

Rachel Stephen-Smith MLA

Minister for Health
Minister for Mental Health
Minister for Finance
Minister for the Public Service

Member for Kurrajong

Thomas Emerson MLA
Chair
Standing Committee on Social Policy
ACT Legislative Assembly
emerson@parliament.act.gov.au

Our ref: GBC2025/0000192

Dear ~~Mr Emerson~~ **Tom**

Thank you for your letter of 14 March 2025 regarding Questions on Notice 29 and 30 from the Standing Committee on Social Policy's *Inquiry into Annual and Financial Reports 2023-24*.

Your correspondence states that my responses to Questions on Notice 29 and 30 made a claim of confidentiality over the documents requested by the Committee. This is not the case. Rather, the responses noted that disclosure of parts of this information may be contrary to the public interest and suggested that the Freedom of Information (FOI) process would be the appropriate mechanism for the documents to be requested, assessed and released.

Clearly, an assessment of each document would be required if the material were to be considered for provision to a Committee outside the FOI process. Ministers cannot simply table or release documents with no consideration as to whether they contain confidential information or information that it would be contrary to the public interest to disclose. Such an assessment would not have been possible in the timeframe available for responding to Questions on Notice during the Committee's Inquiry into Annual and Financial Reports.

For the information of Committee Members, I note that several relevant FOI requests have already been processed and released across the ACT Government, including:

- the Incoming Government Brief prepared for the Chief Minister¹;
- incoming briefs for the Corrective Services portfolio²;

¹ FOI #CMTEDDOI 2024-408, https://www.cmtedd.act.gov.au/_data/assets/pdf_file/0007/2817205/2024-408.pdf

² FOI #JACS2025-310, <https://www.justice.act.gov.au/about-us/freedom-of-information/disclosure-log/disclosure-logs/jacs2025-310>



- incoming briefs for the Police, Fire and Emergency Services portfolio³;
- incoming briefs for Gaming Reform portfolio⁴; and
- incoming briefs for Prevention of Family and Domestic Violence portfolio⁵.

Given this, I remain of the view that the well-established FOI process is the most appropriate mechanism for requesting access to health portfolio incoming Minister's briefs. However, should a Member of the Legislative Assembly wish to seek my incoming Minister's briefs through a Question on Notice, I will ask relevant officials to review the material with a view to releasing as much as possible, in line with my ongoing commitment to accountability and transparency.

I trust this letter serves to clarify the situation and would be happy to discuss this with you further if that is helpful.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Rachel Stephen-Smith', with a stylized flourish at the end.

Rachel Stephen-Smith MLA
21 March 2025

³ ibid

⁴ ibid

⁵ FOI #FOI-CSD-24/14, <https://www.communityservices.act.gov.au/home/disclosure-log/disclosure-logs/foi-csd-2414>



Ms Rachel Stephen-Smith MLA
Minister for Mental Health
Legislative Assembly for the ACT
196 London Circuit
CANBERRA ACT 2601

Dear Minister

Question response: Inquiry into Annual and Financial Reports 2023–24

I write on behalf of the Standing Committee on Social Policy in relation to your response to Questions on Notice 29 and 30 for the above inquiry, dated 28 February 2025 (Attachments A and B).

The Committee notes that your response includes a claim of confidentiality in relation to the production of the requested information. Parliamentary privilege overrides this claim. To manage these situations, the Assembly has passed continuing resolution 8B that uses a public interest test.

If there is no harm to the public interest, the Committee requests that you provide a copy of the requested materials via email to the Committee Secretary.

Where there is a harm to the public interest, the Committee requests that you provide a statement in accordance with continuing resolution 8B specifying the following:

- The harm to the public interest that could arise from the public disclosure of the handover briefing documents requested; and
- Whether the harm would accrue from providing the material as confidential evidence.

Please provide your statement via email to the Committee Secretary **by 5.00 pm on 21 March 2025**.

Any queries can be directed through the Committee Secretary, Ms Katie Langham, on (02) 6207 5498 or at LACommitteeSP@parliament.act.gov.au

Yours sincerely

Mr Thomas Emerson MLA
Chair

14 March 2025



Inquiry into Annual and Financial Reports 2023–2024

Answer to question on notice

Asked by: Mr Thomas Emerson MLA

Addressed to: Minister for Mental Health

Reference: Mental Health – Canberra Health Services

Hearing: 11 February 2025

In relation to: Handover Documents within Canberra Health Services

Question received: 17 February 2025

Answer Due: 25 February 2025

Can you please provide a copy of all handover briefing documents your directorate/agency prepared during the 2024 caretaker period for the incoming Government/Minister(s)?

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

Briefs prepared by the ACT Public Service for the incoming government contain information ranging from factual to policy advice to sensitive communications. Disclosure of parts of this information may be contrary to the public interest. The appropriate mechanism to request access to this information is through a request under the Freedom of Information Act 2016 submitted to the relevant directorate.

Approved for circulation to the Standing Committee on Social Policy

Signature:

Date:

28/2/25

By the Minister for Mental Health, Rachel Stephen-Smith



Inquiry into Annual and Financial Reports 2023–2024

Answer to question on notice

Asked by: Mr Thomas Emerson MLA

Addressed to: Minister for Health

Redirected to: Minister for Mental Health

Reference: Social Policy 10:30am-12:00pm Ms Stephen-Smith, Minister for Mental Health

Hearing: 11 February 2025

In relation to: Handover Documents from ACT Health Directorate

Question received: 17 February 2025

Answer Due: 25 February 2025

Can you please provide a copy of all handover briefing documents your directorate/agency prepared during the 2024 caretaker period for the incoming Government/Minister(s)?

MINISTER FOR MENTAL HEALTH: The answer to the Member's question is as follows:

Briefs prepared by the ACT Public Service for the incoming government contain a range of information ranging from factual to policy advice to sensitive communications. Disclosure of parts of this information may be contrary to the public interest. The appropriate mechanism to request access to this information is through a request under the Freedom of Information Act 2016 submitted to the relevant directorate.

Approved for circulation to the Standing Committee on Social Policy

Signature:

Date:

28/2/25

By the Minister for Mental Health, Rachel Stephen-Smith