

2026

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

Chief Minister Treasury and Economic Development Directorate (CMTEDD)

**Notice provided to the Ombudsman - FOI2025-371 –
pursuant to section 39 of Freedom of Information Act 2016**

**Presented by
Rachel Stephen-Smith MLA
Minister for Finance
February 2026**

From: [CMTEDD FOI](#)
To: [ACTFOI](#)
Subject: Notification Ombudsman CMTEDDFOI 2025-371
Date: Thursday, 4 December 2025 10:27:00 AM
Attachments: [Notification to Ombudsman CMTEDDFOI 2025-371.pdf](#)

Good morning

Please find attached correspondence from the Information Officer from the ACT Revenue Office re a decision not made in time.

As per Mr Amalos' letter, the applicant was sent a notice of intention to refuse yesterday. The 10 working day consultation period is now underway.

Kind regards

Emma

Emma Hotham (she/her) | Director, CMTEDD FOI

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Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

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ACT
Government

Chief Minister, Treasury and
Economic Development

3 December 2025

Our reference: CMTEDDFOI 2025-371

Dear Ombudsman

ACCESS APPLICATION – NOTICE OF DECISION NOT MADE IN TIME

On 10 October 2025 the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) received an access application made under the *Freedom of Information Act 2016* (FOI Act).

The scope of the access application relates to a summary or spreadsheet information listing all payroll tax waivers granted over the last 10 years, including specific details for each waiver.

I am writing to notify you that a decision on this access application was not made within the statutory processing period. This was because:

On 21 October 2025, the applicant was advised of information that is publicly available and provided with links to provide them some of the information they were seeking. On this date, they were also advised that information within their request such as 4.a (ii, iii, v and vi) would likely be exempt under Schedule 1.3 (6) and (7) of the *Freedom of Information Act 2016* – Information disclosure is prohibited under a secrecy provision of a law (the *Taxation Administration Act 1999*). The applicant was also advised that another part of their request is not information held by ACT Revenue Office that relates to the size of the business that information was being sought for. The applicant was asked if they wanted to continue with this request considering this advice.

On 6 November 2025, having not received a response from the applicant to the email advice of 21 October 2025, a phone call was made to the applicant. During this conversation they confirmed that they wanted to proceed with the request.

An acknowledgement email was sent to the applicant on 6 November 2025.

In the meantime, due to staffing leave the deadline for a response was missed due to an administrative oversight.

Despite the time to decide having expired, CMTEDD is continuing to deal with the application and will make a final decision on the access application. A notice of intention to refuse has been drafted and will be sent to the applicant later today. The consultation period of 10 working days will then commence.

CMTEDD has also written to the applicant to advise of the deemed refusal process.

We will table this notice in the Legislative Assembly within 3 sitting days after a decision has been made on the access application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Amalos', with a stylized, cursive script.

Paul Amalos

Information Officer – ACT Revenue Office

Chief Minister, Treasury and Economic Development Directorate

3 December 2025