



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: 6207 1923  
Reference: 17/28342

Dear [REDACTED]

### **Freedom of Information Request – Signs General Code Review**

I refer to your application under section 14 of the *Freedom of Information Act 1989* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 4 October 2017, in which you requested the following documents:

*“all discussions/proposed revisions regarding updating the Signs General Code since 1 January 2015”*

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

I apologise for the delay in providing you this decision. Your patience is appreciated.

### **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.

### **Decision**

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 35 (Executive documents), 41 (Documents relating to personal privacy) 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.*

## **Executive documents**

Section 35 of the Act provides:

1. *A document is an exempt document if it is—*

- a. a document that has been submitted to the Executive for its consideration or is proposed by a Minister to be so submitted, being a document that was brought into existence for the purpose of submission for consideration by the Executive; or*
- b. an official record of the Executive; or*
- c. a document that is a copy of, or of a part of, or contains an extract from, a document referred to in paragraph (a) or (b); or*
- d. a document the disclosure of which would involve the disclosure of any deliberation or decision of the Executive, other than a document by which a decision of the Executive was officially published.”*

I have exempted from release under section 35(1)(a)&(d) of the Act documents that have been submitted to Cabinet for the consideration of its members. In addition, documents that refer to information that is contained in the Cabinet submissions are exempted under section 35(1)(d) of the Act. These documents include draft submissions, background papers, emails and briefs together with comments from officers of EPSDD and other agencies that constituted part of the process of drafting the submissions.

To disclose this information would reveal the deliberations of the Cabinet members. The resulting Cabinet decisions I have exempted under section 35(1)(b) of the Act.

## **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).*

## **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 the financial information of an organisation. I consider the documents contained within our files should be exempt from release as the release of their financial records would diminish the commercial value of the information and compromise the organisation's commercial and competitiveness.

### **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 EPD. 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: [EPSDFOI@act.gov.au](mailto:EPSDFOI@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 EPSDD's Customer Service Centre on 6207 1923 and ask for the Information Management Team.

Yours sincerely



Fleur Flanery  
a/g Executive Director  
Planning Policy Division

9 July 2018