



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 18/06511

Dear [REDACTED]

Freedom of information request: Minute referred to in Auditor-General's report into the tender for Block 30 Section 34 Dickson

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 22 February 2018, in which you sought access to a minute referred to in the Auditor-General's report on the tender for Block 30 Section 34 Dickson.

Specifically, you are seeking:

"the minute to the Director-General of the Economic Development Directorate from the Director, Sustainable Land Strategy referred to in paragraph 3.87 in the Auditor-General's Report No. 3 of 2018 on the Tender for the sale of Block 30 (Formerly Block 20) Section 34 Dickson; and any documents associated with its creation. This may include, but not be limited by, system logs, correspondence, drafts, and internal working documents."

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

EPSDD is required to make a decision on your access application within 20 working days of receipt. As confirmed in your email of 23 March 2018, the due date was extended to 17 April 2018 due to third party consultation and a further day extension was sought to provide a response to you on 18 April 2018.

Decision on access

Searches were completed for relevant documents and seven documents were identified that fall within the 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 three documents relevant to your request.

Two documents identified as relevant to your request contain 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 copies of documents 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
- the content of the documents that fall within the scope of your request;
- your views on the public interest in disclosing the government information applied for;
- the *Information Privacy Act 2014*
- the views of the third party

Exemptions claimed

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

Folios 1, 2, 3 and 7 of the identified documents contain 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.

The documents contain personal information for which release would prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*, a factor favouring nondisclosure in the public interest under Schedule 2.2 (a) (ii). No factors favouring disclosure are relevant to this information and the release of the personal information would not have any positive benefit to the community.

One document has been identified that contains information for which release is deemed to be contrary to the public interest under Schedule 1, 1.2 of the Act (information subject to legal professional privilege).

One document contains information relating to a business's financial affairs. I consider that the release of this information would negatively impact on the business and prejudice trade secrets and business affairs, a factor favouring nondisclosure in the public interest under schedule 2.2 (a) (xi). In my opinion, to release the business information would not contribute to positive or informed debate or promote open discussion of public affairs.

On balance, I consider that the factor favouring nondisclosure in the public interest outweighs any potential public interest benefit gained from the release of this information.

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 working days after the date of my decision. Your personal contact details will not be published.

You may view the disclosure log at:

<http://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.

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: ombudsman@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 6207 1923 and ask for the FOI team, or email to EPSDDFOI@act.gov.au

Yours sincerely



Bruce Fitzgerald
Information Officer
Environment, Planning and Sustainable Development Directorate

18 April 2018