



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2024-2025

Ms Nicole Lawder MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),
Miss Laura Nuttall MLA

**ANSWER TO QUESTION TAKEN ON NOTICE
DURING PUBLIC HEARINGS**

Asked by: Ms Nicole Lawder MLA

Addressed to: Chief Minister

Reference: Uncorrected Hansard Transcript [Page 126]

Hearing Date: 23 July 2024

QTON lodgement date: 24 July 2024

Answer Due Date: 29 July 2024

THE CHAIR: So you may recall, there was a FOI in the health directorate where a lot of the negative information was redacted. And my colleague, Ms Castley, went to the Ombudsman, I think it was, all the positive comments were there and there were no negative comments. And the Ombudsman overturned that decision. I think that was late 2023, and earlier this year I did a similar FOI for TCCS and I have had the same result where all the negative things have been redacted, page after page, but all the positive things are there. Is there no consistent approach? Did we not learn from the Ombudsman's overturning that decision?

Ms Leigh: I would need to take that on notice, Ms Lawder.

Andrew Barr MLA: The answer to the Member's question is as follows:

Pursuant to section 33 of the Act, access applications made to an agency, must be dealt with by (a) the information officer of the agency or (b) at the request of the principal officer of the agency—by the information officer of another agency.

Agencies are supported by guidelines prepared by the ACT Ombudsman which assist with the interpretation of the Act. These are publicly available from the ACT Ombudsman's website and available to support consistency in approach to access applications.

Questions regarding whole of Government policy in relation to the *Freedom of Information Act 2016* should be directed to the policy holder directorate – Justice and Community Safety.

Approved for circulation to the Select Committee on Estimates 2024-2025

Signature: 

Date: 31.7.24

By the Chief Minister, Andrew Barr MLA