

Schedule 2.2(a)(ii)

via email: Schedule 2.2(a)(ii)

Dear

## 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 13 December 2022, in which you sought access to:

*“The subject line of all final ministerial briefs from 12 September to 12 November 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 sixty six (66) documents were identified that fall within the scope of your request.

I have decided to release full details of fifty four (54) ministerial briefs identified.

I have decided to withhold the title and details of twelve (12) 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;

The titles of ten (10) briefs 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 these ten (10) briefs.

- Schedule 2.2(a)iii prejudice security, law enforcement or public safety;

The title of 1 (one) brief contains information pertaining to Public Safety that would not be in the Public Interest to reveal at this time. I have therefore decided not to release the title of this brief.

- Section 2.2(a)(x) prejudice intergovernmental relations

The tile of one (1) brief contains information relating to ongoing discussions with a Federal Government Agency. I have considered to ongoing nature of these discussions and have decided on balance that revealing the status of the discussions at this time would reasonably be considered to adversely affect ongoing intergovernmental negotiations. I give this factor significant weight and consider the release of information in relation to these discussions to be contrary to the Public Interest at this stage.

- Section 2.2 (a)(xiii) prejudice the competitive commercial activities of an agency;

I have considered the competitive commercial activities of MPC. As the ACT Government's infrastructure delivery agency, MPC engages with commercial service providers to deliver vital infrastructure projects. The tile of three (3) briefs could reasonably be considered to reveal the current status of commercial negotiations in relation to one of our projects. I have therefore decided it is not in the Public Interest to release the tile of these briefs.

### **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](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 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 your request, please contact me by telephone on (02) 6205 5288 or email [MPCFOI@act.gov.au](mailto:MPCFOI@act.gov.au).

Yours sincerely,

**Schedule 2.2(a)(ii)**



Information Officer  
**Major Project Canberra**  
10 January 2022

## Ministerial Briefs 12th of September 2022 to 12th of November 2022

Date	Subject Line	Written By	Addressed to, generated for or directed to.
13/09/2022	CIT Campus Woden communication and engagement protocols	Duncan Edghill, Chief Projects Officer	Steel
13/09/2022	Schedule 1.6	[REDACTED]	[REDACTED]
16/09/2022	Schedule 1.6 & Schedule 2.2(xiii)	[REDACTED]	[REDACTED]
23/09/2022	Schedule 1.6 & Schedule 2.2(x)	[REDACTED]	[REDACTED]
28/09/2022	Minister Steel Meeting - CAF Global CEO	Duncan Edghill Chief Projects Officer	Steel
28/09/2022	Media event to mark start of works on the Woden temporary bus interchange	Damon Hall, EGM Project Development and Support	Steel
29/09/2022	Major Projects Canberra Annual Report 2021–22	Duncan Edghill, Chief Projects Officer	Barr
11/10/2022	Light Rail – NCA Board Presentation	Duncan Edghill, Chief Projects Officer	Steel
18/10/2022	Schedule 1.6 & Schedule 2.2(xiii)	[REDACTED]	[REDACTED]
20/10/2022	Light rail traction power substation 6 (TPS6): stakeholder implications	Ashley Cahif, Project Director Light Rail, Major Projects Canberra Jeremy Smith, a/g EGM, City Operations	Steel and Berry
20/10/2022	Schedule 1.6	[REDACTED]	[REDACTED]
24/10/2022	Schedule 1.6	[REDACTED]	[REDACTED]
25/10/2022	Schedule 1.6	[REDACTED]	[REDACTED]
27/10/2022	Raising London Circuit hoarding design and delivery	Ash Cahif, Project Director Tania Navarro, Senior Director Communications and Engagement	Steel
27/10/2022	CHE Project: Mental Health Short Stay Unit (MHSSU) Update	Duncan Edghill, Chief Projects Officer Dave Pepper, CEO CHS	Stephen-Smith
27/10/2022	Communications Pack for the closure of London Circuit	Duncan Edghill, Chief Projects Officer Tania Navarro, Senior Director Communications and Engagement	Steel
01/11/2022	Light Rail Construction Works November 2022	Duncan Edghill, Chief Projects Officer	Steel

02/11/2022	Schedule 1.6 [REDACTED]	[REDACTED]	[REDACTED]
10/11/2022	[REDACTED]	Schedule 2.2(iii) [REDACTED]	[REDACTED]
10/11/2022	Section 2.2 (a)(xiii) [REDACTED]	[REDACTED]	[REDACTED]
11/11/2022	Schedule 1.6 [REDACTED]	[REDACTED]	[REDACTED]
11/11/2022	Schedule 1.6 [REDACTED]	[REDACTED]	[REDACTED]

## Question Time Briefs 13<sup>th</sup> of September 2022 to 14<sup>th</sup> of September 2022

Subject Line	Written By	Addressed to, generated for or directed to.
Cladding Remediation	Adrian Piani, ACT Chief Engineer	Vassarotti
Cladding Remediation – Q&A	Adrian Piani, ACT Chief Engineer	Vassarotti
Cladding Remediation – Communications and Engagement	Adrian Piani, ACT Chief Engineer	Vassarotti
Light Rail City to Woden –overall facts and figures	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
Upcoming construction activity	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
Raising London Circuit	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
Cladding Remediation	Adrian Piani, ACT Chief Engineer	Vassarotti
Early Works – utilities relocation	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
Light Rail City to Woden – EPBC Referral	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
LRS2 Design Contract	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
Mawson Viability	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
ACT Auditor-General’s Report – Canberra Light Rail Stage 2A: Economic Analysis	Damon Hall, EGM Project Development and Support	Steel
Construction Logistics and Community Safety (CLOCS)	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
LRV and Depot Works	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
CIT Woden Project – overall facts and figures	Rebecca Power, Project Director, CIT Woden Campus	Steel
Bus Layover and Ancillary Roadworks (Package 1)	Rebecca Power, Project Director, CIT Woden Campus	Steel

Woden Public Transport Interchange (Package 2)	Rebecca Power, Project Director, CIT Woden Campus	Steel
Woden CIT campus main works (Package 3)	Rebecca Power, Project Director, CIT Woden Campus	Steel
CIT Woden Stakeholder Engagement and Communications	Rebecca Power, Project Director, CIT Woden Campus	Steel
Closure of Callam Street	Rebecca Power, Project Director, CIT Woden Campus	Steel
Response to COVID-19	Rebecca Power, Project Director, CIT Woden Campus Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
Canberra Theatre Redevelopment Project	Adrian Piani, ACT Chief Engineer	Cheyne
Community Consultation	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Community Consultation

### Question Time Briefs 5th of October 2022 to 6th of September 2022

Cladding Remediation	Adrian Piani, ACT Chief Engineer	Vassarotti
Cladding Remediation - Q&A	Adrian Piani, ACT Chief Engineer	Vassarotti
Canberra Theatre Redevelopment Project	Adrian Piani, ACT Chief Engineer	Cheyne
Light Rail City to Woden –overall facts and figures	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
Upcoming construction activity	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
Cladding Remediation	Adrian Piani, ACT Chief Engineer	Vassarotti
Raising London Circuit	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
Early Works – utilities relocation	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
Light Rail City to Woden – EPBC Referral	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel

LRS2 Design Contract	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
Mawson Viability	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
Community Consultation	Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel
Bus Layover and Ancillary Roadworks (Package 1)	Rebecca Power, Project Director, CIT Woden Campus	Steel
Woden Public Transport Interchange (Package 2)	Rebecca Power, Project Director, CIT Woden Campus	Steel
Woden CIT campus main works (Package 3)	Rebecca Power, Project Director, CIT Woden Campus	Steel
CIT Woden Stakeholder Engagement and Communications	Rebecca Power, Project Director, CIT Woden Campus	Steel
Closure of Callam Street	Rebecca Power, Project Director, CIT Woden Campus	Steel
Response to COVID-19	Rebecca Power, Project Director, CIT Woden Campus Ashley Cahif, Project Director Light Rail, Major Projects Canberra	Steel