



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2018-0082

| Information to be published                       | Status                   |
|---|--------------------------|
| 1. Access application                             | Published                |
| 2. Decision notice                                | Published                |
| 3. Documents and schedule                         | No Documents             |
| 4. Additional information identified              | Yes                      |
| 5. Fees   | N/A                      |
| 6. Processing time (in working days)              | 9                        |
| 7. Decision made by Ombudsman                     | Original decision upheld |
| 8. Additional information identified by Ombudsman | N/A                      |
| 9. Decision made by ACAT                          | N/A                      |
| 10. Additional information identified by ACAT     | N/A                      |

**From:** [REDACTED]  
**To:** [CMTEDD.FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Wednesday, 11 April 2018 1:04:17 PM

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Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

### Your details

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

Title: [REDACTED]  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Business/Organisation: [REDACTED]  
Address: [REDACTED]  
Suburb: [REDACTED]  
Postcode: [REDACTED]  
State/Territory: [REDACTED]  
Phone/mobile: [REDACTED]  
Email address: [REDACTED]

### Request for information

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

Under the Freedom of Information Act 2016 I want to access the following document/s (\*required field):

I write to request under the Freedom of Information Act 2016 (FOI Act) documents related to the Tradesman's Union Club's three direct sale applications in January 2010, August 2010, and November 2010 to purchase Block 30 Section 34 Dickson.

I do not want to access the following documents in relation to my request::

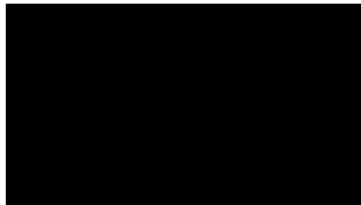
Thank you.  
Freedom of Information Coordinator




**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2018-0082



via email: 

Dear 

#### **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 11 April 2018.

Specifically, you are seeking access to: “...documents related to the Tradesman’s Union Club’s three direct sale applications in January 2010, August 2010, and November 2010 to purchase Block 30 Section 34 Dickson.”

#### **Authority**

I am an authorised Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

#### **Timeframes**

The Act requires a decision and response within 20 working days of the access application being received. The deadline for responding to your access application is 10 May 2018.

#### **Decision on access**

Direct sales fall within the responsibilities of the Environment, Planning and Sustainable Development Directorate (EPSDD). A search of CMTEDD records has not identified any documentation in relation to your request.

I understand that you have requested the same documents from EPSDD. You will be provided with a decision on your request by EPSDD in due course.

### **Charges**

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because no documents are to be released in relation to your request.

### **Online publishing – Disclosure Log**

In accordance with section 28 of the Act, CMTEDD maintains an online record of access applications in the form of a disclosure log. Your access application and my decision in response to your access application will be published in the CMTEDD disclosure log after 30 April 2018. Your personal contact details will not be published.

The CMTEDD disclosure log is at <http://www.cmd.act.gov.au/functions/foi/disclosure-log>.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Via email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT 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/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Riley', written in a cursive style.

Daniel Riley  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

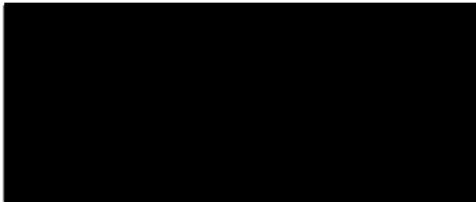
24 April 2018




**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2018-0082



via email: 

Dear 

#### **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 11 April 2018.

Specifically, you are seeking access to: “...documents related to the Tradesman’s Union Club’s three direct sale applications in January 2010, August 2010, and November 2010 to purchase Block 30 Section 34 Dickson.”

On 24 April 2018, I made a decision in relation to the abovementioned access request, the 24 April 2018 decision advised that no documents within the scope of your request were found to be within the control or possession of CMTEDD. Following correspondence with your office, an additional document search was undertaken which located additional documents within the scope of your original request.

#### **Authority**

I am an authorised Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act. This decision is made pursuant to section 36 of the Act.

#### **Decision on access**

A second search of CMTEDD records was completed within the business area which may hold documents relevant to your request. Based on advice from your office, the new search was conducted using additional information. The search has identified two Cabinet submissions that fall within the scope of your request.

I have decided to fully exempt from release the documents as I am satisfied that their release is contrary to the public interest under schedule 1 section 1.6 of the Act. I have

included as Attachment A to this letter the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

### **Statement of Reasons**

In reaching my access decision, I have taken the following into account:

- the Act; and
- the content of the documents that fall within the scope of your request.

### **Exemption Claimed**

My reasons for deciding not to grant access to the identified documents are as follows:

#### Information contrary to public interest – schedule 1, section 1.6 - Cabinet Information

The documents identified as within scope of your request were prepared and brought into existence for consideration by Cabinet. The information in these documents is deliberative in nature and includes advice and recommendations regarding the development of the block in question.

In reviewing the documents, I note the requirements of schedule 1 section 1.6(2) of the Act which states that the exemption for Cabinet Information does not apply to 'purely factual information' unless the disclosure of the information would involve the disclosure of a deliberation or decision of Cabinet and the fact of the deliberation or decision that has not been officially published. In the case of *Parnell & Dreyfus and Attorney-General's Department* [2014] AICmr 71, the Australian Information Commissioner stated that the term 'purely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document, or is embedded in or intertwined with the deliberative content in such a manner that it is impractical to separate it from the other content.

Having reviewed the documents, I consider that the purely factual information within the documents identified is an integral part of the deliberative content and as stated by the Commissioner, the analysis and views in the [documents] would be robbed of their essential meaning without incorporation of this material. I am satisfied that disclosure of this purely factual information would involve the disclosure of a deliberation or decision of Cabinet.

Having considered the information contained in the documents, I am satisfied that disclosure of such information would be contrary to public interest pursuant to schedule 1 section 1.6 of the Act.

### **Charges**

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request as no documents are to be released in relation to your request.

### **Online publishing – Disclosure Log**

In accordance with section 28 of the Act, CMTEDD maintains an online record of access applications in the form of a disclosure log. My decision in response to your access application will be published in the CMTEDD disclosure log after 15 May 2018. Your personal contact details will not be published. The CMTEDD disclosure log is at <http://www.cmd.act.gov.au/functions/foi/disclosure-log>.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

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Canberra City ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)

Yours sincerely,



Daniel Riley

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

10 May 2018





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

| NAME             |             | WHAT ARE THE PARAMETERS OF THE REQUEST  |        |                      | Reference NO.         |
|------------------|-------------|---|--------|----------------------|-----------------------|
| [REDACTED]       |             | Documents related to the Tradesman's Union Club's three direct sale applications in January 2010, August 2010, and November 2010 to purchase Block 30 Section 34 Dickson. |        |                      | CMTEDDFOI 2018-0082   |
| Ref No           | Description | Decision Date   | Status | Reason for Exemption | Online Release Status |
| 1                | 12/413/CAB  | 28/10/2011  | Exempt | Sch 1 s1.6           | No                    |
| 2                | 11/217/CAB  | 11/9/2012   | Exempt | Sch 1 s1.6           | No                    |
| Total No of Docs |             |   |        |                      |                       |
| 2                |             |   |        |                      |                       |