



ACT
Government

Suburban Land
Agency



Dear 

Decision on Freedom of Information Access Application 23/07962

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the Act) received by the Suburban Land Agency (SLA) on 21 December 2022.

Specifically, you are seeking:

... *22/95894 Ministerial Information Brief – Taylor Re-Release Options*

As agreed, a decision on access must be made on or by 3 February 2023.

Decision on Access

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 response to your application, comprehensive searches were conducted and four documents containing information that I am satisfied is within the scope of your application, were identified.

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

For the reasons set out below, I have decided to:

- grant full access to one document relevant to your application and
- grant partial access to three documents and, in accordance with section 50 of the Act, provide you with copies of documents with deletions applied to contrary to the public interest information.

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 6, 17, 50 and Schedule 2
- the content of the documents that fall within the scope of your request

Public Interest Considerations

My reasons for deciding not to grant access to components of these documents are as follows:

Information Disclosure – 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 outlined under section 17 of the Act which requires consideration of factors favouring disclosure, any favouring nondisclosure and the balance of those factors when considered cumulatively.

Factors Favouring Disclosure

In applying the public interest test, I have determined that disclosure of the information could reasonably be expected to do the following:

- Schedule 2, 2.1(a)(i) – promote open discussion of public affairs and enhance the government’s accountability
- Schedule 2, 2.1(a)(ii) – contribute to positive and informed debate on important issues or matters of public interest
- Schedule 2, 2.1(a)(iii) – inform the community of the government’s operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with the public.

Factors favouring Nondisclosure

In applying the public interest test, I have determined that disclosure of the information could reasonably be expected to do the following:

- Schedule 2.2(a)(viii) – prejudice the economy of the Territory
- Schedule 2, 2.2(a)(xiii) – prejudice competitive commercial activities of an agency.

Schedule 2, 2.2(a)(xiii) reflects that when the ACT Government engages or competes with commercial service providers in carrying out particular functions, to operate effectively, it is necessary that certain information relating to its functions is not disclosed. The Suburban Land Agency, established under the *City Renewal Authority and Suburban Land Agency Act 2017* (the CRASLA Act), carry out a range of activities in a competitive commercial environment, including ‘to buy and sell land on behalf of the Territory’ - section 39(a) of the CRASLA Act. The disclosure of this information could reasonably be expected to prejudice the competitive commercial activities of the Suburban Land Agency by affecting potential future land sales or commercial negotiations, and in turn may prejudice the economy of the ACT Government (Schedule 2, 2.2(a)(viii)).

On balance, I have decided that the detriment caused by the release of this information outweighs any anticipated benefit provided by its release. In this instance, my decision is that the prevailing weight favours nondisclosure and that this information should be redacted from the documents. I have decided that the remainder of the documents may be disclosed to you.

Charges

In accordance with the *Freedom of Information (Fees) Determination 2018* no charges are applicable to this application, the number of pages to be released is below the minimum threshold.

Online Publication

Under section 28 of the Act, on behalf of the Agency, Environment Planning and Sustainable Development Directorate (EPSDD) maintains an online record of access applications called a disclosure log. Your original access application, this decision and documents released will be published in the EPSDD disclosure log no earlier than three days after you receive this decision. Your personal contact details will not be published.

You may view the EPSDD disclosure log at

<https://www.environment.act.gov.au/about-us/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:

https://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.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/>

Further Information

If you have any queries concerning the Agency'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



Nicholas Holt

Information Officer
Executive Director, Built Form and Divestment
Suburban Land Agency
2 February 2023