

Dear [REDACTED]

Freedom of Information 19/36270

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Suburban Land Agency (the Agency) on 15 November 2019, in which you sought access to the valuation of 4 Lex Banning Street, Wright, ACT.

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

The Agency is required to make a decision on your access application on or before 13 December 2019.

Decision on Access

Searches were conducted, two documents were identified that contained the requested information.

I have decided to refuse access to the requested information as it is information that on balance would be contrary to the public interest to disclose under the test set out in section 17 of the Act.

My access decisions are detailed further in the following statement of reasons.

Material Considered

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

- the Act, particularly section 17 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 the identified documents and components of these documents are as follows:

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 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

- Schedule 2.1(a)(viii) – reveal the reason for a government decision and any background or contextual information that informed the decision

Factors favouring nondisclosure

- Schedule 2.2(a)(viii) - prejudice the economy of the Territory
- Schedule 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person
- Schedule 2.2(a)(xiii) - prejudice the competitive commercial activities of an agency

I have given consideration to the release of the valuation reports subject to your application and how they may inform in greater detail the reason for government decision this particular sales process.

A primary function of the Agency is to contribute to the Territory's economy by conducting land sales. These documents provide granular detail of the valuation process, price setting inputs and other commercial advice which is fundamental to the process of selling land in a commercial setting and is core to the Agency's ability to operate in a commercial manner. Releasing this information would compromise the Agency's ability to operate commercially in the land market and prejudice the competitive commercial activities of the Agency.

The valuation reports contain information, which could disclose the methodology and research of the third party that prepared the reports. This could provide an advantage to any competitors in the marketplace.

Release of the information could set a precedent, in which potential buyers apply for access to the valuations of blocks available for sale, this could put the Agency at a competitive disadvantage, and possibly delay or cause loss of sales.

On balance, I have concluded that the information requested is for a specific site, and demonstrates specific interest of the applicant, the release of the information is considered to not be in the public interest of the wider community.

Charges

Pursuant to the *Freedom of Information (Fees) Determination 2018*, processing charges are not applicable for this application.

Online Publication

Under section 28 of the Act, the Environment, Planning and Sustainable Development Directorate, (EPSDD) maintains an online record of access applications called a disclosure log, on the Agency's behalf. Your original access application, my decision and the schedule released to you in response to your access application will be published in the EPSDD disclosure log from 3 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

Joseph Lee

Information Officer
Suburban Land Agency

12 December 2019