



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 18/36724

Dear [REDACTED]

Freedom of information request: 18/36724 Demolition of outbuildings at 8 Palmer St Hall

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), transferred to the Environment, Planning and Sustainable Development Directorate (EPSDD) by Minister Gentleman on 6 December 2018 in which you sought access to information on the demolition of outbuildings at 8 Palmer St Hall ACT.

Specifically you requested the following:

1. *The written instructions given by the government to the agent who handled the sale of 8 Palmer St.*
2. *The complete report of the independent review undertaken by Access Canberra in relation to the unauthorised destruction of the outbuilding.*
3. *The contract that was provided to prospective buyers of 8 Palmer St.*

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 of the Act.

In accordance with section 41 of the Act, the deadline for a decision on your access application is **30 January 2019**.

Decision on access

Point 2 of your application has been transferred to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) under section 58 of the Act and they will respond to you directly.

Searches were completed for documents relevant to points 1 and 3 of your application and 15 documents were identified that fall within the scope of your request. Included on the schedule of documents are two email attachments identified as out of scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to 13 documents relevant to your request.

One document identified as relevant to your request contains information that I consider to be information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have decided to grant access, under section 50 of the Act, to a copy of the document with deletions applied to information that I consider would be contrary to the public interest to disclose.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

Material considered

In reaching my access decision, I have taken the following into account:

- the FOI Act, particularly sections 17, 38 and 58 and Schedule 2;
- the content of the documents that fall within the scope of your request;
- the *Information Privacy Act 2014*

Exemptions claimed

My reasons for deciding not to grant full access to one of the identified documents are as follows:

Contrary to the public interest information under schedule 2.2 (a) (ii) of the Act

Item one of the attached schedule contains information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

Personal Information

I have considered the release of identified personal information and my view, in this instance, is that the release of this information would not serve to further open discussion, government accountability, informed debate or the provision of contextual or background information.

I am satisfied that the disclosure of this personal information could reasonably be expected to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*; This is a factor favouring non-disclosure under Schedule 2.2 (a)(ii) of the Act.

On balance of my public interest considerations and the information available, I have concluded that disclosure of the identified personal information of members of the public may constitute a breach of privacy and is therefore contrary to the public interest.

Online publishing – disclosure log

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the disclosure log from three days after the date of this decision. Your personal contact details will not be published.

You may view the agency's disclosure log at:

www.environment.act.gov.au/about/access-government-information/disclosure-log

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the disclosure

log, or a longer period allowed by the Ombudsman. For more information and the application form for Ombudsman review, please visit:

http://www.ombudsman.act.gov.au/_data/assets/pdf_file/0026/79190/40A-Reviews-Factsheet-and-Application-Form-final-A1569634.pdf

Alternatively you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact EPSDD Customer Service on (02) 6207 1923 and ask for the FOI team, or email to EPSDFOI@act.gov.au

Yours sincerely



Bruce Fitzgerald
Information Officer
Environment, Planning and Sustainable Development Directorate

24 January 2019