

Schedule 2.2(a)ii

via email Schedule 2.2(a)ii

Dear Ms Lee

## **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 11 November 2022, in which you sought access to:

*“The subject line of all final ministerial briefs from 11th July to 11 September 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 twenty eight (28) documents were identified that fall within the scope of your request.

I have decided to release full details of fifteen (15) ministerial briefs identified.

I have decided to withhold the title and details of thirteen (13) 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;

Ten (10) brief titles 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)ii prejudice personal privacy & Schedule 2.2(a)iii prejudice security, law enforcement or public safety;

The title of 1 (one) brief contains sensitive information in relation to one of our projects that would reasonably be considered to reveal personal information. It also 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 title of one (1) brief contains information relating to ongoing discussions with a Federal Government Agency. I have considered the 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 title of one (1) brief 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 title 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](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**  
12 December 2022

## Ministerial Briefs 11 July to 11 September 2022

Date	Subject Line	Written By	Addressed to, generated for or directed to.
11/07/2022	Meeting with Mr Tony Michele, Chair of the Canberra Hospital Expansion (CHE) Project Board	Sam Engele, A/g CPO	Stephen-Smith
	[REDACTED]	Schedule 1.6 Cabinet	[REDACTED]
	Schedule 1.6 Cabinet [REDACTED]	[REDACTED]	[REDACTED]
18/07/2022	CIT Campus – Woden Project: Big Canberra Battery Funding Feasibility Update	Duncan Edghill	Steel
	Schedule 1.6 Cabinet [REDACTED]	[REDACTED]	[REDACTED]
20/07/2022	CHE Arts and Culture Strategy	Duncan Edghill	Cheyne
	Schedule 1.6 Cabinet [REDACTED]	[REDACTED]	[REDACTED]
	Schedule 1.6 Cabinet [REDACTED]	[REDACTED]	[REDACTED]
29/07/2022	Establishing the governance of the Canberra Theatre Redevelopment Project Board	Duncan Edghill	Cheyne
1/08/2022	CIT Campus Woden - DA Submission	Duncan Edghill	Steel
1/08/2022	CIT Campus Woden - Green Space	Duncan Edghill	Steel
1/08/2022	Edinburgh Avenue Stop – Arrangement Options	Duncan Edghill	Steel
	Schedule 1.6 Cabinet [REDACTED]	[REDACTED]	[REDACTED]
	Schedule 1.6 Cabinet [REDACTED]	[REDACTED]	[REDACTED]
4/08/2022	Light Rail Construction Works – August 2022	Duncan Edghill	Steel
	Schedule 2.2(a)xiii [REDACTED]	[REDACTED]	[REDACTED]
5/08/2022	Meeting Brief - PTCBR - LRS2 and Network Refresh	Duncan Edghill	Steel
	Schedule 1.6 [REDACTED]	[REDACTED]	[REDACTED]
8/08/2022	Light Rail – NCA Board Presentation	Duncan Edghill	Steel
9/08/2022	CIT Campus Woden Project – Temporary Interchange	Duncan Edghill	Steel
	Schedule 2.2(a)x [REDACTED]	[REDACTED]	[REDACTED]
11/08/2022	Membership of the CIT Campus Woden Community Reference Group	Duncan Edghill	Steel
19/08/2022	Procurement of Design and Technical Partner for Canberra Theatre Redevelopment	Duncan Edghill	Cheyne

23/08/2022	Parliamentary and Governing Agreement Status Report No 4	Duncan Edghill	Steel
23/08/2022	Private Buildings Cladding (Concessional Loan) Scheme – Approval of Public Materials	Duncan Edghill	Vassarotti
	<b>Schedule 2.2(a)ii &amp; Schedule 2.2(a)iii</b>		
29/08/2022	Minister to meet with the Public Transport Association of Canberra (PTCBR) to discuss the progress of Light Rail Stage 2 and the broader Light Rail Network Plan	Duncan Edghill	Steel
30/08/2022	Canberra Theatre Centre - Design and Technical Advisory Request for Expression of Interest (REOI)	Duncan Edghill	Cheyne
	<b>Schedule 1.6</b>		
	<b>Schedule 1.6 Cabinet</b>		

## Question Time Briefs 11 July to 11 September 2022

Subject Line	Written By	Addressed to, generated for or directed to.
Canberra Theatre Centre Project	Duncan Edghill, CPO, MPC	Cheyne
Theatre - Budget Bid	Duncan Edghill, CPO, MPC	Cheyne
Cladding Remediation	Duncan Edghill, CPO, MPC	Vassarotti
Cladding Remediation - Q&A	Duncan Edghill, CPO, MPC	Vassarotti
Cladding Remediation - Communications and Engagement	Duncan Edghill, CPO, MPC	Vassarotti
Closure of Callam Street	Duncan Edghill, CPO, MPC	Steel
ACT Auditor-General's Report - Canberra Light Rail Stage 2A: Economic Analysis	Duncan Edghill, CPO, MPC	Steel
Bus Layover and Ancillary Roadworks (Package 1)	Duncan Edghill, CPO, MPC	Steel
CIT Woden Project – overall facts and figures	Duncan Edghill, CPO, MPC	Steel
CIT Woden Stakeholder Engagement and Communications	Duncan Edghill, CPO, MPC	Steel
Community Consultation	Duncan Edghill, CPO, MPC	Steel
Construction Logistics and Community Safety (CLOCS)	Duncan Edghill, CPO, MPC	Steel
Early Works – utilities relocation	Duncan Edghill, CPO, MPC	Steel
Light Rail City to Woden – EPBC Referral	Duncan Edghill, CPO, MPC	Steel

Light Rail City to Woden –overall facts and figures	Duncan Edghill, CPO, MPC	Steel
LRS2 Design Contract	Duncan Edghill, CPO, MPC	Steel
Mawson Viability	Duncan Edghill, CPO, MPC	Steel
Raising London Circuit	Duncan Edghill, CPO, MPC	Steel
Response to COVID-19	Duncan Edghill, CPO, MPC	Steel
Upcoming construction activity	Duncan Edghill, CPO, MPC	Steel
Woden CIT campus main works (Package 3)	Duncan Edghill, CPO, MPC	Steel
Woden Public Transport Interchange (Package 2)	Duncan Edghill, CPO, MPC	Steel