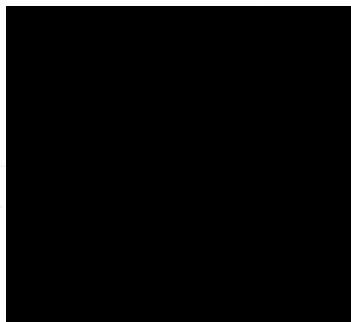


Our ref: LDA 15/16-17



Decision on your Freedom of Information Request - 2015-16 Annual and Financial Report hearings – Land Development Agency

I refer to your request, made under the ACT *Freedom of Information Act 1989* (the Act), for access to documents relating to information provided in regards to the 2015-16 Annual and Financial Report hearings, received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) and provided to the Land Development Agency (LDA) for processing.

In your request you sought “...documents and information held by the Land Development Agency (LDA) relating to information provided by the LDA to the Minister for Housing and Suburban Development, the Minister for Urban Renewal, the Director-General of CMTEDD and the Chief Executive Officer of the LDA for the purposes of briefing for the 2015-16 Annual and Financial Report hearings held by the Legislative Assembly Standing Committee on Planning and Urban Renewal.”

Decision Maker

I am authorised under section 22 of the Act to make decisions on access to documents and liability for charges.

Charges

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

Identification of Documents

I have interpreted your request as seeking any briefing material (whether reports, general information or other documents) provided by the LDA to the Minister for Housing and Suburban Development, the Minister for Urban Renewal, the Director-General of CMTEDD and the Chief Executive Officer of the LDA for the purposes of briefing for the 2015-16 Annual and Financial Report hearings held by the Legislative Assembly Standing Committee on Planning and Urban Renewal.

LDA officers have conducted thorough searches of paper and electronic records for documents that may relate to your request. A number of documents have been identified and are detailed in the attached schedules.

Decision on Access

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

Copies of the released documents are enclosed. Duplicates have been listed in the schedules but are not provided.

Exemption claimed

Executive documents

Section 35 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.*

Note Access to the Cabinet notebook is excluded under s 11 (2).

- (2) *This section does not apply to a document (a relevant document)—*
- (a) *that is referred to in subsection (1) (a); or*
 - (b) *that is referred to in subsection (1) (b) or (c) and is a copy of, or of part of, or contains an extract from, a document that is referred to in subsection (1) (a);*
- to the extent that the relevant document contains purely factual material unless—*
- (c) *the disclosure under this Act of that document would involve the disclosure of any deliberation or decision of the Executive; and*
 - (d) *the fact of that deliberation or decision has not been officially published.*

I have decided to exempt from release information contained in a document that would reveal Cabinet deliberations and decisions that have not been officially published. I consider this information to be exempt from release under section 35(1)(d) of the Act.

Your Right of Review

Internal Review

Under section 59(1) of the FOI 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 Chief Executive Officer.

Your request should be addressed to:

Chief Executive Officer
Land Development Agency
GPO Box 158
CANBERRA ACT 2601

Complaints to the Ombudsman

Under section 54 of the FOI 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 by telephone on 1300 362 072 or in writing to:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

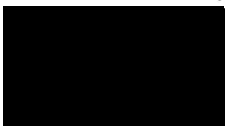
Online FOI Policy

I have assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that my decision on your request will be published online. Personal information or business information will not be made available under this policy. 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) 620 75618.

Yours sincerely



Daniel Bailey
Executive Director, Sales, Marketing and Property Management

30 June 2017