



ACT
Government

**CITY
RENEWAL
AUTHORITY**

Reference : 19/29275



Dear 

Freedom of Information request 19/29275

I refer to your two applications under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 17 September 2019, in which you sought access to documents held relating to Block 24 Section 65 City. I am responding as the land comes under the responsibility of the City Renewal Authority.

Under section 43(2) of the Act, the two applications can be considered as one.

Specifically, you are seeking:

"Any documents, briefing notes, or correspondence relating to the valuation of Block 24, Section 65, Division of City in the Australian Capital Territory by Colliers International between 1 April 2015 and 15 December 2015.

This may include but is not limited to, email correspondence, summary documents or briefs, copies of correspondence or other draft documents, meeting summaries or agendas, or other types of supplementary or internal materials." and

"Any documents, briefing notes, or correspondence relating to the consideration of the purchase and decision to purchase Block 24, Section 65, Division of City in the Australian Capital Territory between 1 April 2014 and 15 December 2015.

This may include but is not limited to, email correspondence, summary documents or briefs, copies of correspondence or other documents, meeting summaries or agendas, or other types of supplementary or internal materials"

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

With the agreed extension to the decision date, the City Renewal Authority is required to make a decision by 1 November 2019.

Searches Undertaken

Searches were completed for relevant documents, and 20 documents were identified that are within scope of your request.

I have included as **Attachment A** to this decision the schedule of 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.

Decision on Access

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

I have decided to refuse access to four documents.

Scheduled items 14 and 20 are refused under section 43(1)(d) of the Act.



Scheduled item 14 is available to purchase from ACT Land Titles, scheduled item 20 is publicly available, a hyperlink to this information have been provided on the schedule.

Scheduled items 7 and 9 are refused under Schedule 1.2 of the Act, as these documents contain information subject to legal professional privilege.

Eight documents identified as relevant to your request contain information that I consider to 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 to these documents under section 50 of the Act, 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 are at **Attachment B** to this letter.

Material Considered

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

- the FOI Act, particularly 17, 43, 45, 50, and Schedules 1 and 2
- the content of the documents that fall within the scope of your request
- the *Information Privacy Act 2014* (the Privacy Act)

Public Interest Considerations

My reasons for deciding not to grant access to the identified documents and components of documents are explained below; these documents contain information that I consider to be contrary to the public interest to disclose.

Information Disclosure – Contrary to the Public Interest Under Schedule 1 of the Act

Scheduled items 7 and 9 of the identified documents contain information that is considered to be contrary to the public interest under Schedule 1.2 of the Act.

These documents contain advice and discussion with the ACT Government Solicitor's office, this information cannot be disclosed on the grounds of legal professional privilege.

Information Disclosure – Contrary to the Public Interest Under Schedule 2 of the Act

The Act recognises the right of every person to obtain access, under its provisions, to government information (see section 7, the Act). As an Information Officer, I am required to allow access to information subject to the Act unless, on balance, disclosure would be contrary to the public interest.

In assessing the public interest, I must apply the test set out by section 17 of the Act which requires consideration of factors favouring disclosure, any factors favouring nondisclosure and the balance of those factors when considered cumulatively.

Personal Information

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

I am satisfied that the disclosure of identified 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 nondisclosure under Schedule 2.2(a)(ii) of the Act.

Business Affairs

Schedule item 13, contains the banking details of a third party, I am satisfied that, the release of this information would not serve to further open discussion, government accountability, informed debate and reveal the reason for a government decision and any contextual or background information.

Charges

I have waived fees associated with your access application under section 107(2)(b) of the Act, as the information that is subject of the request is of special benefit to the public.

Online Publication

Under section 28 of the Act the EPSDD, on behalf of the City Renewal Authority, 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 EPSDD's disclosure log, no earlier than 3 and no later 10 working days after this decision is provided to you. Your personal contact details will not be published.

You may view the EPSDD's disclosure log at

<https://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

If you wish to request a review of my decision 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/>

Further Information

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



Craig Gillman

Information Officer

City Renewal Authority

i November 2019