



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

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

FOI Reference: CMTEDDFOI 2018-0311

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	N/A
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	1
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD.FOI](#)
Subject: FOI: Options paper exploring feasibility of new Canberra ice rink
Date: Wednesday, 31 October 2018 3:36:42 PM

To the FOI officer,

I seek a copy of the options paper exploring the feasibility of a new ice-skating rink in Canberra. I make this request under the auspices of the Freedom of Information Act 2016.

I ask that you waive processing charges for this request because:

- it is limited in scope, covering one document that will require minimal effort to retrieve (see section 104(4) of the act); and
- the information it contains is of public interest (see section 107(2)(b)). For example, the Chief Minister announced publicly in 2016 the government's intention to help build such a facility, and in doing so decided, in effect, that information about this matter is of public interest and belongs in the public domain.

I also note while section 2.2(a)(xi) allows you to consider not disclosing information that may prejudice "trade secrets" or "business affairs", it is firmly established in information law that the scope of such subsections does not include information that simply relates to a business. For the information to be genuinely prejudicial, it must risk causing significant financial damage to a business or expose valuable trade secrets.

I understand that this request may require consultation with third parties, and approve these steps if they are necessary.

All correspondence regarding this request can be made to me
via [REDACTED]

Regards,

[REDACTED]

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[REDACTED]




ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2018-0311



via email: 

Dear 

FREEDOM OF INFORMATION REQUEST

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 31 October 2018 in which you sought access to information under the *Freedom of Information Act 2016* (the Act). Specifically, you sought access to the following document:

“the options paper exploring the feasibility of a new ice-skating rink in Canberra.”

Authority

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

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 28 November 2018.

Decision on access

A search of documents was conducted and resulted in one documents being identified that fall with the scope of your request.

I have decided to exempt from release the documents as the information is contrary to the public interest to disclose under the test set out in section 16 of the Act.

I have included as Attachment A to this decision the schedule of relevant documents. This provides a description of the document that falls within the scope of your request and the access decision for the document.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

Statement of Reasons

In reaching my access decision, I have taken the following into account:

- the Act; and
- the content of the documents that fall within the scope of your request.

Exemptions claimed

My reasons for deciding not to grant access to these documents are as follows:

Cabinet Information (Schedule 1 of the Act)

The document identified as within scope of your request was prepared for consideration by Cabinet and will be submitted to Cabinet. The information in this document is deliberative in nature and includes analysis and advice in relation to ACT ice sports facilities. The disclosure of this document would reveal the deliberations of Cabinet pursuant to schedule 1 section 1.6 of the Act.

In reviewing the documents, I have taken into account the requirements of schedule 1 section 1.6(2) of the Act which states that the exemption for Cabinet Information does not apply to 'purely factual information' unless the disclosure of the information would involve the disclosure of a deliberation or decision of Cabinet and the fact of the deliberation or decision has not been officially published. In the case of *Parnell & Dreyfus and Attorney-General's Department* [2014] AICmr 71, the Australian Information Commissioner stated that the term 'purely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document, or is embedded in or intertwined with the deliberative content in such a manner that it is impractical to separate it from the other content.

Having reviewed the documents, I consider that the purely factual information within the document identified is an integral part of the deliberative content and as stated by the Commissioner, the analysis and views in the [documents] would be robbed of their essential meaning without incorporation of this material. I am satisfied that disclosure of this purely factual information would involve the disclosure of a deliberation or decision of Cabinet.

Having considered the information contained in the documents, I am satisfied that disclosure of such information contained in the document would be contrary to public interest pursuant to schedule 1 section 1.6 of the Act and is therefore withheld fully from release.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because no documents are to be 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 in response to

your access application will be published in the CMTEDD disclosure log after 7 November 2018. Your personal contact details will not be published. You may view CMTEDD disclosure log at: <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

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 published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: ombudsman@ombudsman.gov.au

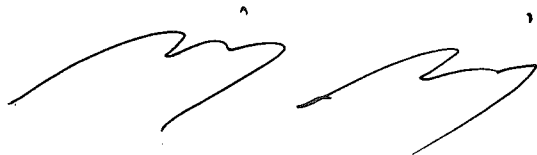
ACT Civil and Administrative Tribunal (ACAT) Review

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
Level 4, 1 Moore St
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 6207 7754 or email CMTEDDFOI@act.gov.au

Yours sincerely,



Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

| November 2018



ACT
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Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
	The options paper exploring the feasibility of a new ice-skating rink in Canberra.	CMTEDDFOI 2018-0311

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	n/a	ACT Ice Sports Facility – Options Analysis Report	19/10/2018	Exempt	Sch 1 s1.6	No
Total No of Docs						
1						