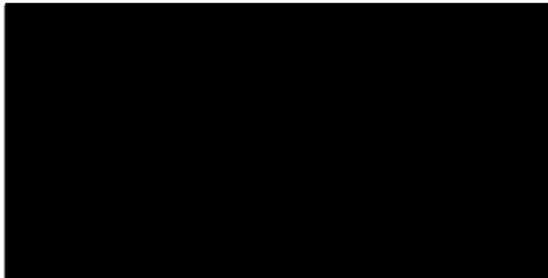




ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref:



Freedom of Information request – Griffith Section 42 Block 15 – Request for internal review

I refer to your application under section 14 of the *Freedom of Information Act 1989* (the Act), received by the Environment and Planning Directorate (EPD) and the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 24 May 2016, in which you requested the following documents:

“any and all Treasury advice since 2007 on the lease variation charge and its waiver, and on the concessional lease and its deconcessionalisation for the block.”

Decision makers within CMTEDD and EPD made a decision on 28 July 2016 to defer release of documents on the grounds that the premature release of documents could potentially impact on legal matters, which would not be in the public interest.

On 29 July 2016 you requested an internal review of this decision.

I, Karen Doran, am a decision maker authorised under Section 22, and 59 (2) of the Act, and a more senior officer than the original CMTEDD decision maker.

Decision

On 6 September 2016, Mr Gary Rake provided a written response to the request for an internal review of this decision; this response provided detailed commentary on each of the grounds for review in that request.

To avoid doubt, the considerations undertaken in reviewing the original decisions as set out in Mr Rake’s response, were undertaken in the context of documents held by the ACT Government – those held by EPD and CMTEDD. Accordingly the responses provided in that letter in respect of EPD documents can be taken to apply equally in respect of the CMTEDD documents.

On this basis, and in reliance on the same considerations that have informed the decision taken by Mr Gary Rake, I have also determined the responsible course of action is to uphold the original decision to defer access until after 31 October 2016, or at an earlier identified time based on advice from the AFP.

It is my view that the public does not benefit from premature release of documents impacting on legal proceedings or investigations, whereas they do benefit from investigations that are unbiased by public discussion and external influences that may occur should the documents be made widely available.

I note this decision to defer access is not a decision to exempt documents from release.

Review of Decision

My decision is appealable under sub-section 60(1) of the Act. If you are dissatisfied with this decision you may apply to the ACT Civil and Administrative Tribunal for a review within 28 days of receipt of this letter.

Further information may be obtained from the Tribunal at:

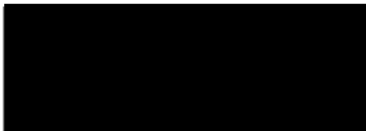
ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au>

Under section 54 of the Act you also have the right to complain to the Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

ACT Ombudsman
GPO Box 442
Canberra ACT 2601
<http://www.ombudsman.act.gov.au>

If you would like to discuss this matter further, you can either contact myself or Ms Corinne Thompson, on 02 6207 3743 or via email at CMTEDDFOI@act.gov.au.

Yours sincerely



Karen Doran
Executive Director
Economic and Financial Group
CMTEDD
9 September 2016