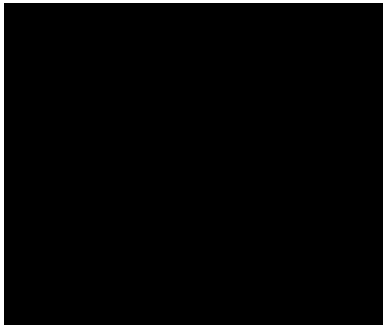




**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDD 53/16-17



## **Decision on Freedom of Information Request – infrastructure advisory services for Australia Forum**

I am writing in relation to your access request, made under section 14 of the ACT *Freedom of Information Act 1989* (the Act) and received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 10 February 2017.

In your request you are specifically seeking:

*“... all documents and any information held by the Directorate relating to advice provided by KPMG to the ACT Government, in particular:*

- *All reports, documents and information provided by KPMG to the ACT Government concerning the 'infrastructure advisory services for Australia forum';*
- *All documents received by the ACT Government in exchange for the payment made to KPMG on 11th February 2015.”*

and

*“... all documents and any information held by the Directorate relating to advice provided by KPMG to the ACT Government, in particular:*

- *All documents received by the ACT Government in exchange for the payment made to KPMG on 22nd March 2016;*
- *All reports, documents and information provided by KPMG to the ACT Government concerning 'infrastructure advisory services for Australia Forum' and the results of these consultations in regards to the transaction that occurred on 22nd March 2016.”*

As previously advised, due to the related nature of your two requests I am responding to both requests with a single decision.

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**

I note that in the first part of your request you seek 'documents received by the ACT Government in exchange for the payment made to KPMG on 11th February 2015'. No record has been identified of a payment to KPMG on 11 February 2015 but a payment was made on 11 February 2016.

The Directorate made three payments to KPMG for the Australia Forum Strategic and Delivery Options Analysis work, relating to the following invoices:

- 25 November 2015 of \$65,670 (30%) – payment made 10 December 2015;
- 4 February 2016 of \$109,450 (50%) – payment made 11 February 2016; and
- 8 March 2016 of \$60,280 (20% plus \$15,000) – payment made 22 March 2016.

I have interpreted both of your requests to relate specifically to the final report provided to CMTEDD by KPMG in exchange for the three payments listed above.

## **Decision on Access**

As advised in my letter of 21 February 2017, I have consulted with relevant third parties whom I considered may wish to contend that documents should be exempt from release.

I have decided to partially release to you the *Australia Forum Strategic and Delivery Options Analysis – Final Report* as provided with this letter and described on the attached schedule. My reasons for not providing access to components of the report are detailed in the following statement of reasons and in the attached schedule.

## **Exemptions claimed**

### Section 43 - Documents relating to business affairs etc

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.*

*(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.*

I have decided to exempt from release chapters 3, 4, and 5 and all appendices in the *Australia Forum Strategic and Delivery Options Analysis – Final Report*. These components of the report contain information concerning the business affairs of an organisation as described in section 43(1) of the Act. I consider that release of this information would adversely affect KPMG's commercial affairs and disclose commercially valuable information.

Information used by KPMG to prepare the redacted components of the report is not publicly available. It includes financial information and other data provided to KPMG on a confidential basis and for which they entered a formal confidentiality agreement.

Other material has been redacted at the request of KPMG to protect their commercially valuable methodology, disclosure of which would destroy or diminish the value in that information. Components of the report disclose details of KPMG's methodology and disclosure of KPMG's analysis methods and processes may diminish the commercial value of the information and may allow other organisations to obtain a competitive advantage.

## **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](mailto: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 Policy**

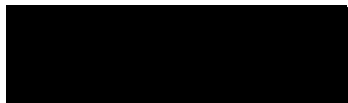
I have assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that my decision on your request and the information released will be published online. Personal information or business information will not be made available 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) 6207 5650.

Yours sincerely



Peter Murray  
Executive Director  
Infrastructure Finance and Advisory Division

*21* March 2017