



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Disclosure Log Publication Coversheet

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

Application Details	
Ref. No.	CMTEDDFOI 2024-227
Date of Application	16 July 2024
Date of Decision	27 August 2024
Processing time (in working days)	30
Fees	N/A
Decision on Access	Refusal
<b>Information Requested (summary)</b>	Documents relating to the sale and purchase of property and the decision to allocate the land at Mirrabei Drive, O'Keefe Avenue and Hoffman Street, Moncrief.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input type="checkbox"/> Published <input checked="" type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

**From:** [CMTEDD FOI](#)  
**To:** [REDACTED]  
**Cc:** [CMTEDD FOI](#)  
**Subject:** RE: Confirmation FOI received  
**Date:** Wednesday, 17 July 2024 6:11:31 PM

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OFFICIAL

Good afternoon [REDACTED]

Thank you for your email. I and my team have conducted searches, and we have no record of your below application, but I appreciate that you have submitted one as per your below email trail. There have been some technical issues with the online webform and it appears that has resulted in your earlier email not be received in our inbox for processing. I apologise for any inconvenience that has caused you and assure you that we will seek to expedite your access application as much as we can.

Kind regards  
Emma

**Emma Hotham (she/her) | Director, Freedom of Information**

Phone: 02 6207 7754 | [emma.hotham@act.gov.au](mailto:emma.hotham@act.gov.au)  
Chief Minister, Treasury and Economic Development Directorate | **ACT Government**  
Level 1, 220 London Circuit, Canberra City | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

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**Sent:** Tuesday, July 16, 2024 5:05 PM  
**To:** CMTEDD FOI <[CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)>  
**Subject:** Re: Confirmation FOI received

You don't often get email from [REDACTED] [Learn why this is important](#)

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear ACT Govt. FOI Team,

Is there any update on my FOI request that I submitted on 22 May 2024? I have not received any information related to my request.

[REDACTED]

On Wed, May 22, 2024 at 4:17 PM <[CMTEDDfoi@act.gov.au](mailto:CMTEDDfoi@act.gov.au)> wrote:

Thank you for your email to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) Freedom of Information (FOI) mailbox.

The Directorate will respond to you by letter, email or telephone depending on the nature of your request.

Information and guidance material regarding handling of requests submitted to the Directorate under the Freedom of Information Act 2016 is available on the CMTEDD FOI webpage at <https://www.cmtedd.act.gov.au/functions/foi>.

### 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:

First Name:

Last Name:

Business/Organisatio

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

### 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.)**

Documents related to the decision to allocate the land at Mirrabai Drive, O'Keefe Avenue and Hoffman Street, Moncrief to The Canberra Hindu Mandir Incorporated. Documents detailing the settlement of the sale/purchase of the above land including the price and duties paid to ACT Govt by The Canberra Hindu Mandir Incorporated and the unimproved value of the land at the time of settlement.

Documents detailing the ACT Government grants and duty exemption (if any) provided to The Canberra Hindu Mandir Incorporated towards the purchase of the above land.

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

Thank you



## FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

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 16 July 2024.

Specifically, you have sought access to the following information:

*“Documents related to the decision to allocate the land at Mirrabei Drive, O’Keefe Avenue and Hoffman Street, Moncrief to The Canberra Hindu Mandir Incorporated. Documents detailing the settlement of the sale/purchase of the above land including the price and duties paid to ACT Govt by The Canberra Hindu Mandir Incorporated and the unimproved value of the land at the time of settlement. Documents detailing the ACT Government grants and duty exemption (if any) provided to The Canberra Hindu Mandir Incorporated towards the purchase of the above land.”*

This application has been partially transferred to Environment, Planning and Sustainable Development Directorate.

### Authority

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

I am a tax officer for the purposes of the *Taxation Administration Act 1999* (TAA), and a delegate of the Commissioner of ACT Revenue for the purpose of section 96 of the TAA.

### Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application within 30 working days.

Therefore, a decision is due by **27 August 2024**.

### Decision on access

I have decided to refuse to deal with your access application for the information the CMTEDD holds under section 35(1)(d) of the Act, because, in accordance with section 43(1)(e) and section 45(g) of the Act:

- The access application is expressed to relate to government information of a stated kind and government information of that kind is taken to be contrary to the public interest to disclose under schedule 1 of the FOI Act.

- Is usually available for purchase.

## Statement of Reasons

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act;
- the information that falls within the scope of your request; and
- TAA, particularly the secrecy provisions under Division 9.4.

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.

This Notice of Decision is a response for records held by CMTEDD.

## Exemptions claimed

### **Schedule 1: Information taken to be contrary to the public interest.**

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

- *Section 1.3 - Information disclosure of which is prohibited under law.*
  - (6) *Any other information the disclosure of which is prohibited by a secrecy provision of the law.*
  - (7) *In this section:*
    - secrecy provision — a provision of a law is a secrecy provision if it —*
      - (a) *applies to information obtained in the exercise of a function under the law; and*
      - (b) *prohibits people mentioned in the provision from disclosing the information, whether the prohibition is absolute or subject to stated exceptions or qualifications.*

Division 9.4 of the TAA contains secrecy provisions as defined in Schedule 1, sections 1.3(6) and (7) of the Act.

The secrecy provisions of the TAA, prohibit the disclosure of *any information obtained in the administration of a tax law* (“tax information”) to any person, other than the taxpayer to whom the information relates. As you are not the taxpayer or a person authorised to receive information on behalf of the taxpayer, I am unable to grant you access to the information sought.

Section 45(g) of the Act states that we can refuse an application if the information is usually available for purchase. Information about the sale and purchase of the property can be obtained for a fee through [ACTLIS Gov.](#)

### **Public Interest Test**

The public interest test under section 17 has not been applied the material is exempt from release under a Schedule 1 provision and is already available to the applicant for purchase.

## Charges

Processing charges are not applicable for this request as no documents are being released to you.

## Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a [disclosure log](#).

Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

## 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 provided to you, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@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  
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 02 6207 0293 or email [actro.foi@act.gov.au](mailto:actro.foi@act.gov.au).

Yours sincerely

*Joseph Tonna*

Joseph Tonna  
Information Officer  
Revenue Management  
Chief Minister, Treasury and Economic Development Directorate  
27 August 2024