



ACT
Government

Environment and
Sustainable Development

EMAIL :ESDDFOI@act.gov.au
REF :FOI 14/01645

Freedom of Information Request – Heritage Nomination for Uriarra Village

I refer to your application under section 14 of the *Freedom of Information Act 1989* (the Act), received by the Environment and Sustainable Development Directorate (ESDD) on 21 January 2014, in which you requested the following documents:

"This nomination was lodged on 11 December 2013 and dismissed on 16 January 2014 under section 30(1) (b) of the Heritage Act 2004. The secretariat of the Heritage Council advised that the nomination would be dealt with as a matter of urgency to provide certainty to those interested. The context was a proposed development application for a large scale industrial installation which would impact the place nominated. I consider this a strange application of Heritage values. The reasons given for the dismissal are inadequate and not based on the content of the nomination. They do not deal in any detail with the information in the nomination and the reasons why it is distinguishable from a 1997 nomination for the Uriarra Forestry Settlement. From the letter of dismissal and the "reasons for decision" I am unconvinced that the members of the Heritage Council themselves read the nomination and compared it with the 1997 nomination. I consider it likely the decision was taken within the secretariat and their briefing of the Council lead to a result which is not consistent with the objects of the Heritage Act.

I would like to see the all the internal working documents relating to the assessment of this nomination, particularly any correspondence to and from members of the Heritage Council and the brief submitted to members of the Council for the meeting on 16 January. I would also like to know if there was any consultation with the office of Minister Simon Corbell regarding this matter."

I am an officer authorised to make a decision in respect of a request for information, under section 22 of the Act.

Schedule detailing decisions

Please refer to the attached schedule that lists decisions regarding access to all documents, which have been identified as relevant to your request. The terms used on the schedule are either 'Release', 'Partial release' or 'Exempt'. Where an exemption is made, a reference will be made on the schedule to the relevant section or combinations of sections of legislation that apply to the decision.

Duplicate documents are listed on the schedules, however where possible I have included only one copy with the released documents.

Decision

The Directorate has identified fifty four documents in its possession that meet the scope of your request, as identified in the schedule attached to this letter.

Under the Act, documents may be partially exempt/exempt or provided to applicants with deletions and I have decided to exempt some parts of some documents under section 41 (Documents relating to personal privacy).

Personal Privacy

Section 41 of the Act provides"

- 1. a document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*

A number of documents contain the personal information relating to community members and I believe that to release the information contained in these documents to you would constitute an unwarranted invasion of privacy on the people concerned.

Review rights

My decision is appealable under the Act. This means that if you are dissatisfied with this outcome you have a right to seek a review under section 59 of the Act. This right of review extends to a review of the adequacy of the search for documents undertaken by ESDD. If you wish to seek a review you should write to:

The Director-General
Environment and Sustainable Development Directorate
GPO Box 1908
CANBERRA ACT 2601

Email: ESDDFOI@act.gov.au

You have 28 days from the date of this letter to seek a review of the outcome or such other period as the Director-General permits.

Under section 54 of the Act, if you are concerned about the processing of your request or related administrative matters, you may complain to the Ombudsman, who may conduct an independent investigation into your complaint. There is no fee for this, and the contact details are as follows:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Email: ombudsman@ombudsman.gov.au

Online FOI Publication Policy


Please be aware that under the ACT Government's "*Online FOI Publication Policy*" (the Policy), information released to you under this Freedom of Information Application may be released on the internet.

Personal information or business affairs information will not be made available under the policy. If you think the content of your request would contain such information, please inform our contact officer immediately.

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/open_government/report/freedom_of_information_online

If you have any queries in relation to this matter, please contact Heather Johnston on 6207 1941.



Alan Traves
Executive Director
Policy

3 March 2013

