



ACT
Government

Chief Minister and Treasury

Our ref: FOI CMTD 16/12-13

Dear

I refer to your request addressed to the Chief Minister and Treasury Directorate (CMTD) made under the *Freedom of Information Act 1989* (the Act). You are seeking access to the following documents relating to a **Special Shaped Balloon for the Centenary of Canberra**:

- Contracts, service agreements, and Deeds of Variation between the Australian Capital Territory and Global Ballooning P/L, relating to the commission and operation of [the Skywhale] including those omitted from publication on the Procurement website/confidential text; and
- Correspondence between CMTD and the Chief Minister's Office regarding the commission and operation of [Skywhale] – from 1/1/12 to 16/5/13.

Decision Maker

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

As indicated in my letter to you of 4 June 2013, a number of documents that have been identified as relevant to your request contain information regarding the business and personal affairs of third parties and my decisions on the release of those documents are due to you by 19 July 2013 under section 18(4) of the Act.

Charges

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

Identification of Documents

Officers of CMTD have conducted thorough searches of paper and electronic files and email accounts. The documents that are relevant to your request are managed by the Culture and Communications Division.

Decision on access

I have decided to provide to you, in full, the majority of those documents that did not require consultation (i.e. those which fall within the scope of the second dot point of your request). The portions of these documents for which I have claimed exemptions are explained below.

All relevant documents identified are listed on the attached schedule with a summary of my decision in relation to each. The information I have released to you is attached and outlined on the schedule. Duplicate documents have been listed on the schedules however, where applicable, only one copy has been included with the released documents.

Exemptions claimed

Under section 43(1)(c)(i) of the Act, I have exempted excerpts of correspondence that would potentially have an adverse affect on a particular organisation if disclosed. The release of the figures exempted may disclose costing methodology not generally known to the public, and would potentially provide an advantage to competitors in the development of strategic costings. It is also not known if these figures represent the company's current costing approaches and, therefore, may be misleading.

Documents relating to business affairs, etc.

Section 43 of the Act provides:

- (1) *A document is an exempt document if its disclosure under this Act would disclose—*
- a. trade secrets; or*
 - b. any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or*
 - c. information (other than trade secrets or information to which paragraph (b) applies) concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, being information—*
 - (i) the disclosure of which would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or*
 - (ii) the disclosure of which under this Act could reasonably be expected to prejudice the future supply of information to the Territory or an agency for the purpose of the administration of a law or the administration of matters administered by an agency.*

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
Chief Minister and Treasury Directorate
GPO Box 158
CANBERRA ACT 2601

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 FOI 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

Please be aware that under the ACT Government's Online FOI Publication Policy information released to you in response to your Freedom of Information request may be released on the Internet.

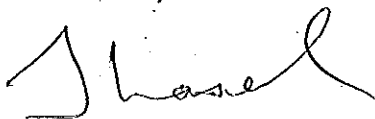
Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the FOI Coordinator immediately on (02) 620 50238.

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

Should you have any queries regarding this matter, please contact me on (02) 620 79024.

Yours sincerely



Jeremy Lasek
Executive Director
Culture and Communications

19 June 2013