Briefs and Cover Briefs provided to ACT Government Ministers as they contain either purely factual information, or do not materially reveal Cabinet Deliberations. Seven (7) briefs, however, contain information in their titles that would reveal details of Cabinet Deliberations still underway and not yet publicly declared.

The purpose of Cabinet information being exempt from release 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 titles of the withheld briefs could be reasonably considered to reveal Cabinet deliberation. I have decided therefore that it is not in the public interest to release details of this brief.

Online Publishing – Disclosure Log

Under section 28 of the Act, MPC maintains an official 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 MPC disclosure log three (3) to ten (10) working days after the date of the decision. Your personal contact details will not be published. You may view the MPC disclosure log at <https://www.act.gov.au/majorprojectscanberra>.

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 MPC disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision 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 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 Street
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 you request, please contact me by telephone on (02) 6205 5288 or email MPCFOI@act.gov.au.

Yours sincerely,

Schedule 2.2(a)(ii)

A black rectangular redaction box covers the signature area of the letter.

Clare Guest
Information Officer
Major Project Canberra
2 November 2022

Ministerial Briefs 11th of June 2022 to 10th of July 2022

Date	Subject Line	Written By	Addressed to, generated for or directed to.
15/06/2022	Integration of smart campus technology	Duncan Edghill, CPO, MPC	Steel
16/06/2022	Proposed accountability indicators and milestones FY 2022-23 - Steel	Duncan Edghill, CPO, MPC	Steel
[REDACTED]	Schedule 1.6 Cabinet [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Schedule 1.6 Cabinet [REDACTED]	[REDACTED]	[REDACTED]
19/06/2022	Infrastructure (and Transport Sector) announcements in 2022-23 State Budgets	Duncan Edghill, CPO, MPC	Steel
20/06/2022	CIT P2/P3 engagement approach	Duncan Edghill, CPO, MPC	Steel
21/06/2022	Construction update - July	Duncan Edghill, CPO, MPC	steel
22/06/2022	Proposed accountability indicators and milestones FY 2022-23- Stephen-Smith	Duncan Edghill, CPO, MPC	Stephen-Smith
23/06/2022	Proposed accountability indicators and milestones FY 2022-23- Cheyne	Duncan Edghill, CPO, MPC	Cheyne
24/06/2022	Proposed accountability indicators and milestones FY 2022-23- Barr	Duncan Edghill, CPO, MPC	Barr
25/06/2022	Proposed accountability indicators and milestones FY 2022-23- Vassarotti	Duncan Edghill, CPO, MPC	Vassarotti
[REDACTED]	Schedule 1.6 Cabinet [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Schedule 1.6 Cabinet [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Schedule 1.6 Cabinet [REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	Schedule 1.6 Cabinet [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Schedule 1.6 Cabinet [REDACTED]	[REDACTED]	[REDACTED]