

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



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>