



### **Freedom of Information Request – Correspondence related to the Ngunnawal Bush Healing Farm**

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) on 22 October 2014, in which you requested the following documents:

*“All correspondence held by the Directorate in relation to the Ngunnawal Bush Healing Farm. I request all documents since 1 January 2014. My request not include any plans or the development application”*

I am an officer authorised to make a decision in respect of a request for information, under section 22 of the Act.

#### **Schedule detailing decisions**

Please refer to the attached schedule that lists decisions regarding access to all documents, which have been identified as relevant to your request. The terms used on the schedule are either ‘Release’, ‘Partial release’ or ‘Exempt’. Where an exemption is made, a reference will be made on the schedule to the relevant section or combinations of sections of legislation that apply to the decision.

Duplicate documents are listed on the schedules, however where possible I have included only one copy with the released documents.

#### **Decision**

The Directorate has identified 56 documents in its possession that meet the scope of your request, as identified in the schedule attached to this letter.

Under the Act, documents may be partially exempt/exempt or provided to applicants with deletions and I have decided to exempt some documents under sections (name the sections 41 (Documents relating to personal privacy), 42 (legal professional privilege) and 43 (Documents relating to business affairs)).

Access to documents not to apply to certain documents:

#### **Section 11 of the Act provides:**

1. *person is not entitled to obtain access under this part to—*
  - a. *a document that is open to public access, as part of a public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge;*  
*or*
  - b. *a document that is available for purchase by the public in accordance with arrangements made by an agency; or*
  - c. *library material maintained for reference purposes.*

A number of the scheduled documents are available via the ACT Civil and Administrative Tribunal and have not been provided with the included documents.

### **Personal Privacy**

Section 41 of the Act provides:

1. *a document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*

### **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.*

Some documents have arisen out of a request for legal advice and representation and contains further correspondence relating to the instructions contained in the request for legal advice.

### **Business affairs**

Section 43 of the Act provides:

1. *a document is an exempt document if its disclosure under this Act would disclose—*
  - (a) trade secrets; or*
  - (b) any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or*
  - (c) information (other than trade secrets or information to which paragraph (b) applies) concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, being information—*
    - (i) the disclosure of which would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or*
    - (ii) the disclosure of which under this Act could reasonably be expected to prejudice the future supply of information to the Territory or an agency for the purpose of the administration of a law or the administration of matters administered by an agency.*

Some documents contain information that, if released, could potentially impact on current and future business affairs of a third party.

### **Review rights**

My decision is appealable under the Act. This means that if you are dissatisfied with this outcome you have a right to seek a review under section 59 of the Act. This right of review extends to a review of the adequacy of the search for documents undertaken by ESDD. If you wish to seek a review you should write to:

The Director-General  
Environment and Planning Directorate  
GPO Box 1908  
CANBERRA ACT 2601  
Email: [EPDFOI@act.gov.au](mailto:EPDFOI@act.gov.au)

You have 28 days from the date of this letter to seek a review of the outcome or such other period as the Director-General permits.

Under section 54 of the Act, if you are concerned about the processing of your request or related administrative matters, you may complain to the Ombudsman, who may conduct an independent investigation into your complaint. There is no fee for this, and the contact details are as follows:

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

#### **Online FOI Publication Policy**

Please be aware that under the ACT Government's "*Online FOI Publication Policy*" (the Policy), information released to you under this Freedom of Information Application may be released on the internet.

Personal information or business affairs information will not be made available under the policy. If you think the content of your request would contain such information, please inform our contact officer immediately.

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/open\\_government/report/freedom\\_of\\_information\\_online](http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online)

If you have any queries in relation to this matter please contact EPD's Customer Service Centre on 6207 1923 and ask for the Information Management Team.

Yours sincerely



Jim Corrigan  
Executive Director  
Planning Delivery  
23 December 2014