



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD M15

Dear [REDACTED]

Request for documents

I refer to your request under the *Freedom of Information Act 1989* (the Act) received 19 May 2015 addressed to the Chief Minister Treasury and Economic Development. I apologise for the delay in responding to your request. You are specifically seeking the following documents:

... access to the following documents relating to the Telopea Park School Playing Fields (Block 5, Section 36 Forrest), Manuka Circle under the Freedom of Information Act 1989 (ACT):

1. *Details of Plan – Decisions made by ACT Government between June 2014 and March 2015*

Please provide exact details of the:

- *land proposed to be repurposed by the ACT Government in relation to the Telopea Park School Playing Fields (Block 5, Section 36 Forrest);*
- *land that will remain accessible by the School and the conditions under which the School will be able to continue using that land into the future;*
- *details of the process, prerequisite steps, and required timeframe that the Land Development Agency must take to transfer the land, split the block and prepare it for auction.*

2. *Decision-Making*

Please provide documents and details of the ACT Government's decision-making process which:

- *Lead up to and resulted in the decision to re-purpose the School's playing fields on 12/02/2015;*
- *includes the time period of the process, and the consultation undertaken by the ACT Government with Telopea Park School, Manuka Occasional Childcare Centre Association (MOCCA), the Canberra Services Club, the Defence Housing Association and Manuka Oval; and*
- *sets out the proposed timeframes for implementation of the decision.*

3. *Agreements Reached by the ACT Government*

- *Please provide documents that provide the substantive details of the agreements that the ACT Government has reached with the Canberra Services Club, Defence Housing Association, Manuka Oval and/or MOCCA*

affecting the whole or any part of the Telopea Park School Playing Fields (Block 5 Section 36 Forrest) between January 2014 and March 2015.

- *Please provide details and agreements discussed and reached with the Land Development Agency that relate in whole or in part to the Telopea Park School Playing Fields (Block 5 Section 36 Forrest) between January 2014 and March 2015.*

4. *Impact Assessment*

Please provide documents and information:

- *demonstrating the ACT Government's proper assessment and consideration of how the re-purposing of Block 5 Section 36 Forrest (Telopea Park School Playing Fields) will impact our School and the local community;*
- *concerning the results and recommendations of impact assessments relating to the block (including the tree survey carried out in April 2015);*
- *outlining any assessment made as to the heritage value of Block 5 Section 36 Forrest to Telopea Park School prior to it being transferred to the Land Development Agency in March 2015;*
- *detailing the criteria used and rationale underpinning the decision not to include Block 5 Section 36 Forrest as part of the Telopea Park School's Heritage listing in 2011 (including any submissions made during the public consultation period that were used to inform this decision). In particular, please provide information and documentation that explains why 'community consultation' resulted in this land being excluded from the final 2011 heritage listing (given that there have been tennis courts on that land since 1928).*

5. *Traffic and Parking*

Please provide documents detailing or relating to:

- *the ACT Government's consideration of the traffic and parking issues that the school faces on a daily basis and how this may be impacted by the decision to repurpose the land;*
- *any traffic, parking or other studies considered or conducted regarding the impact of a new childcare centre on the parking and traffic issues in the area surrounding our School;*
- *If no consideration or studies have been conducted in relation to the traffic and parking issues, details of what the ACT Government will or intends to do to ensure that the traffic and parking arrangements that will or may be implemented will not result in a worsened situation for the School.*

6. *Valuation*

Please provide documents detailing:

- *any property valuation which was obtained in respect of the land in question;*
- *how the replacement costs for the School's lost sporting facilities were assessed.*

7. *MOCCA*

Please provide documents detailing consideration of:

- *moving MOCCA from its current location, including financial impacts on the centre and valuations of its existing block.*
- *correspondence with the Canberra Services Club regarding the land swap*

Decision Maker

I am authorised under section 22 of the Act to make decisions on access to documents, and liability for charges, for the Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

Charges

I have decided, under section 29, of the Act not to impose processing charges for this request.

Identification of Documents

Officers from CMTEDDD have conducted searches of paper and electronic files for documents that may relate to your request. A number of documents have been located and are detailed in the attached schedule.

Decision on Access

In accordance with section 21 of the Act, I have decided to fully release to you some documents and fully exempt the remaining documents. My reasons for not providing access to these documents are outlined in the following statement of reasons and in the attached schedule of documents.

Exemptions claimed

Documents Affecting Personal Privacy

Folios 4 - 16, 46 - 47, 51-53, 54-57, 84-90, 123-124, 132-136, 137-140, 711 - 713, 1558 - 1605, 1612 - 1613, 1620, 1632 - 1635, 1638 - 1639, 1640 - 1647, 1660 - 1662, 1672 - 1674, 1676 - 1681, 1684 - 1687, 1690 - 1691, 1692 - 1693, 1744, 1746, 1750 - 1753, 1754 - 1755, 1762, 1766 - 1769, 1770, 1780 - 1784, 1786 - 1790, 1792, 1816 and 1872 - 1874.

I have exempted from release personal information about a person, or persons, as I am satisfied that the information falls within the exemption set out under Section 41 of the Act. The majority of information I have exempted under Section 41 is comprised of lessee details and pre-employment checks for individuals.

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).
- (2) Subject to subsection (3), subsection (1) does not apply to a request by a person for access to a document only because of the inclusion in the document of matter relating to that person.
- (3) Where—
- (a) a request is made to an agency or Minister for access to a document of the agency, or an official document of the Minister, that contains information of a medical or psychiatric nature concerning the person making the request; and
- (b) it appears to the principal officer of the agency, or to the Minister, as the case may be, that the disclosure of the information to that person might be prejudicial to the physical or mental health or wellbeing of that person;
- the principal officer or Minister may direct that access to the document, so far as it contains that information, that would otherwise be given to that person is not to be given to that person but is to be given instead to a doctor to be nominated by that person.

Internal Working Documents

Folios 17 – 18, 23 – 24, 25 – 42, 43 – 44, 45, 48-50, 58-59, 60-61, 62-75, 80-83, 90-91, 93-98, 99-100, 101-103, 104-106, 107-108, 109-112, 115-122, 125-126, 127-129, 130-131, 143-144, 152, 324 – 329, 347 – 460, 475 – 632, 639 – 643, 644 – 649, 650 – 651, 671 – 709, 842 – 847, 848, 849 – 881, 887 – 869, 894 – 901, 902 – 912, 913, 914 – 917, 1606 – 1608, 1609 – 1611, 1614, 1616 – 1618, 1622 – 1624, 1626 – 1628, 1630, 1636 – 1637, 1648 – 1651, 1652 – 1659, 1664 – 1671, 1682 – 1683, 1688, 1694 – 1696, 1698 – 1702, 1710 – 1712, 1714 – 1715, 1716 – 1717, 1718 – 1720, 1722 – 1723, 1724 – 1725, 1726 – 1732, 1734 – 1735, 1736 – 1737, 1738 – 1740, 1742 – 1743, 1748 – 1749, 1756 – 1759, 1760, 1764, 1772, 1798 – 1807, 1824, 1826, 1832, 1836, 1837 – 1838, 1848 – 1849, 1852, 1856 – 1857, 1858 – 1859, 1896 – 1897, 1902 – 1904 and 1906 – 1908.

Under section 36 of the Act, the release of these documents would disclose documents that are largely deliberative in nature. In addition, their disclosure would not be in the public interest as it would serve to confuse debate and affect the ordinary business of government through adverse impact on the quality and breadth of advice provided to government in future.

- (1) Subject to this section, a document is an exempt document if its disclosure under this Act—
- (a) would disclose matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency or Minister or of the Territory; and
- (b) would be contrary to the public interest.
- (2) In the case of a document of the kind referred to in section 8 (1), the matter referred to in subsection (1) (a) of this section does not include matter that is used or to be used for the purpose of the making of decisions or recommendations referred to in section 8 (1).

- (3) *This section does not apply to a document only because of purely factual material contained in the document.*
- (4) *This section does not apply to—*
- (a) *reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts, whether employed within an agency or not, including reports expressing the opinions of such experts on scientific or technical matters; or*
 - (b) *reports of a prescribed body or organisation established within an agency; or*
 - (c) *the record of, or a formal statement of the reasons for, a final decision given in the exercise of a power or of an adjudicative function.*
- (5) *Where a decision is made under part 3 that an applicant is not entitled to access to a document because of this section, the notice under section 25 shall state the ground of public interest on which the decision is based.*

Business Information

Folios 145-151, 154 – 155, 244 – 251, 293, 294 – 297, 312 – 314, 315 – 317, 333, 334, 335, 336 – 339, 340, 468 – 471, 635 – 638, 667 – 669, 728 – 741, 742 – 762, 918 – 919, 920 – 938, 1122 – 1369, 1834 and 1864 – 1865.

Under section 43 of the Act, I have decided to exempt from release, I have exempted from release business affair details pertaining to a person's business, as I am satisfied that the information falls within the exemption set out under Section 43 of the Act. The information has commercial value that would be diminished or destroyed, and/or have an unreasonable effect on the parties involved, in particular around the provision of services to the Government and information that in of a confidential nature.

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.*

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
Chief Minister, Treasury, and Economic Development Directorate
GPO Box 158
CANBERRA ACT 2601

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

Please be aware that under the ACT Government's Online FOI Publication Policy information released to you in response to your Freedom of Information request may be released on the Internet.

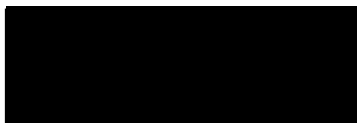
Personal Information or business information will not be made available under this policy. If you think the content of your request would contain such information, please inform the Freedom of Information Coordinator immediately on (02) 620 53955.

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

Should you have any queries regarding this matter, please contact me on (02) 6205 4817.

Yours sincerely



Ms Liz Lopa
A/g Director, Office of the Coordinator General, Urban Renewal
Chief Minister, Treasury and Economic Development Directorate
October 2015