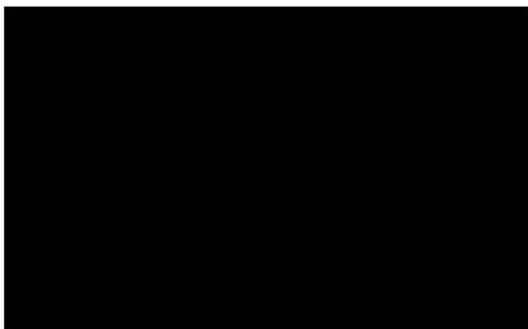




ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD 8/16-17



Freedom of Information Request – ACT Model Car Racing Club Facility on Kambah Oval No. 3

I refer to your request, made under the ACT *Freedom of Information Act 1989* (the Act), for access to documents relating to the ACT Model Car Racing Club (ACTMCRC). Your request was received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 30 July 2016.

In your request, you are specifically seeking:

1. *The licence arrangement entered into in 2012 by the ACT Government with the ACT Model Car Racing Club (ACTMCRC) to utilise a pre-existing netball court at Kambah Oval No. 3.*
2. *Any documents making separate provision for the construction of a grandstand by the ACTMCRC on Kambah Oval No. 3.*
3. *All documents relating to the ACTMCRC's application to use/construct a facility on Kambah Oval No. 3, including:*
 - *the substantive application;*
 - *any emails and file-notes relating to the application and the Government's consideration of it; and*
 - *the Government's advice to the ACTMCRC.*
4. *Correspondence with members of the public relating to the ACTMCRC facility on Kambah Oval No. 3, before and after the licence arrangement was finalised.*
5. *The ACT Government's manual relating to testing of noise emanating from the ACTMCRC facility when it is in use.*
6. *All file notes, emails and documents relating to noise tests that have been conducted in relation to the ACTMCRC facility, including records relating to the precise location of each test and the results of each test.*
7. *Any written records relating to planned future noise tests at the facility.*

Chief Minister, Treasury and Economic Development

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 searched electronic and paper records for documents that may relate to your request. The Directorate has identified 55 documents that contain information relevant to your request.

As you are aware, the Environment and Planning Directorate has responded to you separately in relation to any documents or information held by that Directorate. My decision on access relates only to documents in the possession of CMTEDD.

In relation to question 5 of your request, the *Environment Protection Act 1997* details the obligations of the Environment Protection Agency in respect to noise. Further information is available via the links below:

https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/3149/~/environment-protection

https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/61/kw/noise

Decision on Access

As I advised in my letter of 26 August 2016, I have been undertaking consultation with a third party and have now received their submission. While I am not bound by third party submissions, I have given consideration to the response provided when making my decision.

I have decided to fully release to you 15 documents and partially release to you 40 documents. My reasons for not providing access to components of documents are detailed in the following statement of reasons and in the attached schedule.

Some documents contain information that falls outside the scope of your request and this material has not been released. Examples of this include internal emails discussing general administrative matters irrelevant to the information you seek. Any redactions of material deemed out of scope are identified on the attached schedule.

Exemption claimed

Section 41 - Documents Affecting Personal Privacy

Refers to folios:

- Correspondence with members of the public – folios 1 – 34, 40-42, 65-66;
- Information regarding Licence and Noise Testing – folios 1-3, 17-41, 45-52; and
- Correspondence with ACT Model Car Racing Club – folios 1-28, 30-31, 33-44, 48-51, 53-54, 56-57

Section 41 of the Act provides:

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).

I have exempted from release names, email addresses and other identifying information present in correspondence from external third parties as I am satisfied that this information falls within the exemption set out under section 41 of the Act. Release of this personal information would constitute a breach of privacy. In making my decision to redact this personal information I have also considered that this material is not relevant to the scope of your request and removal of such material does not affect the remaining content.

Section 43 – Documents Relating to Business Affairs

Refers to folio:

- Information regarding Licence and Noise Testing – folio 6-16

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.*

I have exempted from release certain information contained in an insurance policy provided to the Directorate as part of the ACTMCRC application. I consider that release of the redacted components of this document would unreasonably affect the business affairs of an external party by unreasonably disclosing financial information about the organisation.

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](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 5860.

Yours sincerely



Jenny Priest
Director
Active Canberra

23 September 2016