

Our reference: **ACTHDFOI 23-24.26**

[REDACTED]

[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 08 December 2023**.

This application requested access to:

*'All communications including attachments and documents between the Ministerial and Governance Service and the Ministers office regarding Question on Notice 44 to the Standing Committee on Health and Community Wellbeing that was signed off on the 5/12/23.
[Microsoft Word - Response to QON 44 \(act.gov.au\)](#)'*

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 **Tuesday 30 January 2024**.

I have identified three 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

I have decided to:

- grant full access to two 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 *Human Rights Act 2004*.

Full Access

I have decided to grant full access to the documents at references: 2-3.

Partial Access

I have decided to grant partial access to the document at reference: 1.

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, 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 mobile phone numbers ACT Government employees. 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
Allara House
15 Constitution Avenue
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
Senior Director
Ministerial and Government Services


9 January 2024

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>'All communications including attachments and documents between the Ministerial and Governance Service and the Ministers office regarding Question on Notice 44 to the Standing Committee on Health and Community Wellbeing that was signed off on the 5/12/23. Microsoft Word - Response to QON 44 (act.gov.au)'</i>	ACTHDFOI23-24.26

Ref Number	Page Number	Description	Date	Status Decision	Factor	Open Access release status
1.	01	Email - URGENT : GBC23-765 - AR QON 44 - Procurement	04 December 2023	Partial Release	Schedule 2.2(a)(ii) Privacy	YES
2.	02	Inquiry into Annual and Financial Reports 2022-2023 - ANSWER TO QUESTION ON NOTICE No. 44	28 November 2023	Full Release		YES
3.	03	Inquiry into Annual and Financial Reports 2022-2023 - ANSWER TO QUESTION ON NOTICE No. 44 - Signed	15 December 2023	Full Release		YES
Total Number of Documents						
3						

From: [Gower, Tara \(Health\)](#) on behalf of [ACT Health DLO](#)
To: [Smith, Kahlia](#)
Subject: URGENT : GBC23-765 - AR QON 44 - Procurement
Date: Monday, 4 December 2023 11:24:00 AM
Attachments: [image001.jpg](#)

OFFICIAL

Hi Kahlia

I have placed this QON response in your folder [here](#).

Please note the same question has been asked of multiple Ministers and the response provided is in line with advice received from CMTEDD.

Please note the response is due to the Committee by COB tomorrow, 5 December 2023.

Thank you

Tara

Tara Gower | Directorate Liaison Officer | ACT Health Directorate

 | Email: ACTHealthDLO@act.gov.au

Office of Rachel Stephen-Smith | Minister for Health

Office of Emma Davidson | Minister for Mental Health

Level 2, Legislative Assembly Building, Civic Square

[ACTH Email signature Values](#)





Standing Committee on Health and Community Wellbeing

Inquiry into Annual and Financial Reports 2022-2023 **ANSWER TO QUESTION ON NOTICE**

Asked by: Mr Peter Cain MLA

Reference: Hearing on 16 November 2023, Annual Report of ACT Health Directorate

In relation to: Health Directorate and Procurement

(1) How many times did the Director-General of the Health Directorate make a final 'delegate' procurement decision, in the financial years 2018-19 to 2022-23?

Minister Rachel Stephen-Smith MLA: The answer to the Member's question is as follows:

To determine how many times the Director-General was the final 'delegate' in a procurement decision, noting in most circumstances they are not the delegate, would require review of every procurement file in the electronic document record management system over the requested time period, to determine who the delegate was for each matter. The information requested is not readily available and to produce the information, it would be an unreasonable diversion of directorate resources.

A full listing of directorate contracts can be found at <https://www.tenders.act.gov.au/contract/search>.

Approved for circulation to the Standing Committee on Health and Community Wellbeing

Signature:

Date:

By the Minister for Health, Rachel Stephen-Smith MLA



Standing Committee on Health and Community Wellbeing

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Approved for circulation to the Standing Committee on Health and Community Wellbeing

Signature:

Date:

5/12/23

By the Minister for Health, Rachel Stephen-Smith MLA