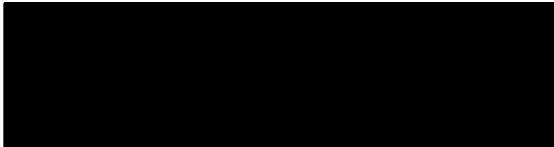




ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD 56/16-17



Dear 

Freedom of Information Request – Public Bus Transport Communications Strategy

I am writing in relation to your request for documents made under the ACT *Freedom of Information Act 1989* (the Act) and received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 20 February 2017.

You have requested the following:

- *the Public Bus Transport Communications Strategy*
- *the strategy and/or report that resulted from the Public Transport Reform communications and messaging research contract*

I wish to apologise for the delay in responding to your request and appreciate your patience during this process.

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 for relevant documents in the possession of the Directorate. The following documents were identified:

- *Public Bus Transport Communications Strategy* dated June 2015
- *ACT Public Transport Communications Strategy* dated August 2015

Chief Minister, Treasury and Economic Development

GPO Box 158 Canberra ACT 2601 | phone: 132281 | www.act.gov.au

Decision on access

I have decided to fully exempt both documents from release. My reasons for not providing access to the documents are detailed in the following statement of reasons and in the attached schedule.

Exemptions claimed

Section 35 – Executive documents

Section 35 of the Act provides:

- (1) *A document is an exempt document if it is—*
 - (a) *a document that has been submitted to the Executive for its consideration or is proposed by a Minister to be so submitted, being a document that was brought into existence for the purpose of submission for consideration by the Executive; or*
 - (b) *an official record of the Executive; or*
 - (c) *a document that is a copy of, or of a part of, or contains an extract from, a document referred to in paragraph (a) or (b); or*
 - (d) *a document the disclosure of which would involve the disclosure of any deliberation or decision of the Executive, other than a document by which a decision of the Executive was officially published.*

I have decided to exempt from release the *ACT Public Transport Communications Strategy* because it was proposed and prepared for submission to the Cabinet for consideration. If disclosed, this document would reveal Cabinet deliberations that have not been officially published. I consider this document, therefore, to be exempt from release under section 35(1)(a) of the Act.

Section 36 – Internal Working Documents

Section 36 of the Act provides:

- (1) *Subject to this section, a document is an exempt document if its disclosure under this Act—*
 - (a) *would disclose matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency or Minister or of the Territory; and*
 - (b) *would be contrary to the public interest.*
- (2) *In the case of a document of the kind referred to in section 8 (1), the matter referred to in subsection (1) (a) of this section does not include matter that is used or to be used for the purpose of the making of decisions or recommendations referred to in section 8 (1).*
- (3) *This section does not apply to a document only because of purely factual material contained in the document.*

- (4) *This section does not apply to—*
- (a) *reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts, whether employed within an agency or not, including reports expressing the opinions of such experts on scientific or technical matters; or*
 - (b) *reports of a prescribed body or organisation established within an agency; or*
 - (c) *the record of, or a formal statement of the reasons for, a final decision given in the exercise of a power or of an adjudicative function.*
- (5) *Where a decision is made under part 3 that an applicant is not entitled to access to a document because of this section, the notice under section 25 shall state the ground of public interest on which the decision is based.*

I have decided to exempt from release the *Public Bus Transport Communications Strategy* on the basis that it constitutes an internal working document under section 36(1) of the Act. The document is of that nature because it contains advice, opinion and recommendations that were obtained specifically to inform a deliberative process.

I consider that it is in the public interest for government officials to freely seek and receive advice in the course of developing recommendations for Government consideration. I acknowledge that release of the document could promote government accountability and may contribute to debate on a topic that has been a matter of public discussion and interest. On balance I do not consider that this potential benefit outweighs the likely detriment to the public from the inhibition of frankness that is likely to flow from the disclosure. Release of the document is also likely to be misleading and create confusion as the opinions and recommendations it contains do not reflect the current Government position. I consider that release of this document would subsequently affect the ability of the Territory to achieve the best possible outcome for the delivery of policy for future public transport.

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

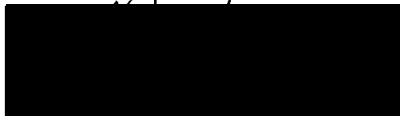
Online FOI Publication Policy

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

7 April 2017