



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Dear [REDACTED]

### **Request under the Freedom of Information Act 1998**

I refer to your letter dated 13 May 2014, to the former Commerce and Works Directorate, in which you seek access, under the *ACT Freedom of Information Act 1989* (the Act), to certain documents. This request was subsequently refined and you agreed to reduce the scope of the request to:

*.....all documents concerning the financial or risk assessment related to Hewatt Earthworks and its work on the Majura Parkway since January 2014.*

### **Decision**

I am the officer authorised under section 22 of the FOI Act to make a decision in relation to your request and I wish to advise that a number of documents have been identified as being relevant to your request.

As indicated to you on 28 August 2014, we had extended the search for documents to other areas of the newly formed Chief Minister, Treasury and Economic Development Directorate. At this point in time, no further documents have been located.

In the interests of providing you with a response to your request I have decided to provide you with a decision for all documents located to date. However, should any further documents come to our notice, a further decision, pertaining to any such documents, will be provided to you.

I have decided to fully release those documents that I consider not to fall within the exemption provisions of the FOI Act and to allow partial release of certain documents that I consider contain information captured under the exemption provisions of the Act. I determine that no documents are fully exempt under the Act.

The documents identified for partial release have redactions in accordance with following sections of the FOI Act:

### **Section 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).*

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Material has been redacted from some of the released documents due to the information relating to the personal affairs of a third party. The redacted information includes names, contact details, signatures and other information concerning the identity of third parties.

**Section 43 – Documents relating to business affairs etc**

- (1) (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.*

Multiple documents relate to the financial and commercial affairs of a third party. This material has been redacted from the released documents as it would be unreasonable to release such information.

**Out of Scope**

I have determined that some of the information in the documents is out of scope of the request and as such, the text deemed to be out of scope of the request has been redacted. Any document created after the date of confirmation of the scope of the request (4 June 2014) is considered out of scope of the request, and as such, not captured under the FOI Act.

Documents have also been removed due to duplication, or already being publicly available.

Please find enclosed the Schedules identifying all documents, including where exemption provisions apply and information has been redacted. The Schedules also highlight documents that contain information considered to be out of scope. The copies of the fully released and partially released documents are also enclosed.

**Right of Review**

My decision to exempt certain documents is reviewable under section 59 of the FOI Act. If you wish to seek an internal review you should write to:

The Director General  
Chief Minister, Treasury and Economic Development Directorate  
GPO Box 158  
Canberra ACT 2601

You have 28 days from the receipt of the response in which to lodge your request.

You also have the right to complain to the Ombudsman about the processing of your request pursuant to section 54 of the FOI Act. If you wish to lodge a complaint you should write to:

The Ombudsman  
GPO Box 442  
Canberra ACT 2601

Should you have any queries about your request please contact the FOI Coordinator, on 02 620 53955.

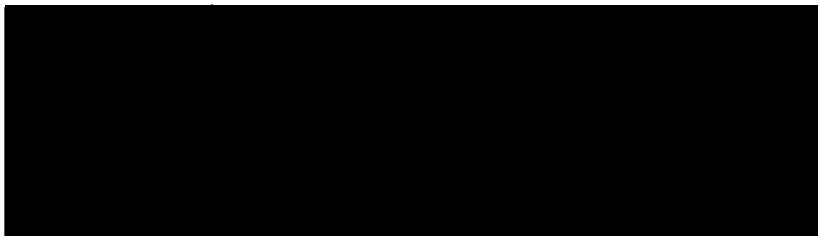
**Open Government**

Please be aware that, under the ACT Government's Online FOI Publication Policy, information released to you under this Freedom of Information Application may be released on the internet.

Under this policy personal information or business affairs information will not be made available. 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)

Yours sincerely



Andrew Parkinson  
A/g Director Civil Infrastructure  
Procurement and Capital Works  
Chief Minister, Treasury and Economic Development Directorate

2 September 2014

