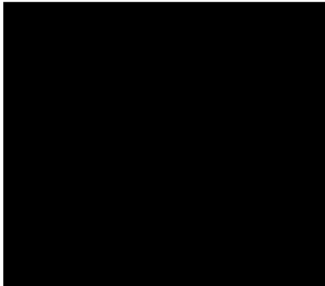




ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD 65/16-17



Decision on Freedom of Information Request – Chapman Public Housing

I am writing in relation to your access request, made under section 14 of the ACT *Freedom of Information Act 1989* (the Act) and received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 27 March 2017.

In your request, revised on 26 April 2017, you sought the following information, specific to the “... *decision/s made by the Minister for Housing and Suburban Development, Yvette Berry, that resulted in the selection of the Chapman site on the corner of Kathner Street and Darwinia Terrace to house thirty three public housing dwellings ...*”

- Documents relating to the identification of the Chapman site;
- Documents outlining the process for site selection by the Taskforce;
- Documents relating to bushfire analysis;
- Documents relating to Community Facilities-zoned sites that were considered, other than Chapman; and
- Documents relating to the Minister’s decision to include the Chapman site, why other sites were excluded, how many sites were considered in her electorate and why they were not considered suitable.

Decision Maker

I am authorised under section 22 of the Act to make decisions on access to documents and liability for charges.

Charges

I have decided, under section 29 of the Act, not to impose processing charges for this request.

Consultation

As advised to you on 10 May 2017 I consulted with third parties that I considered may be affected by the release of their business affairs information. This consultation is now complete.

I note that the final version of the Site Investigation Report (dated 8 May 2017) has been published and that advice regarding the URL has been provided to you.

Exemptions claimed

Documents affecting financial or property interests of the Territory

Section 39 provides:

- (1) Subject to subsection (2), a document is an exempt document if its disclosure under this Act would have a substantial adverse effect on the financial or property interests of the Territory or of an agency.*
- (2) This section does not apply to a document the disclosure of matter in which under this Act would, on balance, be in the public interest.*

I have decided not to release, under section 39 of the Act, components of reports that contain cost estimates for site establishment and development work. I consider that release of this information is likely to compromise the ACT Government's commercial negotiations with developers and construction contractors. Release of this information may adversely affect the ability of ACT Government to run effective and competitive tender processes in future, as it may unduly influence the pricing proponents submit in their applications or produce confusion amongst proponents if they are able to access different versions of pricing information. I consider that this would not be in the public interest as it would influence the ability of the ACT Government to achieve value for money in future processes.

Your Right of Review

Internal Review

Under section 59(1) of the Act, you may request a review of my decision. You have 28 days after receiving notice of my decision to ask for a review, or a further period as allowed by the Director-General.

Your request should be addressed to:

Director-General

c/o Freedom of Information Co-ordinator

Chief Minister, Treasury and Economic Development Directorate

GPO Box 158

CANBERRA ACT 2601

Via email: CMTEDDFOI@act.gov.au

Complaints to the Ombudsman

Under section 54 of the Act, you may complain to the Ombudsman about administrative matters relating to the processing of your Freedom of Information request. There is no fee for making a complaint. The Ombudsman will conduct an independent investigation into your complaint.

You can contact the Ombudsman either by telephone on 1300 362 072 or in writing to:
The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Online FOI Policy

I have assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that my decision on your request and the information released will be published online. Personal information or business information will not be made available under this policy.

A copy of the policy, with details about what information may be published on the Internet, is available online at: http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf

If you would like to discuss my decision further please contact me on (02) 6207 1383.

Yours sincerely



David Collett
Executive Director
Public Housing Renewal Taskforce

29 May 2017