

Schedule 2.2(a)ii

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) from Transport Canberra and City Services on 8 March 2023, in which you sought access to:

“All documents held by Major Projects Canberra relating to reasons for or discussions about setting a six month duration or October 2020 expiry on the contract with Aspen Medical Pty Ltd to construct, equip and staff the Garran Surge Centre in 2020, including any briefs to chief executives and ministers.”

On 10 March 2023 we discussed the scope of this request with your office and agreed to refine the scope of this request to:

“All documents held by Major Projects Canberra relating to reasons for or discussions about the term of the contract with Aspen Medical Pty Ltd to construct, equip and staff the Garran Surge Centre in 2020, including any briefs to chief executives and ministers.”

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 one (1) document was identified that falls within the scope of your request. This email correspondence summarises peer review comments received from Dr Ian Norton from the World Health Organisation. This advice was that the Garran Surge Centre would likely be required for 6-12 months. Accordingly, the ACT Government and Aspen Medical agreed to an initial six month term of the contract, with the capacity to extend the term if required under clause 2.1(b) of the contract.

My decision in relation to this document relevant to your request is to withhold information contained in the document that is outside the scope of your request.

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 schedules 1 and 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

- Information that is outside the scope of your request

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 (10) ten 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 your request, please contact me by telephone on (02) 6205 5288 or email MPCFOI@act.gov.au.

Yours sincerely,

Schedule 2.2(a)ii

Damon Hall
Information Officer
Major Projects Canberra

26 April 2023

FREEDOM OF INFORMATION REQUEST SCHEDULE

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <https://www.act.gov.au/majorprojectscanberra/home>

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	File No
Ms Leanne Castley	<i>All documents held by Major Projects Canberra relating to reasons for or discussions about the term of the contract with Aspen Medical Pty Ltd to construct, equip and staff the Garran Surge Centre in 2020, including any briefs to chief executives and ministers.</i>	MPCFOI23/03

Ref No	No of Folios	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1.	1 - 2	Email Correspondence	01/04/2020	Partial Release	Information that is outside the scope of the request	Yes
Total No of Docs						
1						

purpose, nor disclose its contents to any other person.