



Dear

**Freedom of Information Request – Block 15 Section 42 Griffith**

I refer to your application under section 14 of the *Freedom of Information Act 1989* (FOI Act), received by the Environment and Sustainable Development Directorate on 27 August 2012, in which you requested the following documents:

“We request all documents, reports, correspondence, e-mails, file notes and other records, including drafts, and in whatever form that is dated from 1 December 2011 to 24 August 2012, between ACTPLA, the Australian Valuation Office, ACT Government Ministers, ACT government departments and agencies, their officials, representatives and consultants, Australian Capital Territory and Southern NSW Rugby Union Limited, including related entities and business associates, officials, representatives and third parties relevant to:

- i.) the **process** used by the ACT Government to determine the market value of Block 15, Section 42 Griffith and the methodology that was used to derive the final amount to be paid by Australian Capital Territory & Southern NSW Rugby Union Limited to discharge the concessional lease;
- ii.) the **final amount** paid by the Australian Capital Territory & Southern NSW Rugby Union Limited to discharge the concessional lease on Block 15, Section 42 Griffith; and
- iii.) the date that the payment to discharge the concessional lease was received by the ACT Government.”

I am an officer authorised to make a decision in respect of a request for information, under section 22 of the FOI Act.

**Schedule detailing decisions**

Please refer to the attached schedule that lists decisions regarding access to all documents, which have been identified as relevant to your request. The terms used on the schedule are either ‘Release’, ‘Partial release’ or ‘Exempt’. Where an exemption is made, a reference will be made on the schedule to the relevant section or combinations of sections of legislation that apply to the decision.

## **Decision**

The Directorate has identified 12 documents in its possession that meet the scope of your request, as identified in the schedule attached to this letter.

Under the FOI Act, documents may be exempt or provided to applicants with deletions and I have decided to exempt and partially exempt some documents under Sections 36 (Internal working documents), 41 (Documents relating to personal privacy) and 43 (Documents relating to business affairs).

### Internal working documents

Section 36 of the Act provides:

*(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.*

Section 36 allows the exemption of internal working documents when disclosure under the FOI Act would not be in the public interest. I consider these documents are internal working documents which contain opinion and the deliberative processes of this agency.

### Personal Privacy

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).*

A number of documents contain the personal information relating to community members and I believe that to release the information contained in these documents to you would constitute an unwarranted invasion of the privacy of the people concerned.

### Business affairs

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; 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.

Some documents contain the financial information of an organisation and are not available for public release.

#### **Review rights**

My decision is appealable under the Act. This means that if you are dissatisfied with this outcome you have a right to seek a review under section 59 of the Act. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate. If you wish to seek a review you should write to:

The Director-General  
Environment and Sustainable Development Directorate  
GPO Box 1908  
CANBERRA ACT 2601  
Email: [ESDDFOI@act.gov.au](mailto:ESDDFOI@act.gov.au)

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

Under section 54 of the Act, if you are concerned about the processing of your request or related administrative matters, you may complain to the Ombudsman, who may conduct an independent investigation into your complaint. There is no fee for this, and the contact details are as follows:

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

**Online FOI Policy**

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.

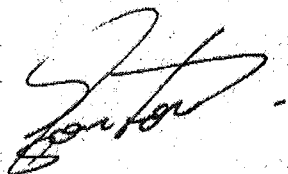
Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform our contact officer immediately.

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)

If you have any queries in relation to this matter, please contact Tasha Hartwig on 6205 0069.

Yours sincerely



Ben Ponton  
Deputy Director-General  
Planning  
Environment and Sustainable Development Directorate

6 September 2012