



**ACT**  
Government

Territory and Municipal Services

Dear

### **Freedom of information request**

I refer to your request received on 11 January 2012, in which you sought access under the *Freedom of Information Act 1989* (the Act) to documents in relation to the consideration of the widening of Parkes Way between Gungahlin Drive and Civic.

I am an officer authorised under section 22 of the Act to make a decision in relation to your request.

#### **Decision**

The directorate has located 24 documents within the scope of your request. To assist you, I have included a schedule of documents at [Attachment A](#). I have decided to:

- fully release 18 documents;
- partially release 3 documents; and
- exempt from release 3 documents.

I have decided to exempt from release some information in documents 1 and 11 pursuant to section 41(1) of the Act, which provides:

#### **41 Documents affecting personal privacy**

- (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).

The exempt information is the name and contact details of third party correspondents.

I have removed some information outside the scope of your request from document 2.

I have decided to exempt some information from document 4, and to exempt the entire contents of document 8, pursuant to sections 43(1)(b)-(c)(i) of the Act, which provide:

**43 Documents relating to business affairs etc**

- (1) A document is an exempt document if its disclosure under this Act would disclose—
- [...]
  - (b) any [...] 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 [...] 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.

Documents 4 and 8 contain tender information that was obtained in confidence from third parties. I have decided that the release of this information could reasonably be expected to destroy the commercial value of the information to the third parties who provided it. Please note that the majority of the text of document 8 is reproduced in document 7, which I have released to you in full.

I have decided to fully exempt from release documents 3 and 5, pursuant to section 35(1)(a) of the Act, which provides:

**35 Executive documents**

- (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.

Documents 3 and 5 are classified as Cabinet-in-confidence, and were both submitted to the Executive for its consideration.

**Fees and charges**

Freedom of information requests attract fees and charges for time spent searching and retrieving documents, decision-making time and photocopying.

In your request, you asked for remission of any applicable charges on the basis that the release of the documents is in the public interest. On 16 January 2012, Mr Adam Roach of my directorate wrote to you asking you to outline the public interest grounds that you had claimed. You responded to Mr Roach's letter on 6 February 2012. While the ACT Government does not accept your claim that there exists a convention that Members of the Legislative Assembly are automatically entitled to remission of FOI charges, I accept that, in this instance, there is a public interest in the release of these documents.

There is, therefore, no charge for providing these documents to you.

**Right of review**

My decision is reviewable. This means that if you are dissatisfied with my decision, you have the right to seek a review under section 59 of the Act. The review process is explained for your information at [Attachment B](#).

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

Yours sincerely



Paul Peters  
Executive Director  
Roads and Public Transport

17 February 2012

## ***Freedom of Information Act 1989 – Review Processes***

### **Internal Review**

If you are dissatisfied with a decision made under the Freedom of Information Act 1989, you have a right to seek an internal review of the decision. If you wish to seek an internal review you should write to:

The Director-General  
Territory and Municipal Services Directorate  
C/- Freedom of Information Officer  
GPO Box 158  
CANBERRA ACT 2601

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

### **ACT Civil and Administrative Tribunal**

If you are still dissatisfied after the agency has conducted an internal review, you can seek an independent review of the decision by the ACT Civil and Administrative Tribunal. You have 28 days from the date of the internal review decision to seek a review from the Tribunal.

The Tribunal is an independent body. It can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with Tribunal recommendations.

To apply to the Tribunal for a review you can obtain an application form from the Tribunal ([www.acat.act.gov.au](http://www.acat.act.gov.au)). The form outlines all the information needed by the Tribunal to process a review promptly. There is a fee for lodgment of an appeal with the Tribunal. This fee may be remitted under certain circumstances.

The postal address of the Tribunal is:

ACT Civil and Administrative Tribunal  
GPO Box 370  
CANBERRA ACT 2601

### **Ombudsman**

You also have the right to complain to the Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

### **Further information**

For further information on your right to review of an FOI decision, please contact the directorate's FOI officer on 6205 5408 or [tamsfoi@act.gov.au](mailto:tamsfoi@act.gov.au).