

Our reference: **CHSFOI23-24.20**

[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 Canberra Health Services (CHS) on **Wednesday 18 October 2023**.

This application requested access to:

A copy of the subject line of all final Ministerial briefs between the 1st of September 2023 and the 17th of October 2023 generated for or directed to any ACT Government Minister.

This request includes, wherever possible, the date of the brief, the internal reference, position of authority it was written by, and which Minister it was addressed to.

This request includes briefs prepared for Question Time, but not for Estimates or Annual Reports.

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. CHS was required to provide a decision on your access application by **Wednesday 29 November 2023**.

The information has been extracted into one document holding the information within the scope of your access application. The document was created for the purpose of your request and captures information sourced from HPE Content Manager (Record Management System).

I have identified additional information that is a health record for the purposes of the *Health Records (Privacy and Access) Act 1997*. The identified information is directly related to correspondence to the Health Minister and Minister for Mental Health regarding the treatment, health, illness, or disability of consumers of CHS. Section 12 of the FOI Act specifies that the FOI Act does not apply to health records. This information has not been assessed in this response.

Decisions

I have decided to grant partial access to the one document.

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

Partial Access

The document is also partially comprised of 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 regarding the personal information.

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 names of constituents that are non-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, 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

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



Josephine Smith,
Executive Branch Manager
Strategy and Governance

20 November 2023

CHSFOI23-24.20 - Subject line of all final ministerial briefs from 1 September 2023 to 17 October 2023

Record Number	Title	Position of Authority when it was Written	Date of Brief	Which Minister Addressed to
MCHS23/520	Initiated Brief: (Minister for Health) Freedom of Information (FOI) Application from ██████████ - the subject line of all final Ministerial Briefs from 8 May 2023 to 8 July 2023 (CHSFOI23-24.06)	DCEO	4/09/23	Minister for Health
MCHS23/506	Meeting - Minister for Health - Meeting with the Juvenile Arthritis Foundation - 7 September 2023 2:00 - 2:45 pm	DCEO	5/09/23	Minister for Health
MCHS23/545	Caveat Brief: (Minister for Health) Worksafe Notification of Injured Staff Member	DCEO	6/09/23	Minister for Health
MCHS23/539	Initiated Brief - Minister for Health - Supreme Court Hearing 11 September 2023 - ██████████	DCEO	7/09/23	Minister for Health
MCHS23/532	Initiated Brief: (Minister for Mental Health) Coronial Findings - Death of Merren Bartley	DCEO	7/09/23	Minister for Health
MCHS23/550	Request for Advice: (Minister for Health) Early Pregnancy Service ██████████	COO	8/09/23	Minister for Health
MCHS23/542	Meeting - Minister for Health - Juvenile Arthritis in Canberra - ██████████ - 8 September 2023 (2:00 to 2:45pm)	DCEO	8/09/23	Minister for Health
MCHS23/569	Dot Points: (Minister for Health) Health Services Union (HSU) Meeting - Radiation Therapists (15 September 2023)	Chief Executive	15/09/23	Minister for Health
MCHS23/540	Request for Advice - Minister for Health - Critical Services Building Commissioning Briefing - 18 September 2023	DCEO	15/09/23	Minister for Health
MCHS23/515	Email - Request for Advice - Minister for Health - Cochlear Implant Procedures at CHS	DCEO	15/09/23	Minister for Health
MCHS23/517	Initiated Brief: (Minister for Health) Paediatric Forensic Medical Services (formerly Child at Risk Health Unit)	CEO	18/09/23	Minister for Health
MCHS23/367	Email - Minister for Health - Support and Forensic Services for Children in the ACT CaRHU - ██████████	DCEO	18/09/23	Minister for Health
MCHS23/518	Letter - Representation - Minister for Health - Access to Cross-Border Health Care - ██████████	COO	20/09/23	Minister for Health
MCHS23/578	Event: (Minister for Health and Minister for Mental Health) Canberra Hospital 50th Anniversary - Monday, 25 September 2023	DCEO	22/09/23	Minister for Health and Minister for Mental Health
MCHS23/543	Email - Request for Advice - Minister for Health - Employee Suspension at North Canberra Hospital - ██████████	COO	22/09/23	Minister for Health
MCHS23/566	Email - Request for Advice - Minister for Health - Employee Suspension at North Canberra Hospital - ██████████	DCEO	27/09/23	Minister for Health
MCHS23/521	Initiated Brief: (Minister for Health) Freedom of Information (FOI) Application from ██████████ - Comments from Royal Australasian College of Physicians about cardiology department from April 2022 (CHSFOI23-24.08)	COO	29/09/23	Miniser for Health
MCHS23/595	Report - AIHW embargo release available: BreastScreen Australia monitoring report 2023 (to be released on 4 October 2023)	DCEO	3/10/23	Minister for Health
MCHS23/603	Initiated Brief - Minister for Health - Caveat Brief - Privacy Breach	CEO	5/10/23	Acting Minister for Health
MCHS23/496	Dot Points: (Minister for Veterans) Complaint re Northside Canberra Hospital Vacant Veteran Liaison Officer	COO	10/10/23	Minister for Health
MCHS23/606	Request for Advice - Minister for Health - Medical Imaging Staffing	DCEO	11/10/23	Minister for Health
MCHS23/583	Initiated Brief: (Minister for Health) Freedom of Information (FOI) Application from ██████████ - Documents prepared in relation to a media request about accreditation and training reviews sent by applicant on Friday, 18 August (CHSFOI23-24.11)	CEO	11/10/23	Minister for Health
MCHS23/560	Initiated Brief: (Minister for Health) Freedom of Information (FOI) Application from ██████████ - Copy of named ministerial briefs (excluding attachments (CHSFOI23-24.13)	CEO	12/10/23	Minister for Health
MCHS23/562	Initiated Brief: (Minister for Health) Freedom of Information (FOI) Application from ██████████ - the subject line of all final Ministerial Briefs from 9 July to 31 August 2023 (CHSFOI23-24.15)	DCEO	16/10/23	Minister for Health

CHSFOI23-24.20 - Subject line of all final ministerial briefs from 1 September 2023 to 17 October 2023

Record Number	Title	Position of Authority when it was Written	Date of Brief	Which Minister Addressed to
MCHS23/522	Initiated Brief: (Minister for Mental Health) Freedom of Information (FOI) Application from [REDACTED] - the subject line of all final Ministerial Briefs from 8 May 2023 to 8 July 2023 (CHSFOI23-24.06)	DCEO	4/09/23	Minister for Mental Health
MCHS23/575	Caveat Brief - Minister for Mental Health - Incident at Australian National University (18 September 2023)	CEO	19/09/23	Minister for Mental Health
MCHS23/578	Event: (Minister for Health and Minister for Mental Health) Canberra Hospital 50th Anniversary - Monday, 25 September 2023	DCEO	22/09/23	Minister for Health and Minister for Mental Health
MCHS23/557	Email - Comment - Minister for Justice Health - Negligence in the administration of medical treatment in AMC - [REDACTED]	COO	10/10/23	Minister for Justice Health
MCHS23/561	Initiated Brief: (Minister for Mental Health) Freedom of Information (FOI) Application from [REDACTED] - Copy of named ministerial briefs (excluding attachments (CHSFOI23-24.13)	CEO	12/10/23	Minister for Mental Health
MCHS23/563	Initiated Brief: (Minister for Mental Health) Freedom of Information (FOI) Application from [REDACTED] - the subject line of all final Ministerial Briefs from 9 July to 31 August 2023 (CHSFOI23-24.15)	DCEO	16/10/23	Minister for Mental Health