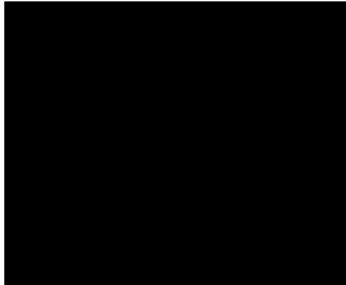




ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD 25/16-17



Decision on your Freedom of Information Request – advertising campaign for Light Rail Stage 2

I refer to your request for documents on the above topic, made under the *ACT Freedom of Information Act 1989* (the Act) and received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 10 October 2016.

Specifically, you sought:

“... documents, including emails, relating to Government advertising campaign for Light Rail Stage 2: documents relating to the development of the campaign; documents presented to the Independent Reviewer for consideration, including any draft campaign material; correspondence from the Independent Reviewer; and documents prepared after the receipt of the Independent Reviewer's comments.”

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.

Identification of Documents

Officers of CMTEDD have conducted searches of paper and electronic files and email accounts for documents that may relate to your request. I have identified 25 documents

Chief Minister, Treasury and Economic Development

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that fall within the scope of your request, as detailed in the Schedule of Documents provided.

Decision on Access

In accordance with section 21 of the Act, it is my decision to release to you, in full, the majority of the identified documents, as set out in the attached Schedule. Copies of the released documents are enclosed with this decision. Where duplicates have been identified, they have been listed in the schedules but only one copy has been provided.

My reasons for not providing access to particular documents, and the component of others are outlined in the following statement of reasons and in the attached schedule of documents.

Exemptions claimed

Legal Professional Privilege

Section 42 of the Act provides:

- (1) A document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.*
- (2) A document of the kind referred to in section 8 (1) is not an exempt document under subsection (1) of this section only because of the inclusion in the document of matter that is used or to be used for the purpose of the making of decisions or recommendations referred to in section 8 (1).*

Four of the documents identified as relevant to your request concern legal advice provided to the Directorate in regard to communications activities and provisions of the *Government Agencies (Campaign Advertising) Act 2009*. I have decided to exempt from release, under section 42, these folios on the grounds that they are protected by legal professional privilege and their disclosure would diminish our capacity to undertake full and frank discussion with our lawyers.

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, Treasury and Economic Development 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 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 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

Should you have any queries regarding this matter, please contact me on (02) 6205 0035.

Yours sincerely



Anita Perkins
Director Communications

11 November 2016