

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 Canberra Health Services (CHS) on **Friday 17 February 2023**.

This application requested access to:

*Copies of any correspondence within the directorates and/or the minister's office regarding CHSFOI 22-23.30.*

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

I have identified six 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 four documents; and
- grant partial access to two documents.

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 decision 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 four documents at references 1-2, 4 and 6.

#### **Partial Access**

I have decided to grant partial access to two documents at references 3 and 5 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 FOI 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, CHS maintains an online record of access applications called a disclosure log. The scope of your access application and my decision 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 application 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 FOI 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](mailto:ACTFOI@ombudsman.gov.au)

Website: [ombudsman.act.gov.au](http://ombudsman.act.gov.au)

#### ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the FOI 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 via email at [HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to be 'David Jean', with a long horizontal stroke extending to the right.

David Jean  
**Acting Executive Branch Manager**  
Strategy and Governance  
Canberra Health Services

10 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 the following FOI request: CHS FOI 2223.30</i>	<b>CHSFOI22-23.44</b>

Ref Number	Page Number	Description	Date	Status Decision	Factor	Open Access release status
1.	1 – 12	Email and attachments – New Request: CHSFOI22-23.30 - Due date: Monday 16 January 2023	15 December 2022	Full Release		YES
2.	13 – 16	Email and attachment – CHSFOI22-23.30 Intention to Refuse Letter	23 December 2022	Full Release		YES
3.	17 – 18	Email and attachment – RE: CHSFOI22-23.30 Intention to Refuse Letter [Attachment at Reference 2]	11 January 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
4.	19 – 21	Email and attachment – ACTHDFOI22-23.27 & CHSFOI22-23.30 Intention to Refuse Letter	18 January 2023	Full Release		YES
5.	22 – 25	Email and attachment – RE: CHSFOI22-23.30 Refusal Letter	1 February 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
6.	26	Email and attachment – CHSFOI22-23.30 Refusal Letter [Attachment at Reference 5]	2 February 2023	Full Release		YES



Total Number of Documents
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6
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**From:** ACT Health FOI  
**Sent:** Thursday, 15 December 2022 17:15  
**To:** Kent, Brittany (Health)  
**Cc:** CHS, DCEO; CEOHealth; Canberra Health Services Ministerial; ACT Health FOI  
**Subject:** New Request: CHSFOI22-23.30 - Due date: Monday 16 January 2023  
**Attachments:** CHSFOI22-23.30 Application Request.pdf; CHSFOI22-23.30 Application Timeframes.xlsx; CHSFOI22-23.30 Information Search Form.docx

**OFFICIAL**

Good afternoon Brittany,

Please find attached a request to Canberra Health Services (CHS) from Ms Elizabeth Lee (MLA) regarding *Copies of named Ministerial Briefs (excluding attachments)* (Reference: CHSFOI22-23.30) – please see the below for the named briefs.

**Please note that only briefs 48 – 87 are to be provided by CHS.**

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](mailto:HealthFOI@act.gov.au)

**Governance and Risk | ACT Health Directorate**

Level 4, 2 Bowes Street Phillip ACT 2606

[health.act.gov.au](http://health.act.gov.au)



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**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
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
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62. MCHS22/523
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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](mailto:amy.vickers@parliament.act.gov.au) | [www.elizabethlee.com.au](http://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

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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
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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
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53. MCHS22/441
54. MCHS22/442
55. MCHS22/465
56. MCHS22/480
57. MCHS22/507
58. MCHS22/515
59. MCHS22/516
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61. MCHS22/521
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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](mailto:amy.vickers@parliament.act.gov.au) | [www.elizabethlee.com.au](http://www.elizabethlee.com.au)




**Canberra Health Services**

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	CHSFOI22-23.30

DOCUMENT		DUE DATE	ACTION OFFICER			
Acknowledgement Letter		30/12/2022	Brittany Kent			
Package due to FOI Coordinator		30/12/2022	INFORMATION OFFICER			Janet
Package due to Applicant		16/01/2023	Zagari			
Is third party required			RESPONSIBLE OFFICER			DUE DATE
Revised due date			FOI	ACTION OFFICER	INFORMATION OFFICER	
1	Date application received by Canberra Health Services. Send to CEO Office to assign area and set meeting up with assigned area.		✓			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 COO and CEO 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



Our reference: **CHSFOI22-23.30**

**INFORMATION SEARCH FORM**

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



	<p>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</p>
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<b>Action/information required</b>	<b>Details/response</b>
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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"> <li><input type="checkbox"/> Official hard copy files</li> <li><input type="checkbox"/> Loose paperwork</li> <li><input type="checkbox"/> HPE Content Manager (TRIM)</li> <li><input type="checkbox"/> Objective</li> <li><input type="checkbox"/> Other database – (Please specify)</li>   <li><input type="checkbox"/> Outlook (Emails and calendar)</li> <li><input type="checkbox"/> Webex/Microsoft Teams files</li> <li><input type="checkbox"/> Electronic directories (e.g. Q drive)</li> <li><input type="checkbox"/> External drives (e.g. USB)</li> <li><input type="checkbox"/> Notebooks and diaries (e.g. handwritten notes)</li> <li><input type="checkbox"/> Maps, plans or diagrams</li> <li><input type="checkbox"/> Other -</li> </ul>
<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: Brittany Kent, Executive Officer, Office of the Deputy CEO

**Action Officer**

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Name: Janet Zagari, Deputy CEO, Office of the Deputy CEO  
**Information Officer**

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**From:** ACT Health FOI  
**Sent:** Friday, 23 December 2022 11:56  
**To:** Lee, Elizabeth  
**Cc:** ACT Health FOI; LEE  
**Subject:** CHSFOI22-23.30 Intention to Refuse Letter  
**Attachments:** CHSFOI22-23.30 Intention to Refuse Letter\_signed.pdf

**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](mailto:HealthFOI@act.gov.au).

Kind regards,

ACTHD Freedom of Information Team

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

**Governance and Risk | ACT Health Directorate**

Level 4, 2 Bowes Street Phillip ACT 2606

[health.act.gov.au](http://health.act.gov.au)





Our reference: **CHSFOI22-23.30**

Ms Elizabeth Lee  
ACT Legislative Assembly  
196 London Circuit  
Canberra ACT 2601  
[lee@parliament.act.gov.au](mailto: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](mailto:HealthFOI@act.gov.au).

Yours sincerely,



Dave Peffer  
**Chief Executive Officer**  
Canberra Health Services

23 December 2022

**From:** Kent, Brittany (Health) on behalf of CHS, DCEO  
**Sent:** Wednesday, 11 January 2023 13:57  
**To:** ACT Health FOI  
**Subject:** RE: CHSFOI22-23.30 Intention to Refuse Letter

**Categories:** Shannon

Hi Jonas

Would you be able to provide an update on the above FOI request?

I spoke with Shannon following shutdown and we agreed to go back with the advice to provide but in an extended timeframe – just unsure whether that’s occurred or if a final outcome has been received?

Kind regards

**Brittany Kent | Executive Officer**

Phone: (02) 512 49461 | M: [REDACTED] | Email: [CHSDCEO@act.gov.au](mailto:CHSDCEO@act.gov.au)

**Office of the Deputy Chief Executive Officer | Canberra Health Services | ACT Government**

Canberra Hospital, Yamba Drive, Garran ACT 2605 | [health.act.gov.au](http://health.act.gov.au)

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**From:** ACT Health FOI <[HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au)>  
**Sent:** Friday, 23 December 2022 11:45 AM  
**To:** CHS, DCEO <[CHSDCEO@act.gov.au](mailto:CHSDCEO@act.gov.au)>; ACT Health FOI <[HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au)>  
**Subject:** RE: CHSFOI22-23.30 Intention to Refuse Letter

Thanks Kate we will send to the applicant now 😊

No all good at this stage and we will await to see the final outcome.

Have a wonderful Christmas and break 😊

Kind regards

**Shannon Lowes | Freedom of Information Coordinator**

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

**Governance and Risk | ACT Health Directorate**

Level 4, 2 Bowes Street Phillip ACT 2606

[health.act.gov.au](http://health.act.gov.au)



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**From:** Schorsch, Kate (Health) <[Kate.Schorsch@act.gov.au](mailto:Kate.Schorsch@act.gov.au)> **On Behalf Of** CHS, DCEO  
**Sent:** Friday, 23 December 2022 11:38 AM  
**To:** ACT Health FOI <[HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au)>; CHS, DCEO <[CHSDCEO@act.gov.au](mailto:CHSDCEO@act.gov.au)>  
**Subject:** RE: CHSFOI22-23.30 Intention to Refuse Letter

OFFICIAL

Hi Shannon,

Please see attached letter.

Is there a Trim container that I need to put this one in?

Many thanks,

Kate

**Kate Schorsch | Business Manager**

Phone: 02 5124 2728 | Email: [kate.schorsch@act.gov.au](mailto:kate.schorsch@act.gov.au)

**Office of the Deputy CEO | Canberra Health Services | ACT Government**

PO Box 11 Woden ACT 2606 | [health.act.gov.au](http://health.act.gov.au)

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**From:** ACT Health FOI <[HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au)>

**Sent:** Friday, 23 December 2022 10:12 AM

**To:** CHS, DCEO <[CHSDCEO@act.gov.au](mailto:CHSDCEO@act.gov.au)>

**Cc:** ACT Health FOI <[HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au)>

**Subject:** CHSFOI22-23.30 Intention to Refuse Letter

**Importance:** High

Good morning Kate

As discussed yesterday afternoon to provide an intention to refuse letter for the application CHSFOI22-23.30, please see the drafted letter for review, input if required and signing.

If you have any questions please don't hesitate to contact me.

Kind regards

**Shannon Lowes | Freedom of Information Coordinator**

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

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Level 4, 2 Bowes Street Phillip ACT 2606

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**From:** ACT Health FOI  
**Sent:** Wednesday, 18 January 2023 11:43  
**To:** Ellis, Catherine (Health)  
**Cc:** ACT Health FOI  
**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. You may wish to provide an additional response. The Directorate is 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](mailto:HealthFOI@act.gov.au)

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Level 4, 2 Bowes Street Phillip ACT 2606

[health.act.gov.au](http://health.act.gov.au)





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**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](mailto:shannon.lowes@act.gov.au)  
**Governance and Risk | ACT Health Directorate**  
Level 4, 2 Bowes Street Phillip ACT 2606  
[health.act.gov.au](http://health.act.gov.au)



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**From:** Vickers, Amy <[Amy.Vickers@parliament.act.gov.au](mailto:Amy.Vickers@parliament.act.gov.au)>  
**Sent:** Friday, 23 December 2022 12:03 PM  
**To:** ACT Health FOI <[HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au)>  
**Cc:** LEE <[LEE@parliament.act.gov.au](mailto: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](mailto:amy.vickers@parliament.act.gov.au) | [www.elizabethlee.com.au](http://www.elizabethlee.com.au)



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**From:** ACT Health FOI <[HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au)>  
**Sent:** Friday, December 23, 2022 11:56:12 AM  
**To:** Lee, Elizabeth <[Elizabeth.Lee@parliament.act.gov.au](mailto:Elizabeth.Lee@parliament.act.gov.au)>  
**Cc:** ACT Health FOI <[HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au)>; LEE <[LEE@parliament.act.gov.au](mailto: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](mailto:HealthFOI@act.gov.au).

Kind regards,

ACTHD Freedom of Information Team

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

**Governance and Risk | ACT Health Directorate**

Level 4, 2 Bowes Street Phillip ACT 2606

[health.act.gov.au](http://health.act.gov.au)



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**From:** Kent, Brittany (Health) on behalf of CHS, DCEO  
**Sent:** Wednesday, 1 February 2023 13:19  
**To:** ACT Health FOI  
**Subject:** RE: CHSFOI22-23.30 Refusal Letter  
**Attachments:** CHSFOI22-23.30 Refusal Letter - SIGNED.pdf

Good afternoon team

Please find attached signed refusal letter for appropriate action.

Kind regards

**Brittany Kent | Executive Officer**

Phone: (02) 512 49461 | M: [REDACTED] | Email: [CHSDCEO@act.gov.au](mailto:CHSDCEO@act.gov.au)

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Canberra Hospital, Yamba Drive, Garran ACT 2605 | [health.act.gov.au](http://health.act.gov.au)

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**From:** ACT Health FOI <[HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au)>

**Sent:** Monday, 30 January 2023 3:40 PM

**To:** CHS, DCEO <[CHSDCEO@act.gov.au](mailto:CHSDCEO@act.gov.au)>

**Cc:** ACT Health FOI <[HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au)>

**Subject:** CHSFOI22-23.30 Refusal Letter

**OFFICIAL**

Good afternoon Brittany,

Please see the attached refusal letter for your review and progression to Janet.

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

Kind regards,

ACTHD Freedom of Information Team

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

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Level 4, 2 Bowes Street Phillip ACT 2606

[health.act.gov.au](http://health.act.gov.au)





Ms Elizabeth Lee  
ACT Legislative Assembly  
196 London Circuit  
Canberra ACT 2601  
[lee@parliament.act.gov.au](mailto:lee@parliament.act.gov.au)

Dear Ms Lee,

**REFUSE TO DEAL WITH YOUR ACCESS APPLICATION**

I refer to your application received by Canberra Health Services (CHS) 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:

*'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.'

I am an Information Officer appointed by the Chief Executive Officer of Canberra Health Services (CHS) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act.

### Decisions

CHS sent you a letter on **Friday 23 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.

You may wish to reduce the number of briefs requested to the Directorate in line with what has previously been provided to you in your other similar applications.

### Charges

Processing charges are not applicable to this request.

### Disclosure Log

Under section 28 of the FOI Act, CHS 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](mailto:ACTFOI@ombudsman.gov.au)  
Website: [ombudsman.act.gov.au](http://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](mailto:HealthFOI@act.gov.au).

Yours sincerely,



Janet Zagari  
**Deputy Chief Executive Officer**  
Canberra Health Services

31 January 2023

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**From:** ACT Health FOI  
**Sent:** Thursday, 2 February 2023 14:45  
**To:** Lee, Elizabeth  
**Cc:** LEE; ACT Health FOI  
**Subject:** CHSFOI22-23.30 Refusal Letter  
**Attachments:** CHSFOI22-23.30 Refusal Letter\_signed.pdf

**OFFICIAL**

Good afternoon Ms Lee,

Please find attached a letter regarding your recent Freedom of Information application to 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](mailto:HealthFOI@act.gov.au).

Kind regards,

ACTHD Freedom of Information Team

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

**Governance and Risk | ACT Health Directorate**

Level 4, 2 Bowes Street Phillip ACT 2606

[health.act.gov.au](http://health.act.gov.au)

