



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ECONOMY AND GENDER AND ECONOMIC EQUALITY
Ms Leanne Castley MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),
Mr Johnathan Davis MLA

Inquiry into Annual and Financial Reports 2020-2021 ANSWER TO QUESTION TAKEN ON NOTICE 22 February 2022

Asked by ELIZABETH LEE MLA on 22 FEBRUARY 2022: ANDREW BARR MLA took on notice the following question(s):

Ref: Hansard Proof Transcript 22 February 2022 PAGE 14

In relation to: Cabinet Decisions – Open Access

MS LEE: Thank you, Chair. My question goes to support to cabinet and open a government. Chief Minister, cabinet or cabinet committee decisions are to be published on the ...(indistinct)... [10.06.58]. Can you please explain why the last summary of cabinet decisions that is published on that website is August 2021, now more than six months ago?

Mr Barr: That is a very good question. I do not put them on the website myself. I will ask the officials in the room who do why they are not up there.

Ms Leigh: Chief, we will take that on notice, please.

MS LEE: Okay. In terms of the last six months, obviously, would you say that arguably it is really, really important given everything that has been happening in our community for there to be openness and transparency for the public with these websites, the publication?

Mr Barr: I think it would be helpful if the legislative requirements are met, and I apologise that they have not. I do not know why. As I say, I am not personally responsible for uploading the cabinet summaries, but they should be on the website and we will get them up there as soon as possible.

MS LEE: What are the consequences or the impact of the not meeting these legislative requirements?

Mr Barr: Consequences in what sense?

MS LEE: That they have, obviously, been a breach of the FOI Act.

Mr Barr: Well, I think the legislation would outline any penalties, if there are any.

MS LEE: All right. Would you undertake as the Chief Minister to ensure that those penalties are implemented in that sense?

Mr Barr: Look, if there are any penalties—I do not believe there are, but if they are, I will ensure that they are enacted.

MS LEE: In terms of if there is no penalties—

Mr Barr: The most important thing, obviously, is that the summaries go on the website.

MS LEE: Yes. What will you do to ensure that this does not happen again?

Ms Leigh: Ms Lee, I would personally follow-up on that straight after this hearing.

Mr Barr: We will follow-up immediately.

ANDREW BARR MLA: The answer to the Member’s question is as follows:—

Cabinet Decision summaries for the period of August 2021 to December 2021 were published and made available on 22 February 2022. The summaries in question were in the process of being published at the time of the hearing, following conclusion of the required processes by Government.

There has been no breach of the *Freedom of Information Act 2016* (the Act).

The Act does not prescribe a legislative timeframe for the release and publication of Cabinet Decision summaries. There is no penalty outlined in the Act as there is no legislative timeframe given.

Cabinet Office bring forward Cabinet Decision summaries for Chief Minister consideration and Cabinet’s noting on a quarterly basis and ensure they are published as soon as practicable following consideration. Generally, Cabinet Decision summaries are published every three to six months.

Contributing factors in increased timeframes for publication have included the availability of staffing resources, particularly impacted by the ongoing COVID-19 support provided by the business unit Cabinet, Assembly and Government Business, CMTEDD.

Approved for circulation to the Standing Committee on Economy and Gender Equality

Signature: 

Date: 28.2.22

By the Chief Minister, Andrew Barr MLA