

Dear Julie

Thanks for your reply. I remain however unconvinced.

This is an FOI request and I trust you will forward it immediately to the relevant person within your agency.

Secondly, I seek your advice about any option I have of this request being dealt with under federal as distinct from ACT legislation including the benefits and any negative issue. Thank you.

My request is directed to all documents relating to all matters raised in my correspondence with your office. The correspondence covers, broadly, the obligation of the Ombudsman to investigate matters of administration concerning ACTEWAGL in all its legal forms (subsidiaries which ACTEWAGL is part owner directly or indirectly). This includes subsidiaries where there is any legal or financial obligation either created by statute or policy decision by ACTEWAGL or the ACT Government.

It also extends to the detailed grounds and reasons for the Ombudsman reaching the various decisions conveyed to me or otherwise that ACTEWAGL and all its subsidiaries are 'outside' the scope of your ACT or Commonwealth legislation.

Further, all documents describing the grounds and reasons you are relying on to say to me that ACTEWAGL is not subject to the ACT FOI legislation including why published Disclosure Statements by ACTEWAGL do not expressly suggest that it is subject to FOI legislation.

Further, any documents that exist regarding communication you have had with the ACT Administrative Tribunal or other area of the ACT Government or judiciary regarding their opinion that ACTEWAGL (itself or through its subsidiaries) is in fact subject to FOI legislation and within scope for the Ombudsman to investigate.

In addition please supply all documents relating to the following points that arise from your latest denial of responsibility:

- ❖ The link provided appears to relate to a matter involving the Opposition Leader Alistair Coe (reference unredacted)

<https://www.iconwater.com.au/~media/files/icon-water/about-us/budget-estimates-briefs-august-2018-foi---disclosure-log.pdf>

- ❖ There is no mention of Icon Distribution Investments Limited which is one of two subsidiaries established by Icon Water to meet obligations under the Territory-owned Corporations Act.

While IActewAGL is not itself a subsidiary of Icon Water, you have omitted to say that ActewAGL is 50% owned by Icon Distribution Investments Limited and would therefore appear to be part of the subsidiary. Icon Water's website advises that Icon Distribution Investments Limited partners with Jemena Networks in the ActewAGL Distribution Partnership.

<https://www.iconwater.com.au/About-Us/Who-are-we.aspx>

- ❖ You also advise that you have looked into the set-up of these companies and concluded ActewAGL is not a subsidiary of Icon Water, however no explanation to support this conclusion is provided.
- ❖ A key question seems to be whether partnerships established with corporations and subsidiaries that are clearly subject to the FOI Act, are also subject to the FOI Act. If partnerships are not subject to the FOI Act, this could provide a means for Territory-owned corporations and subsidiaries to avoid their FOI Act obligations in relation to certain activities.

As you know, this request is being made by a non-profit organisation, ARPI, in the public interest, hence we request that any fee be waived.

Thank you

Regards