

Schedule 2.2(ii)

via email: Schedule 2.2(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 20 April 2022, in which you sought access to:

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

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-five (25) documents were identified that fall within the scope of your request.

I have decided to release full details of the fourteen (14) ministerial briefs identified.

I have decided to withhold the title and details of eleven (11) 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 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 (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. eleven (11) 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 these eleven (11) 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

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(ii)

Clare Guest
Information Officer
Major Project Canberra
23 May 2021

	Date	Subject Line	Written By	Addressed to, generated for or directed to.
1.	22/03/2022	Minister Steel meeting with Infrastructure Partnerships Australia	Duncan Edghill, CPO, MPC	Minister for Skills
2.	24/03/2022	Communications on a page – Concessional Loans Scheme	Duncan Edghill, CPO, MPC	Minister for Sustainable Building and Construction
3.	29/03/2022	Woden Renewal Hub and Construction Employment Hub opening	Duncan Edghill, CPO, MPC	Minister for Health
4.	28/03/2022	CIT Woden Campus – Project Variation Requests for Packages 1 and 2 (March 2022)	Duncan Edghill, CPO, MPC	Minister for Skills
5.	28/03/2022	CIT Campus Woden – Forecast Timeline for the revised Cabinet Submission (21/750) Clarification of scope and approvals process for Main Works Design and Construct Contract	Duncan Edghill, CPO, MPC	Minister for Skills
6.	28/03/2022	Light Rail Construction Works April 2022	Duncan Edghill, CPO, MPC	Minister for Transport and City Services
7.	30/03/2022	Update on the Register of Potential Suppliers and concessional loan Request for Proposal process	Duncan Edghill, CPO, MPC	Minister for Sustainable Building and Construction
8.	1/04/2022	Infrastructure Australia Report - Delivering Outcomes: A Roadmap to improve infrastructure industry productivity and innovation	Duncan Edghill, CPO, MPC	Chief Minister
9.	1/04/2022	2022-23 Budget - MPC E01 – Combustible Cladding Rectification Scheme – ACT Government Owned Buildings	Duncan Edghill, CPO, MPC	Minister for Sustainable Building and Construction
10.	6/04/2022	Canberra Institute of Technology (CIT) Project Construction Works April 2022	Duncan Edghill, CPO, MPC	Minister for Skills
11.	7/04/2022	National Capital Authority Land Licence – Principles of Agreement	Duncan Edghill, CPO, MPC	Minister for Transport and City Services
12.	8/04/2022	Raising London Circuit Early Works Contract – contingency amount	Duncan Edghill, CPO, MPC	Minister for Transport and City Services
13.	Schedule 1.6	[REDACTED]	[REDACTED]	[REDACTED]
14.	Schedule 1.6	[REDACTED]	[REDACTED]	[REDACTED]

15.	Schedule 1.6	[REDACTED]	[REDACTED]	[REDACTED]
16.	Schedule 1.6	[REDACTED]	[REDACTED]	[REDACTED]
17.	Schedule 1.6	[REDACTED]	[REDACTED]	[REDACTED]
18.	Schedule 1.6	[REDACTED]	[REDACTED]	[REDACTED]
19.	Schedule 1.6	[REDACTED]	[REDACTED]	[REDACTED]
20.	Schedule 1.6	[REDACTED]	[REDACTED]	[REDACTED]
21.	Schedule 1.6	[REDACTED]	[REDACTED]	[REDACTED]
22.	Schedule 1.6	[REDACTED]	[REDACTED]	[REDACTED]
23.	Schedule 1.6	[REDACTED]	[REDACTED]	[REDACTED]
24.	16/03/2022	For information: Updated ACT Chief Engineer Strategic Directions for public release.	Duncan Edghill, CPO, MPC	Treasurer
25.	10/03/2022	New Construction Employment Hub and Woden Renewal Hub	Duncan Edghill, CPO, MPC	Minister for Health Minister for Transport and City Services Minister for Skills