

2026

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

ELEVENTH ASSEMBLY

Digital Canberra

Notice provided to the Ombudsman

CMTEDD FOI2025-362 Pursuant to section 39 of the Freedom of Information Act 2016

**Presented by
Rachel Stephen-Smith MLA
Minister for the Public Service
February 2026**

From: [ACTFOI](#)
To: [CMTEDD FOI](#)
Cc: [ACTFOI](#)
Subject: RE: [External] ACCESS APPLICATION – NOTICE OF DECISION NOT MADE IN TIME [SEC=OFFICIAL]
Date: Thursday, 18 December 2025 9:46:03 AM
Attachments: [image001.png](#)
[image002.png](#)

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OFFICIAL

Dear Katharine

Thank you for your email and providing notice of decision not made in time in relation to the FOI access application (Agency ref: CMTEDDFOI2025-362) under section 39(1)(c) of the *Freedom of Information Act 2016* (ACT).

Our reference is: **AFOI-DD/25/80009**.

Yours sincerely,



Quang Tran

Merits Review Officer (he/him)
Freedom of Information
Defence, Investigations, ACT & Legal



OMBUDSMAN AN OFFICER OF
THE ACT LEGISLATIVE ASSEMBLY 

(02) 6122 5340 Monday – Friday 10AM to 4PM AEST

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Level 5, 7 London Circuit Canberra ACT 2601

The Office of the ACT Ombudsman acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, Culture and community. We pay our respects to Elders past and present.

Artwork by Kevin Bynder, Whadjuk Nyungar Badimia Yamatji Artist.

From: CMTEDD FOI <CMTEDDFOI@act.gov.au>

Sent: Wednesday, 17 December 2025 5:11 PM
To: ACTFOI <actfoi@ombudsman.gov.au>
Cc: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Subject: [External] ACCESS APPLICATION – NOTICE OF DECISION NOT MADE IN TIME
[SEC=OFFICIAL]

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Our reference: CMTEDDFOI2025-362

Dear Ombudsman

ACCESS APPLICATION – NOTICE OF DECISION NOT MADE IN TIME

On 3 October 2025, the Chief Minister, Treasury and Economic Development Directorate received on behalf of Digital Canberra (DCbr) an access application made under the *Freedom of Information Act 2016 (FOI Act)*.

The scope of the access application relates to:

... all information relating to the \$13M settlement payment to EY by the ACT for the failed HRIMS, including:

- *deed of settlement*
- *meetings/negotiations/correspondence/documents regarding any mediation and settlement*

Additional background information:

THIS REQUEST EMANATES FROM A REVIEW OF THE AUDITOR GENERAL'S REPORT INTO THE MATTER.

I am writing to notify you that a decision on this access application was not made within the statutory processing period. Following an extension of time under section 41 of the Act, the date for a decision was **4 December 2025**.

This was because:

- Due to recent machinery of government (MOG) changes, DCbr does not have its own FOI processing capability. Under a memorandum of understanding CMTEDD FOI processes requests that would previously have come under CMTEDD prior to the MOG.
- This MOU was recently extended to 20 March 2026. It was previously due to expire at the end of November 2025.
- Whilst CMTEDD FOI will prepare the information, it is a DCbr Information Officer who reviews and makes the decision.
- Since the MOG, CMTEDD has been unable to access DCbr records that were previously under CMTEDD. This means there has been significant delays in receiving information from DCbr as it is clear that they are navigating complexities around setting up a new

directorate.

- There have also been sensitivities around the HRIMS project with significant amounts of involvement from ACT Government Solicitor in addition to DCbr having used a private law firm to navigate the complexities around the HRIMS project.
- The first tranche of material was received by CMTEDD from DCbr on 24 October. This was around 400 pages.
- While waiting for further documentation, an extension of 10 working days was sought from the applicant on 10 November 2025. The request was taken as granted as the applicant did not respond within 7 working days.
- The final tranche of material (over 2,000 pages) was received by CMTEDD FOI on Thursday, 27 November 2025.
- On 3 December CMTEDD FOI contacted the ACT Ombudsman by telephone to discuss the issue. The advice from the ACT Ombudsman office was to submit a request for an extension of time to the ACT Ombudsman which was done. This request sought a 10 working day extension, meaning the decision would be due 18 December 2025.
- On 12 December the ACT Ombudsman responded to CMTEDD request that the applicant was required to have been asked for an extension under s 41(3) before requesting an extension from the ACT Ombudsman. A telephone conversation confirmed that CMTEDD had been told the wrong advice on the 3 December. The extension from ACT Ombudsman was not possible.

Despite the time to decide having expired, Digital Canberra will continue to deal with the application and make a decision on the access application.

CMTEDD on behalf of Digital Canberra has also written to the applicant to advise of the deemed refusal process.

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

Yours sincerely

Katharine

Katharine Stuart (she/her) | Senior Director, Information Management

Phone: 02 6207 4497 | Email: katharine.stuart@act.gov.au

Governance, Reporting, Information and Facilities | Corporate

Chief Minister, Treasury and Economic Development Directorate | ACT Government

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I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

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