

Our reference: **ACTHDFOI22-23.41**

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

DECISION ON YOUR ACCESS APPLICATION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), received by the ACT Health Directorate (ACTHD) on **Friday 17 February 2023**.

The application requested access to:

Copies of any correspondence within the directorates and/or the minister's office regarding ACTHDFOI22-23.27.

I am an Information Officer appointed by the Director-General of ACTHD under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. ACTHD was required to provide a decision on your access application by **Monday 20 March 2023**.

I have identified nine documents holding the information within scope of your access application. These are outlined in the schedule of documents included at [Attachment A](#) to this decision letter.

Decisions on access

I have decided to:

- grant full access to eight documents; and
- grant partial access to one document.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as [Attachment B](#) to this letter.

In reaching my access decision, I have taken the following into account:

- The FOI Act;
- The contents of the documents that fall within the scope of your request;
- The views of relevant third parties; and
- The *Human Rights Act 2004*.

Full Access

I have decided to grant full access to eight documents at references 1-6 and 8-9.

Partial Access

I have decided to grant partial access to one document at reference 7 as it contains information that I consider, on balance to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

Public Interest Factors Favouring Disclosure

The following factors were considered relevant in favour of the disclosure of the documents:

- Schedule 2, 2.1(a)(i) promote open discussion of public affairs and enhance the government's accountability; and
- Schedule 2, 2.1(a)(ii) contribute to positive and informed debate on important issues or matters of public interest.

Public Interest Factors Favouring Non-Disclosure

The following factors were considered relevant in favour of the non-disclosure of the documents:

- Schedule 2, Schedule 2.2 (a)(ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.

On balance, the factors favouring disclosure did not outweigh the factor favouring non-disclosure as the redacted information contains the mobile phone number of an ACT Government employee. Therefore, I determined the information identified is contrary to the public interest and I have decided not to disclose this information.

Charges

Processing charges are not applicable to this request.

Disclosure Log

Under section 28 of the FOI Act, ACTHD maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you will be published in the disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI 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 ACT Health's 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

Website: ombudsman.act.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 the 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 St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Further assistance

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email HealthFOI@act.gov.au.

Yours sincerely,



Catherine Ellis
A/g Senior Director
Ministerial and Government Services
ACT Health Directorate


17 March 2023

FREEDOM OF INFORMATION SCHEDULE OF DOCUMENTS

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: <http://www.health.act.gov.au/public-information/consumers/freedom-information>

APPLICANT NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	FILE NUMBER
	<i>Copies of any correspondence within the directorates and/or the minister's office regarding ACTHDFOI22-23.27</i>	ACTHDFOI22-23.41

Ref Number	Page Number	Description	Date	Status Decision	Factor	Open Access release status
1.	1 – 3	Email – FW: ACTHD ministerial briefings FOI request	14 December 2022	Full Release		YES
2.	4 – 15	Email and attachments – New Request: ACTHDFOI22-23.27 - Due date: Monday 16 January 2023	15 December 2022	Full Release		YES
3.	16 – 19	Email and attachment – RE: ACTHDFOI22-23.27 Intention to Refuse Letter	21 December 2022	Full Release		YES
4.	20 – 28	Email – RE: CHSFOI22-23.30 Intention to Refuse Letter	11 January 2023	Full Release		YES
5.	29 – 32	Email – RE: ACTHDFOI22-23.27 & CHSFOI22-23.30 Intention to Refuse Letter	18 January 2023	Full Release		YES
6.	33 – 35	Email – ACTHDFOI22-23.27 & CHSFOI22-23.30 Intention to Refuse Letter	18 January 2023	Full Release		YES

7.	36 – 41	Email and attachments – FW: Ms Lee FOI Application - Intention to Refuse [refer to three attachments in Reference 2]	2 February 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
8.	42 – 45	Email and attachment – RE: ACTHDFOI22-23.27 Refusal Letter	2 February 2023	Full Release		YES
9.	46	Email and attachment – ACTHDFOI22-23.27 Refusal Letter [refer to attachment in Reference 8]	2 February 2023	Full Release		YES
Total Number of Documents						
9						

From: ACT Health FOI
Sent: Wednesday, 14 December 2022 17:05
To: Ellis, Catherine (Health)
Cc: ACT Health FOI
Subject: FW: ACTHD ministerial briefings FOI request

Categories: New FOI

Good afternoon Cathy

As discussed.

Kind regards

Shannon Lowes | Freedom of Information Coordinator

Ph: (02) 5124 9829 | Email: shannon.lowes@act.gov.au

Governance and Risk | ACT Health Directorate

Level 4, 2 Bowes Street Phillip ACT 2606

health.act.gov.au



From: LEE <LEE@parliament.act.gov.au>
Sent: Wednesday, 14 December 2022 3:52 PM
To: ACT Health FOI <HealthFOI@act.gov.au>
Subject: ACTHD ministerial briefings FOI request

Good afternoon

On behalf of Elizabeth Lee, I write to request under the *Freedom of Information Act 2016*, copies of the following briefs (excluding attachments):

1. COR22/23718
2. GBC22/358
3. GBC22/420
4. GBC22/429
5. GBC22/433
6. GBC22/443
7. GBC22/451
8. GBC22/457
9. GBC22/467
10. GBC22/473
11. GBC22/477
12. GBC22/501
13. GBC22/526
14. GBC22/555
15. MIN22/1017
16. MIN22/1073
17. MIN22/1076
18. MIN22/1077
19. MIN22/1079

20. MIN22/1090
21. MIN22/1092
22. MIN22/1109
23. MIN22/1142
24. MIN22/1150
25. MIN22/1153
26. MIN22/1166
27. MIN22/1178
28. MIN22/1180
29. MIN22/1205
30. MIN22/1213
31. MIN22/1228
32. MIN22/1252
33. MIN22/1294
34. MIN22/1329
35. MIN22/752
36. MIN22/782
37. MIN22/811
38. MIN22/840
39. MIN22/866
40. MIN22/867
41. MIN22/884
42. MIN22/890
43. MIN22/919
44. MIN22/939
45. MIN22/986
46. MIN22/993
47. MIN22/997
48. MCHS22/317
49. MCHS22/383
50. MCHS22/400
51. MCHS22/401
52. MCHS22/437
53. MCHS22/441
54. MCHS22/442
55. MCHS22/465
56. MCHS22/480
57. MCHS22/507
58. MCHS22/515
59. MCHS22/516
60. MCHS22/519
61. MCHS22/521
62. MCHS22/523
63. MCHS22/525
64. MCHS22/530
65. MCHS22/534
66. MCHS22/538
67. MCHS22/546
68. MCHS22/560
69. MCHS22/561
70. MCHS22/564
71. MCHS22/574
72. MCHS22/576
73. MCHS22/584
74. MCHS22/599
75. MCHS22/601

76. MCHS22/607
77. MCHS22/614
78. MCHS22/620
79. MCHS22/623
80. MCHS22/626
81. MCHS22/629
82. MCHS22/630
83. MCHS22/658
84. MCHS22/661
85. MCHS22/665
86. MCHS22/670
87. MCHS22/684

Thank you
Amy

Amy Vickers

Senior Adviser | Office of Elizabeth Lee MLA

Member for Kurrajong

Leader of the Opposition

Shadow Treasurer

Shadow Minister for Housing Affordability and Choice

Shadow Minister for Climate Action, Energy and Emissions Reduction

Shadow Minister for Economic Development, Tourism and Major Projects

ACT Legislative Assembly | 196 London Circuit, Canberra ACT 2601

P: 02 6205 1919 | amy.vickers@parliament.act.gov.au | www.elizabethlee.com.au



From: ACT Health FOI
Sent: Thursday, 15 December 2022 16:57
To: Ellis, Catherine (Health)
Cc: Thomas, Lachlan (Health); Bevan, Vivien (Health); ACT Health FOI
Subject: New Request: ACTHDFOI22-23.27 - Due date: Monday 16 January 2023
Attachments: ACTHDFOI22-23.27 Application Request.pdf; ACTHDFOI22-23.27 Application Timeframes.xlsx; ACTHDFOI22-23.27 Information Search Request.docx

OFFICIAL

Good afternoon Cathy,

Please find attached a request to ACT Health Directorate (ACTHD) from Ms Elizabeth LEE (MLA) regarding *Copies of named Ministerial Briefs (excluding attachments)* (Reference: ACTHDFOI22-23.27) – please see the below for the named briefs.

Please note that only briefs 1 – 47 are to be provided by ACTHD.

I have attached the request, a timeline for responding to this FOI request that summarises the tasks and responsibilities involved and also an information search request (to be completed by the Action Officer) for your convenience.

Due date of response: **Monday 16 January 2023**

Some important matters to consider will be:

- Scope of the request
- Media implications
- Input and documents from other Divisions and/or Directorates
- Third Party consultation (section 38 of the Act)
- Requirements of the Open Access Scheme

Please let us know if you want to discuss the application further, so we can arrange a meeting.

Thank you in advance.

Kind regards,

ACTHD Freedom of Information Team

Ph: (02) 5124 9831 | Email: HealthFOI@act.gov.au

Governance and Risk | ACT Health Directorate

Level 4, 2 Bowes Street Phillip ACT 2606

health.act.gov.au



From: LEE <LEE@parliament.act.gov.au>

Sent: Wednesday, 14 December 2022 15:52

To: ACT Health FOI <HealthFOI@act.gov.au>
Subject: ACTHD ministerial briefings FOI request

Good afternoon

On behalf of Elizabeth Lee, I write to request under the *Freedom of Information Act 2016*, copies of the following briefs (excluding attachments):

1. COR22/23718
2. GBC22/358
3. GBC22/420
4. GBC22/429
5. GBC22/433
6. GBC22/443
7. GBC22/451
8. GBC22/457
9. GBC22/467
10. GBC22/473
11. GBC22/477
12. GBC22/501
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14. GBC22/555
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17. MIN22/1076
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44. MIN22/939
45. MIN22/986
46. MIN22/993
47. MIN22/997
48. MCHS22/317

49. MCHS22/383
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73. MCHS22/584
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75. MCHS22/601
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77. MCHS22/614
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81. MCHS22/629
82. MCHS22/630
83. MCHS22/658
84. MCHS22/661
85. MCHS22/665
86. MCHS22/670
87. MCHS22/684

Thank you
Amy

Amy Vickers

Senior Adviser | Office of Elizabeth Lee MLA

Member for Kurrajong

Leader of the Opposition

Shadow Treasurer

Shadow Minister for Housing Affordability and Choice

Shadow Minister for Climate Action, Energy and Emissions Reduction

Shadow Minister for Economic Development, Tourism and Major Projects

ACT Legislative Assembly | 196 London Circuit, Canberra ACT 2601

P: 02 6205 1919 | amy.vickers@parliament.act.gov.au | www.elizabethlee.com.au



Elizabeth **LEE** MLA
Leader of the Opposition
Liberal Member for Kurrajong

From: [LEE](#)
To: [ACT Health FOI](#)
Subject: ACTHD ministerial briefings FOI request
Date: Wednesday, 14 December 2022 15:51:50

Good afternoon

On behalf of Elizabeth Lee, I write to request under the *Freedom of Information Act 2016*, copies of the following briefs (excluding attachments):

1. COR22/23718
2. GBC22/358
3. GBC22/420
4. GBC22/429
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87. MCHS22/684

Thank you
Amy

Amy Vickers

Senior Adviser | Office of Elizabeth Lee MLA

Member for Kurrajong

Leader of the Opposition

Shadow Treasurer

Shadow Minister for Housing Affordability and Choice

Shadow Minister for Climate Action, Energy and Emissions Reduction

Shadow Minister for Economic Development, Tourism and Major Projects

ACT Legislative Assembly | 196 London Circuit, Canberra ACT 2601

P: 02 6205 1919 | amy.vickers@parliament.act.gov.au | www.elizabethlee.com.au





Our reference: ACTHDFOI22-23.27

INFORMATION SEARCH REQUEST

Applicant Name:	Ms Elizabeth LEE (MLA)
Access Application Scope:	<p><i>Copies of the following briefs (excluding attachments):</i></p> <ol style="list-style-type: none"> 1. COR22/23718 2. GBC22/358 3. GBC22/420 4. GBC22/429 5. GBC22/433 6. GBC22/443 7. GBC22/451 8. GBC22/457 9. GBC22/467 10. GBC22/473 11. GBC22/477 12. GBC22/501 13. GBC22/526 14. GBC22/555 15. MIN22/1017 16. MIN22/1073 17. MIN22/1076 18. MIN22/1077 19. MIN22/1079 20. MIN22/1090 21. MIN22/1092 22. MIN22/1109 23. MIN22/1142 24. MIN22/1150 25. MIN22/1153 26. MIN22/1166 27. MIN22/1178 28. MIN22/1180 29. MIN22/1205 30. MIN22/1213 31. MIN22/1228 32. MIN22/1252 33. MIN22/1294 34. MIN22/1329 35. MIN22/752 36. MIN22/782 37. MIN22/811 38. MIN22/840 39. MIN22/866 40. MIN22/867 41. MIN22/884 42. MIN22/890

	<p>43. MIN22/919 44. MIN22/939 45. MIN22/986 46. MIN22/993 47. MIN22/997 48. MCHS22/317 49. MCHS22/383 50. MCHS22/400 51. MCHS22/401 52. MCHS22/437 53. MCHS22/441 54. MCHS22/442 55. MCHS22/465 56. MCHS22/480 57. MCHS22/507 58. MCHS22/515 59. MCHS22/516 60. MCHS22/519 61. MCHS22/521 62. MCHS22/523 63. MCHS22/525 64. MCHS22/530 65. MCHS22/534 66. MCHS22/538 67. MCHS22/546 68. MCHS22/560 69. MCHS22/561 70. MCHS22/564 71. MCHS22/574 72. MCHS22/576 73. MCHS22/584 74. MCHS22/599 75. MCHS22/601 76. MCHS22/607 77. MCHS22/614 78. MCHS22/620 79. MCHS22/623 80. MCHS22/626 81. MCHS22/629 82. MCHS22/630 83. MCHS22/658 84. MCHS22/661 85. MCHS22/665 86. MCHS22/670 87. MCHS22/684</p>
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Action/information required	Details/response
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<p><u>Searches undertaken</u></p> <p>Please indicate which systems were searched to identify relevant information.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Official hard copy files <input type="checkbox"/> Loose paperwork <input type="checkbox"/> HPE Content Manager (TRIM) <input type="checkbox"/> Objective <input type="checkbox"/> Other database – (Please specify) <input type="checkbox"/> Outlook (Emails and calendar) <input type="checkbox"/> Webex/Microsoft Teams files <input type="checkbox"/> Electronic directories (e.g. Q drive) <input type="checkbox"/> External drives (e.g. USB) <input type="checkbox"/> Notebooks and diaries (e.g. handwritten notes) <input type="checkbox"/> Maps, plans or diagrams <input type="checkbox"/> Other -
<p><u>Sensitivities/concerns about the disclosure</u></p> <p>Please advise the FOI team of any concerns you/your business unit have about disclosure of the information under the FOI Act.</p> <p>Business units are the subject matter experts in their respective areas. The FOI team may need to rely on business units to assist forming justifications to refuse access to information. This may include seeking more information about the context in which the information was received, created or provided to other individuals or the agency. Based on the information you provide, the FOI team will be better placed to determine whether justifications exist under the FOI Act to refuse access to the information.</p>	

Comments:

I confirm the information above is correct and true.

Name: Lachlan Thomas, Director, MAGS

Action Officer

Signed: _____

Date: _____

Name: Catherine Ellis, A/g Senior Director, MAGS
Information Officer

Signed: _____

Date: _____


ACT
Government

ACT Health

APPLICANT'S NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	FILE NUMBER
Ms Elizabeth Lee (MLA)	<i>copies of the following briefs (excluding attachments):</i> 1.COR22/23718 2.GBC22/358 3.GBC22/420	ACTHDFOI22-23.27

DOCUMENT	DUE DATE	ACTION OFFICER Lachlan Thomas			
Acknowledgement Letter	30/12/2022	INFORMATION OFFICER Catherine Ellis			
Package due to FOI Coordinator	30/12/2022	INFORMATION OFFICER Catherine Ellis			
Package due to Applicant	16/01/2023	INFORMATION OFFICER Catherine Ellis			
Is third party required		RESPONSIBLE OFFICER			DUE DATE
Revised due date		FOI	ACTION OFFICER	INFORMATION OFFICER	
1	Date application received by ACT Health Directorate. Send to line area and set meeting up.	✓			14-Dec-22
2	Initiate search for documents within the scope of the request		✓		15-Dec-22
3	Start-up meeting to discuss request between FOI Coordinator, Action Officer and Information Officer. Start-up meeting to consider: - Scope of the request - Media implications - Input from other Divisions or Directorates - Third Party consultation - Fees	✓	✓	✓	16-Dec-22
4	Compile documents and review for suggested redactions. Assess if fees or third-party consultation are applicable.		✓		28-Dec-22
5	Progress meeting between Action Officer and Information Officer to confirm the response approach and seek clarification on documentation and redactions in relation to the Legislation.		✓	✓	30-Dec-22
6	Provide final package to FOI Team		✓		30-Dec-22
7	Prepare final package for submission to the Information Officer – ministerial brief draft, decision letter, schedule and redacted documents	✓			09-Jan-23
8	Complete ministerial brief -Work health & safety -Benefits/Sensitivities -Media talking points (Liaise with Comms)		✓		09-Jan-23
9	Submit final ministerial brief, media talking points, decision letter, schedule and redacted documents to the Information Officer for signing. Progress the final signed package to FOI Team		✓	✓	11-Jan-23
10	Ministerial brief cleared through DG office progress to DLO at the same time as the response is provided to applicant.		✓		11-Jan-23
11	Send FOI response to applicant	✓			16-Jan-23
12	Schedule documents to be uploaded to the Open Access Information Scheme	✓			31-Jan-23

From: Ellis, Catherine (Health)
Sent: Wednesday, 21 December 2022 17:30
To: ACT Health FOI
Cc: Thomas, Lachlan (Health)
Subject: RE: ACTHDFOI22-23.27 Intention to Refuse Letter
Attachments: ACTHDFOI22-23.27 Intention to Refuse Letter - SIGNED.pdf

Hi all

Please find attached signed letter for progression prior to shutdown.

Thanks
Cathy

From: ACT Health FOI <HealthFOI@act.gov.au>
Sent: Wednesday, 21 December 2022 5:04 PM
To: Ellis, Catherine (Health) <Catherine.Ellis@act.gov.au>
Cc: Thomas, Lachlan (Health) <Lachlan.Thomas@act.gov.au>; ACT Health FOI <HealthFOI@act.gov.au>
Subject: ACTHDFOI22-23.27 Intention to Refuse Letter

OFFICIAL

Good afternoon Cathy,

Please find attached the intention to refuse letter for your review, input, and signature.

Note this response is due to the applicant on 30 December 2022.

If you have any questions or concerns please don't hesitate to contact us.

Kind regards,

ACTHD Freedom of Information Team

Ph: (02) 5124 9831 | Email: HealthFOI@act.gov.au

Governance and Risk | ACT Health Directorate

Level 4, 2 Bowes Street Phillip ACT 2606

health.act.gov.au





ACT
Government

ACT Health

Our reference: **ACTHDFOI22-23.27**

Ms Elizabeth Lee
ACT Legislative Assembly
196 London Circuit
Canberra ACT 2601
lee@parliament.act.gov.au

Dear Ms Lee,

NOTICE OF INTENTION TO REFUSE TO DEAL WITH YOUR ACCESS APPLICATION

I am writing to advise you that I intend to refuse your access application made under the *Freedom of Information Act 2016* (FOI Act), received by the ACT Health Directorate (ACTHD) on **Wednesday, 14 December 2022**.

This application requested access to:

'A copies of the following briefs (excluding attachments):

1. COR22/23718
2. GBC22/358
3. GBC22/420
4. GBC22/429
5. GBC22/433
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26. MIN22/1166
27. MIN22/1178
28. MIN22/1180
29. MIN22/1205
30. MIN22/1213
31. MIN22/1228

32. MIN22/1252
33. MIN22/1294
34. MIN22/1329
35. MIN22/752
36. MIN22/782
37. MIN22/811
38. MIN22/840
39. MIN22/866
40. MIN22/867
41. MIN22/884
42. MIN22/890
43. MIN22/919
44. MIN22/939
45. MIN22/986
46. MIN22/993
47. MIN22/997.'

I am an Information Officer appointed by the Director-General of the ACTHD under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. The ACTHD was required to provide a decision on your access application by **Monday, 16 January 2023**.

Decisions

I am notifying you of my intention to refuse to deal with your access application, in accordance with section 43 of the FOI Act;

- Section 43 (1)(a) dealing with the application would require an unreasonable and substantial diversion of the respondent's resources.

The resources required to collate all the briefs requested would require extensive examination across multiple business areas and/or individual staff within the agency. I have decided this is an unreasonable and substantial diversion of resources.

The extent to which the public interest would be advanced by processing this access application is difficult to quantify as it covers a broad range of subject matters. The resources required to process this application would substantially inhibit the ability of multiple areas of the ACT to exercise their primary functions. It is my decision that the possible public interest benefits in the disclosure of this information do not justify the use of the required resources.

Under section 46 of the Act, the ACTHD must take reasonable steps to assist you and give you a consultation period of 10 working days from the date of this letter to make an application in a form that would remove the grounds for refusal under the FOI Act.

You may wish to refine/reduce the scope of your request, and if you do, the day the amended application is received becomes the commencement date of the decision process. Additionally, you may consider other avenues the information you are seeking can be obtained.

Further assistance

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email HealthFOI@act.gov.au.

Yours sincerely,



Catherine Ellis
A/g Senior Director
Ministerial and Government Services
ACT Health Directorate

22 December 2022

From: Ellis, Catherine (Health)
Sent: Wednesday, 11 January 2023 16:58
To: ACT Health FOI
Cc: Thomas, Lachlan (Health)
Subject: RE: CHSFOI22-23.30 Intention to Refuse Letter

OFFICIAL

Hi Team

Thanks for the discussion on this at our meeting today. I will await your further advice per our discussion.

Thanks
Cathy

From: ACT Health FOI <HealthFOI@act.gov.au>
Sent: Tuesday, 10 January 2023 9:52 AM
To: Ellis, Catherine (Health) <Catherine.Ellis@act.gov.au>
Cc: Thomas, Lachlan (Health) <Lachlan.Thomas@act.gov.au>; ACT Health FOI <HealthFOI@act.gov.au>
Subject: FW: CHSFOI22-23.30 Intention to Refuse Letter

OFFICIAL

Good morning Cathy

Please see below response to be discussed within our meeting tomorrow (Wednesday 11 January 2022).

Kind regards

Shannon Lowes | Freedom of Information Coordinator
Ph: (02) 5124 9829 | Email: shannon.lowes@act.gov.au
Governance and Risk | ACT Health Directorate
Level 4, 2 Bowes Street Phillip ACT 2606
health.act.gov.au



From: Vickers, Amy <Amy.Vickers@parliament.act.gov.au>
Sent: Friday, 23 December 2022 12:03 PM
To: ACT Health FOI <HealthFOI@act.gov.au>
Cc: LEE <LEE@parliament.act.gov.au>
Subject: RE: CHSFOI22-23.30 Intention to Refuse Letter

OFFICIAL

Dear ACT Health FOI team

I understand that the requests referred to in the attached letters contain a large number of briefs.

Other ACT directorates usually find a way to work with us to divide the request up by business unit, type of brief, etc, and provide them in small lots. Will it be possible to take a similar approach with these briefs?

Thank you
Amy

Amy Vickers

Senior Adviser | Office of Elizabeth Lee MLA

Member for Kurrajong

Leader of the Opposition

Shadow Treasurer

Shadow Minister for Housing Affordability and Choice

Shadow Minister for Climate Action, Energy and Emissions Reduction

Shadow Minister for Economic Development, Tourism and Major Projects

ACT Legislative Assembly | 196 London Circuit, Canberra ACT 2601

P: 02 6205 1919 | amy.vickers@parliament.act.gov.au | www.elizabethlee.com.au



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From: ACT Health FOI <HealthFOI@act.gov.au>

Sent: Friday, December 23, 2022 11:56:12 AM

To: Lee, Elizabeth <Elizabeth.Lee@parliament.act.gov.au>

Cc: ACT Health FOI <HealthFOI@act.gov.au>; LEE <LEE@parliament.act.gov.au>

Subject: CHSFOI22-23.30 Intention to Refuse Letter

OFFICIAL

Good morning Ms Lee,

Please find attached a letter regarding your recent Freedom of Information application to the Canberra Health Services.

If you would like to further discuss your application, you can contact the ACT Health FOI team on (02) 5124 9831. You can also respond to HealthFOI@act.gov.au.

Kind regards,

ACTHD Freedom of Information Team

Ph: (02) 5124 9831 | Email: HealthFOI@act.gov.au

Governance and Risk | ACT Health Directorate

Level 4, 2 Bowes Street Phillip ACT 2606

health.act.gov.au





ACT
Government

ACT Health

Our reference: **ACTHDFOI22-23.27**

Ms Elizabeth Lee
ACT Legislative Assembly
196 London Circuit
Canberra ACT 2601
lee@parliament.act.gov.au

Dear Ms Lee,

NOTICE OF INTENTION TO REFUSE TO DEAL WITH YOUR ACCESS APPLICATION

I am writing to advise you that I intend to refuse your access application made under the *Freedom of Information Act 2016* (FOI Act), received by the ACT Health Directorate (ACTHD) on **Wednesday, 14 December 2022**.

This application requested access to:

'A copies of the following briefs (excluding attachments):

1. COR22/23718
2. GBC22/358
3. GBC22/420
4. GBC22/429
5. GBC22/433
6. GBC22/443
7. GBC22/451
8. GBC22/457
9. GBC22/467
10. GBC22/473
11. GBC22/477
12. GBC22/501
13. GBC22/526
14. GBC22/555
15. MIN22/1017
16. MIN22/1073
17. MIN22/1076
18. MIN22/1077
19. MIN22/1079
20. MIN22/1090
21. MIN22/1092
22. MIN22/1109
23. MIN22/1142
24. MIN22/1150
25. MIN22/1153
26. MIN22/1166
27. MIN22/1178
28. MIN22/1180
29. MIN22/1205
30. MIN22/1213
31. MIN22/1228

32. MIN22/1252
33. MIN22/1294
34. MIN22/1329
35. MIN22/752
36. MIN22/782
37. MIN22/811
38. MIN22/840
39. MIN22/866
40. MIN22/867
41. MIN22/884
42. MIN22/890
43. MIN22/919
44. MIN22/939
45. MIN22/986
46. MIN22/993
47. MIN22/997.'

I am an Information Officer appointed by the Director-General of the ACTHD under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. The ACTHD was required to provide a decision on your access application by **Monday, 16 January 2023**.

Decisions

I am notifying you of my intention to refuse to deal with your access application, in accordance with section 43 of the FOI Act;

- Section 43 (1)(a) dealing with the application would require an unreasonable and substantial diversion of the respondent's resources.

The resources required to collate all the briefs requested would require extensive examination across multiple business areas and/or individual staff within the agency. I have decided this is an unreasonable and substantial diversion of resources.

The extent to which the public interest would be advanced by processing this access application is difficult to quantify as it covers a broad range of subject matters. The resources required to process this application would substantially inhibit the ability of multiple areas of the ACT to exercise their primary functions. It is my decision that the possible public interest benefits in the disclosure of this information do not justify the use of the required resources.

Under section 46 of the Act, the ACTHD must take reasonable steps to assist you and give you a consultation period of 10 working days from the date of this letter to make an application in a form that would remove the grounds for refusal under the FOI Act.

You may wish to refine/reduce the scope of your request, and if you do, the day the amended application is received becomes the commencement date of the decision process. Additionally, you may consider other avenues the information you are seeking can be obtained.

Further assistance

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email HealthFOI@act.gov.au.

Yours sincerely,



Catherine Ellis
A/g Senior Director
Ministerial and Government Services
ACT Health Directorate

22 December 2022

Our reference: **CHSFOI22-23.30**

Ms Elizabeth Lee
ACT Legislative Assembly
196 London Circuit
Canberra ACT 2601
lee@parliament.act.gov.au

Dear Ms Lee,

NOTICE OF INTENTION TO REFUSE TO DEAL WITH YOUR ACCESS APPLICATION

I am writing to advise you that I intend to refuse to deal with your access application made under the *Freedom of Information Act 2016* (FOI Act), received by the Canberra Health Services (CHS) on **Wednesday 14 December 2022**.

This application requested access to:

'Copies of the following briefs (excluding attachments):

48. MCHS22/317
49. MCHS22/383
50. MCHS22/400
51. MCHS22/401
52. MCHS22/437
53. MCHS22/441
54. MCHS22/442
55. MCHS22/465
56. MCHS22/480
57. MCHS22/507
58. MCHS22/515
59. MCHS22/516
60. MCHS22/519
61. MCHS22/521
62. MCHS22/523
63. MCHS22/525
64. MCHS22/530
65. MCHS22/534
66. MCHS22/538
67. MCHS22/546
68. MCHS22/560
69. MCHS22/561
70. MCHS22/564
71. MCHS22/574
72. MCHS22/576
73. MCHS22/584
74. MCHS22/599
75. MCHS22/601
76. MCHS22/607

77. MCHS22/614
78. MCHS22/620
79. MCHS22/623
80. MCHS22/626
81. MCHS22/629
82. MCHS22/630
83. MCHS22/658
84. MCHS22/661
85. MCHS22/665
86. MCHS22/670
87. MCHS22/684.'

As the Principal Officer of CHS, I am authorised to make a decision on access or amendment to government information in the possession or control of CHS. CHS was required to provide a decision on your access application by **Monday 16 January 2023**.

Decisions

I am notifying you of my intention to refuse to deal with your access application, in accordance with section 43 of the FOI Act;

- Section 43 (1)(a) dealing with the application would require an unreasonable and substantial diversion of the respondent's resources.

The resources required to collate all the briefs requested would require extensive examination across multiple business areas and/or individual staff within the agency. I have decided this is an unreasonable and substantial diversion of resources.

The extent to which the public interest would be advanced by processing this access application is difficult to quantify as it covers such a broad range of subject matters. The resources required to process this application would substantially inhibit the ability of multiple areas of CHS to exercise their primary functions. It is my decision that the possible public interest benefits in the disclosure of this information do not justify the use of the required resources.

Under section 46 of the Act, CHS must take reasonable steps to assist you and give you a consultation period of 10 working days from the date of this letter to make an application in a form that would remove the grounds for refusal under the FOI Act.

You may wish to refine/reduce the scope of your request, and if you do, the day the amended application is received becomes the commencement date of the decision process. Additionally, you may consider other avenues the information you are seeking can be obtained.

Further assistance

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email HealthFOI@act.gov.au.

Yours sincerely,



Dave Peffer
Chief Executive Officer
Canberra Health Services

23 December 2022

From: Ellis, Catherine (Health)
Sent: Wednesday, 18 January 2023 11:52
To: ACT Health FOI
Subject: RE: ACTHDFOI22-23.27 & CHSFOI22-23.30 Intention to Refuse Letter

OFFICIAL

This looks great to me, very minor suggestion for change in the last section in red text.

And I have pulled the standalone sentence into the first para.

But not married to those changes.

Thanks
Cathy

From: ACT Health FOI <HealthFOI@act.gov.au>
Sent: Wednesday, 18 January 2023 11:43 AM
To: Ellis, Catherine (Health) <Catherine.Ellis@act.gov.au>
Cc: ACT Health FOI <HealthFOI@act.gov.au>
Subject: ACTHDFOI22-23.27 & CHSFOI22-23.30 Intention to Refuse Letter

OFFICIAL

Good morning Cath

As discussed yesterday afternoon, please see below the suggested response for your review and input if required.

Many thanks
Shannon

Good afternoon Amy

Apologies for the delay in getting back to you about the 2 applications **ACTHDFOI22-23.27** and **CHSFOI22-23.30** regarding *"A copy of the Ministerial Briefs with the titles outlined from 11 July 2022 to 11 September 2022 (excluding attachments)"*.

Both Directorates have considered your response and believe that this still does not remove the grounds outlined in the initial intention to refuse letters sent to you on Thursday 22 December 2022 from the ACT Health Directorate (ACTHD) and Friday 23 December 2022 from Canberra Health Services (CHS). To separate the applications into smaller packages; being divided by business units, types of briefs, etc., would likely increase the workload of each involved business area, still resulting in an unreasonable and substantial diversion of resources. You may wish to reduce the number of briefs requested to each Directorate in line with what has previously been provided to you in your other similar applications.

Under section 46 of the Act, ACTHD and CHS must take reasonable steps to assist you and give you a consultation period of 10 working days from the date of the notice of intention to refuse letter to make an application in a form that would remove the grounds for refusal under the FOI Act. **Noting the above advice, and consideration that** you may wish to provide an additional response, **the Directorate's are** willing to extend the consultation date until the close of business **Wednesday 25 January 2023**.

If you would like to further discuss your applications, please don't hesitate to contact the ACT Health FOI team directly on (02) 5124 9831.

Kind regards

ACTHD Freedom of Information Team

Ph: (02) 5124 9831 | Email: HealthFOI@act.gov.au

Governance and Risk | ACT Health Directorate

Level 4, 2 Bowes Street Phillip ACT 2606

health.act.gov.au



From: ACT Health FOI <HealthFOI@act.gov.au>

Sent: Tuesday, 3 January 2023 1:02 PM

To: Vickers, Amy <Amy.Vickers@parliament.act.gov.au>

Cc: LEE <LEE@parliament.act.gov.au>; ACT Health FOI <HealthFOI@act.gov.au>

Subject: RE: CHSFOI22-23.30 Intention to Refuse Letter

OFFICIAL

Good afternoon Amy,

Thank you for your response email.

We will endeavour to get back to next week once the Information Officers have returned from leave and had an opportunity to consider your response.

If you have any questions in the meantime please do not hesitate to contact me.

Kind regards

Shannon Lowes | Freedom of Information Coordinator

Ph: (02) 5124 9829 | Email: shannon.lowes@act.gov.au

Governance and Risk | ACT Health Directorate

Level 4, 2 Bowes Street Phillip ACT 2606

health.act.gov.au



From: Vickers, Amy <Amy.Vickers@parliament.act.gov.au>

Sent: Friday, 23 December 2022 12:03 PM

To: ACT Health FOI <HealthFOI@act.gov.au>

Cc: LEE <LEE@parliament.act.gov.au>

Subject: RE: CHSFOI22-23.30 Intention to Refuse Letter

OFFICIAL

Dear ACT Health FOI team

I understand that the requests referred to in the attached letters contain a large number of briefs. Other ACT directorates usually find a way to work with us to divide the request up by business unit, type of brief, etc, and provide them in small lots. Will it be possible to take a similar approach with these briefs?

Thank you
Amy

Amy Vickers

Senior Adviser | Office of Elizabeth Lee MLA

Member for Kurrajong

Leader of the Opposition

Shadow Treasurer

Shadow Minister for Housing Affordability and Choice

Shadow Minister for Climate Action, Energy and Emissions Reduction

Shadow Minister for Economic Development, Tourism and Major Projects

ACT Legislative Assembly | 196 London Circuit, Canberra ACT 2601

P: 02 6205 1919 | amy.vickers@parliament.act.gov.au | www.elizabethlee.com.au



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From: ACT Health FOI <HealthFOI@act.gov.au>

Sent: Friday, December 23, 2022 11:56:12 AM

To: Lee, Elizabeth <Elizabeth.Lee@parliament.act.gov.au>

Cc: ACT Health FOI <HealthFOI@act.gov.au>; LEE <LEE@parliament.act.gov.au>

Subject: CHSFOI22-23.30 Intention to Refuse Letter

OFFICIAL

Good morning Ms Lee,

Please find attached a letter regarding your recent Freedom of Information application to the Canberra Health Services.

If you would like to further discuss your application, you can contact the ACT Health FOI team on (02) 5124 9831. You can also respond to HealthFOI@act.gov.au.

Kind regards,

ACTHD Freedom of Information Team

Ph: (02) 5124 9831 | Email: HealthFOI@act.gov.au

Governance and Risk | ACT Health Directorate

Level 4, 2 Bowes Street Phillip ACT 2606

health.act.gov.au



From: ACT Health FOI
Sent: Wednesday, 18 January 2023 15:03
To: Vickers, Amy
Cc: LEE; ACT Health FOI
Subject: ACTHDFOI22-23.27 & CHSFOI22-23.30 Intention to Refuse Letter

OFFICIAL

Good afternoon Amy

Apologies for the delay in getting back to you about the 2 applications **ACTHDFOI22-23.27** and **CHSFOI22-23.30** regarding "A copy of the Ministerial Briefs with the titles outlined from 11 July 2022 to 11 September 2022 (excluding attachments)".

Both Directorates have considered your response and believe that this still does not remove the grounds outlined in the initial intention to refuse letters sent to you on Thursday 22 December 2022 from the ACT Health Directorate (ACTHD) and Friday 23 December 2022 from Canberra Health Services (CHS). To separate the applications into smaller packages; being divided by business units, types of briefs, etc., would likely increase the workload of each involved business area, still resulting in an unreasonable and substantial diversion of resources. You may wish to reduce the number of briefs requested to each Directorate in line with what has previously been provided to you in your other similar applications.

Under section 46 of the Act, ACTHD and CHS must take reasonable steps to assist you and give you a consultation period of 10 working days from the date of the notice of intention to refuse letter to make an application in a form that would remove the grounds for refusal under the FOI Act. Noting the above advice, and consideration that you may wish to provide an additional response, the Directorates are willing to extend the consultation date until the close of business **Wednesday 25 January 2023**.

If you would like to further discuss your applications, please don't hesitate to contact the ACT Health FOI team directly on (02) 5124 9831.

Kind regards

ACTHD Freedom of Information Team

Ph: (02) 5124 9831 | Email: HealthFOI@act.gov.au

Governance and Risk | ACT Health Directorate

Level 4, 2 Bowes Street Phillip ACT 2606

health.act.gov.au



From: ACT Health FOI <HealthFOI@act.gov.au>
Sent: Tuesday, 3 January 2023 1:02 PM
To: Vickers, Amy <Amy.Vickers@parliament.act.gov.au>
Cc: LEE <LEE@parliament.act.gov.au>; ACT Health FOI <HealthFOI@act.gov.au>
Subject: RE: CHSFOI22-23.30 Intention to Refuse Letter

OFFICIAL

Good afternoon Amy,

Thank you for your response email.

We will endeavour to get back to next week once the Information Officers have returned from leave and had an opportunity to consider your response.

If you have any questions in the meantime please do not hesitate to contact me.

Kind regards

Shannon Lowes | Freedom of Information Coordinator

Ph: (02) 5124 9829 | Email: shannon.lowes@act.gov.au

Governance and Risk | ACT Health Directorate

Level 4, 2 Bowes Street Phillip ACT 2606

health.act.gov.au



From: Vickers, Amy <Amy.Vickers@parliament.act.gov.au>

Sent: Friday, 23 December 2022 12:03 PM

To: ACT Health FOI <HealthFOI@act.gov.au>

Cc: LEE <LEE@parliament.act.gov.au>

Subject: RE: CHSFOI22-23.30 Intention to Refuse Letter

OFFICIAL

Dear ACT Health FOI team

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Thank you
Amy

Amy Vickers

Senior Adviser | Office of Elizabeth Lee MLA

Member for Kurrajong

Leader of the Opposition

Shadow Treasurer

Shadow Minister for Housing Affordability and Choice

Shadow Minister for Climate Action, Energy and Emissions Reduction

Shadow Minister for Economic Development, Tourism and Major Projects

ACT Legislative Assembly | 196 London Circuit, Canberra ACT 2601

P: 02 6205 1919 | amy.vickers@parliament.act.gov.au | www.elizabethlee.com.au



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From: ACT Health FOI <HealthFOI@act.gov.au>
Sent: Friday, December 23, 2022 11:56:12 AM
To: Lee, Elizabeth <Elizabeth.Lee@parliament.act.gov.au>
Cc: ACT Health FOI <HealthFOI@act.gov.au>; LEE <LEE@parliament.act.gov.au>
Subject: CHSFOI22-23.30 Intention to Refuse Letter

OFFICIAL

Good morning Ms Lee,

Please find attached a letter regarding your recent Freedom of Information application to the Canberra Health Services.

If you would like to further discuss your application, you can contact the ACT Health FOI team on (02) 5124 9831. You can also respond to HealthFOI@act.gov.au.

Kind regards,

ACTHD Freedom of Information Team

Ph: (02) 5124 9831 | Email: HealthFOI@act.gov.au

Governance and Risk | ACT Health Directorate

Level 4, 2 Bowes Street Phillip ACT 2606

health.act.gov.au



From: Ellis, Catherine (Health)
Sent: Thursday, 2 February 2023 10:35
To: Thomas, Lachlan (Health)
Subject: FW: Ms Lee FOI Application - Intention to Refuse

FYI

From: Cross, Rebecca (Health) <Rebecca.Cross@act.gov.au>
Sent: Thursday, 2 February 2023 9:25 AM
To: Ellis, Catherine (Health) <Catherine.Ellis@act.gov.au>
Cc: Bevan, Vivien (Health) <Vivien.Bevan@act.gov.au>; DGACTHealth <DGACTHealth@act.gov.au>
Subject: RE: Ms Lee FOI Application - Intention to Refuse

OFFICIAL

Noted – including the highlighted section.

Thanks

R

From: Ellis, Catherine (Health) <Catherine.Ellis@act.gov.au>
Sent: Wednesday, 1 February 2023 11:32 AM
To: Cross, Rebecca (Health) <Rebecca.Cross@act.gov.au>
Cc: Bevan, Vivien (Health) <Vivien.Bevan@act.gov.au>; DGACTHealth <DGACTHealth@act.gov.au>
Subject: RE: Ms Lee FOI Application - Intention to Refuse

Hi Rebecca

I just wanted to provide you with an update on the below matter for awareness.

Following the intention to refuse the FOI request from Ms Lee, her office has been unable to negotiate a rescope of the request. Upon receiving the intention to refuse letter Ms Lee's staff requested that the request be broken down into smaller requests and provided by either brief type or area of business. In discussion with the FOI Team this was considered to increase the work required to facilitate and provide the requested documents through a greater administrative and coordination burden. Ms Lee's office was provided an extension on the timeframe for rescoping the request but have chosen not to do so.

Noting that the request has not been rescoped within either the initial timeframe nor the extended timeframe provided, the FOI Team has now drafted a letter for me to sign and send to Ms Lee, see attached. I am planning to sign and send the letter before the end of the week, but wanted to provide to you for awareness and to close the loop prior to this being progressed.

Additionally, Ms Lee and her office have initiated a further new request, seeking the first ten briefs included in the refused request. I have some concerns that Ms Lee's office intend to request the briefs in smaller packages over time to try and seek the same information that has been refused due to the unreasonable diversion of resources to provide. I am working closely with the FOI Team and have raised my concerns with them and we will continue to monitor this situation, noting that when numerous, similar requests are received from the same party they can, under the FOI Act, be rolled into a single request and potentially still be refused on the grounds of being an unreasonable diversion of resources.

We have recently released a list of 130+ titles of briefs and are still awaiting a request to come through for the chosen briefs from this list in addition to other FOI requests currently underway.

As previously discussed with Vivien as your Head of Office, the volume, complexity and frequency of the FOI requests being received, in particular from this applicant are requiring substantial diversion of resources from within the MAGS and FOI teams to be able to facilitate, hence I wanted to provide you with this information for ongoing awareness of the situation.

Happy to further discuss.

Thanks
Cathy

Catherine Ellis | A/g Senior Director
Ministerial and Government Services | ACT Health Directorate
 Mob: [REDACTED] | Email: Catherine.Ellis@act.gov.au
 Level 5, Bowes Street, Woden ACT



From: Cross, Rebecca (Health) <Rebecca.Cross@act.gov.au>
Sent: Monday, 19 December 2022 12:03 PM
To: Ellis, Catherine (Health) <Catherine.Ellis@act.gov.au>
Cc: Bevan, Vivien (Health) <Vivien.Bevan@act.gov.au>; DGACTHealth <DGACTHealth@act.gov.au>
Subject: RE: Ms Lee FOI Application - Intention to Refuse

OFFICIAL

Thanks Catherine

I think it is reasonable to make determination to refuse / seek rescope of the request. I note that we need people to take leave over December and January after three very difficult years, and that diversion of resources to manage this FOI request while we have many people on leave would be very difficult and in my view unreasonable.

Regards
Rebecca

From: Ellis, Catherine (Health) <Catherine.Ellis@act.gov.au>
Sent: Monday, 19 December 2022 11:37 AM
To: Cross, Rebecca (Health) <Rebecca.Cross@act.gov.au>
Cc: Bevan, Vivien (Health) <Vivien.Bevan@act.gov.au>; DGACTHealth <DGACTHealth@act.gov.au>; Ellis, Catherine (Health) <Catherine.Ellis@act.gov.au>
Subject: Ms Lee FOI Application - Intention to Refuse

Dear Rebecca

As you are aware the Directorate is receiving a high volume of FOI requests for briefings progressed to Ministers. After the recent release of a list of briefs progressed by ACTHD to Minister's, Ms Lee's Office she has now requested the release of 47 briefs included on the list. I am inclined to make a determination to refuse / seek rescope of the request to a more reasonable number due to this being an unreasonable diversion of resources.

The review and coordination of this type of FOI pack involves significant work and resourcing from both the MAGS and FOI Teams to process. There is consultation more broadly across line areas in the Directorate with reviews occurring on specific briefs and content by subject matter experts to ensure that information is appropriate for release under the FOI ACT.

Historically, the requests received have not exceeded 32 briefs plus assorted QTBs and other packs have ranged from 14 – 29 briefs. All prior requests have been completed, however the work required on these packs with lower numbers have still been challenging to complete in the timeframes set under the FOI Act.

When the application was initially received I requested advice from the FOI Team on any awareness on thresholds set in other Directorates who are receiving similar requests. I understand that CMTEDD have issued letters of refusal and these are currently undergoing ombudsman reviews with no result available to set a precedence at this time. Other Directorates have been understood to progress packs where approximately 30 briefs have been requested.

I wanted to raise with you as the Directorate's Principal Officer prior to issuing an intent to refuse letter. Should you request that the application be processed, in the format received (all 47 briefs), we will need to approach Ms Lee's Office to seek an extension for processing the request as it is just not feasible to action the request noting the volume in the routine timeframes.

Happy to discuss.

Thanks

Cathy

Catherine Ellis | A/g Senior Director

Ministerial and Government Services | ACT Health Directorate

Mob: [REDACTED] | Email: Catherine.Ellis@act.gov.au

Level 5, Bowes Street, Woden ACT





ACT
Government

ACT Health

Our reference: **ACTHDFOI22-23.27**

Ms Elizabeth Lee
ACT Legislative Assembly
196 London Circuit
Canberra ACT 2601
lee@parliament.act.gov.au

Dear Ms Lee,

REFUSE TO DEAL WITH YOUR ACCESS APPLICATION

I refer to your application received by ACT Health Directorate (ACTHD) on **Wednesday 14 December 2022** in which you sought access to information under the *Freedom of Information Act 2016* (FOI Act).

This application requested access to:

'A copies of the following briefs (excluding attachments):

1. COR22/23718
2. GBC22/358
3. GBC22/420
4. GBC22/429
5. GBC22/433
6. GBC22/443
7. GBC22/451
8. GBC22/457
9. GBC22/467
10. GBC22/473
11. GBC22/477
12. GBC22/501
13. GBC22/526
14. GBC22/555
15. MIN22/1017
16. MIN22/1073
17. MIN22/1076
18. MIN22/1077
19. MIN22/1079
20. MIN22/1090
21. MIN22/1092
22. MIN22/1109
23. MIN22/1142
24. MIN22/1150
25. MIN22/1153
26. MIN22/1166
27. MIN22/1178
28. MIN22/1180
29. MIN22/1205
30. MIN22/1213

31. MIN22/1228
32. MIN22/1252
33. MIN22/1294
34. MIN22/1329
35. MIN22/752
36. MIN22/782
37. MIN22/811
38. MIN22/840
39. MIN22/866
40. MIN22/867
41. MIN22/884
42. MIN22/890
43. MIN22/919
44. MIN22/939
45. MIN22/986
46. MIN22/993
47. MIN22/997.'

I am an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act.

Decisions

ACTHD sent you a letter on **Thursday 22 December 2022** to express an intention to refuse to deal with your application in accordance with section 43 of the FOI Act;

- Section 43 (1)(a) dealing with the application would require an unreasonable and substantial diversion of the respondent's resources.

On **Thursday 16 January 2023**, an additional consultation period of 10 working days was given which ended on **Wednesday 25 January 2023**, under section 46(4)(a). The Directorate has attempted to contact you via email and telephone calls, to further discuss the breadth of the scope, but no response was provided by the end of the consultation period.

In reaching my decision, I have taken the following into account:

- The FOI Act;
- The views of relevant third parties;
- *The Human Rights Act 2004; and*
- *The Information Privacy Act 2014.*

As outlined following consultation in regard to our intention to refuse letter, to separate the applications into smaller packages; being divided by business units, types of briefs, etc., would likely increase the workload of each involved business area, still resulting in an unreasonable and substantial diversion of resources.

The Directorate has already received an application from you with a reduced number of the briefs originally listed which will be processed in accordance with the FOI Act.

Charges

Processing charges are not applicable to this request.

Disclosure Log

Under section 28 of the FOI Act, ACTHD maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you will be published in the disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI 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 ACT Health's 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
Website: ombudsman.act.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 the 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 St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Further assistance

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email HealthFOI@act.gov.au.

Yours sincerely,

Catherine Ellis
A/g Senior Director
Ministerial and Government Services
ACT Health Directorate

January 2023

From: Ellis, Catherine (Health)
Sent: Thursday, 2 February 2023 10:48
To: ACT Health FOI
Subject: RE: ACTHDFOI22-23.27 Refusal Letter
Attachments: ACTHDFOI22-23.27 Refusal Letter - SIGNED.pdf

Hi Team

As discussed with Jo yesterday please see attached signed and ready to progress.

Thanks
Cathy

From: ACT Health FOI <HealthFOI@act.gov.au>
Sent: Monday, 30 January 2023 3:40 PM
To: Ellis, Catherine (Health) <Catherine.Ellis@act.gov.au>
Cc: ACT Health FOI <HealthFOI@act.gov.au>
Subject: ACTHDFOI22-23.27 Refusal Letter

OFFICIAL

Good afternoon Cathy,

Please see the attached refusal letter for your review and signature.

If you have any questions or require anything further, please don't hesitate to contact us.

Kind regards,

Juliena Lees

ACTHD Freedom of Information Team

Ph: (02) 5124 9831 | Email: HealthFOI@act.gov.au

Governance and Risk | ACT Health Directorate

Level 4, 2 Bowes Street Phillip ACT 2606

health.act.gov.au





ACT
Government

ACT Health

Our reference: **ACTHDFOI22-23.27**

Ms Elizabeth Lee
ACT Legislative Assembly
196 London Circuit
Canberra ACT 2601
lee@parliament.act.gov.au

Dear Ms Lee,

REFUSE TO DEAL WITH YOUR ACCESS APPLICATION

I refer to your application received by ACT Health Directorate (ACTHD) on **Wednesday 14 December 2022** in which you sought access to information under the *Freedom of Information Act 2016* (FOI Act).

This application requested access to:

'A copies of the following briefs (excluding attachments):

1. COR22/23718
2. GBC22/358
3. GBC22/420
4. GBC22/429
5. GBC22/433
6. GBC22/443
7. GBC22/451
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42. MIN22/890
43. MIN22/919
44. MIN22/939
45. MIN22/986
46. MIN22/993
47. MIN22/997.'

I am an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act.

Decisions

ACTHD sent you a letter on **Thursday 22 December 2022** to express an intention to refuse to deal with your application in accordance with section 43 of the FOI Act;

- Section 43 (1)(a) dealing with the application would require an unreasonable and substantial diversion of the respondent's resources.

On **Thursday 16 January 2023**, an additional consultation period of 10 working days was given which ended on **Wednesday 25 January 2023**, under section 46(4)(a). The Directorate has attempted to contact you via email and telephone calls, to further discuss the breadth of the scope, but no response was provided by the end of the consultation period.

In reaching my decision, I have taken the following into account:

- The FOI Act;
- The views of relevant third parties;
- The *Human Rights Act 2004*; and
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As outlined following consultation in regard to our intention to refuse letter, to separate the applications into smaller packages; being divided by business units, types of briefs, etc., would likely increase the workload of each involved business area, still resulting in an unreasonable and substantial diversion of resources.

The Directorate has already received an application from you with a reduced number of the briefs originally listed which will be processed in accordance with the FOI Act.

Charges

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<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

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My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI 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 ACT Health's 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:

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Further assistance

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email HealthFOI@act.gov.au.

Yours sincerely,



Catherine Ellis
A/g Senior Director
Ministerial and Government Services
ACT Health Directorate

2 February 2023

From: ACT Health FOI
Sent: Thursday, 2 February 2023 14:45
To: Lee, Elizabeth
Cc: LEE; ACT Health FOI
Subject: ACTHDFOI22-23.27 Refusal Letter
Attachments: ACTHDFOI22-23.27 Refusal Letter_signed.pdf

OFFICIAL

Good afternoon Ms Lee,

Please find attached a letter regarding your recent Freedom of Information application to the ACT Health Directorate.

If you would like to further discuss your application, you can contact the ACT Health FOI team on (02) 5124 9831. You can also respond to HealthFOI@act.gov.au.

Kind regards,

ACTHD Freedom of Information Team

Ph: (02) 5124 9831 | Email: HealthFOI@act.gov.au

Governance and Risk | ACT Health Directorate

Level 4, 2 Bowes Street Phillip ACT 2606

health.act.gov.au

