



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDD 64/15-16

Dear [REDACTED]

## **Decision on Freedom of Information Request – University of Canberra Loans**

I am writing further to my letter of 26 August 2016 in relation to your access request, made under section 14 of the ACT *Freedom of Information Act 1989* (the Act). Your request was received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 31 May 2016, with your revised request received on 25 July 2016.

I wish to apologise once again for the time it has taken to respond to your request.

You are seeking access to:

- 1. Emails from David Lamont to the Chief Minister, Treasury and Economic Development Directorate [or former equivalent directorate] concerning possible, actual, or proposed loans (including loans under consideration) to the University of Canberra and/or (proposed or actual) student accommodation at the University of Canberra, between January 1 2010 and the 2012 election [being 20 October 2016]. Please include attachments to those emails.*
- 2. The business case relating to loans to the University of Canberra and university accommodation at the University of Canberra, including costs and fees for David Lamont's and/or his companies or associated companies or employers.*

### **Decision Maker**

As previously advised 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.

Chief Minister, Treasury and Economic Development

## Identification of Documents

As previously advised, for point two (2) of your request, the Directorate has identified one business case with five appendices attached.

The Directorate has also identified one relevant email and attachment from Mr Lamont to the ACT Government that was not identified as part of the initial document search.

## Decision on Access

I have now consulted with the University of Canberra, under section 27 of the Act, in relation to documents captured by the scope of your request. Although I am not bound by third party submissions, I have given consideration to any response received in making my release decisions.

I have decided to fully release to you folios 3-8.

I have decided to partially release to you folio 2. My reasons for not providing access to components of this document are outlined in the following statement of reasons and in the attached schedule of documents.

## Exemptions Claimed

### Section 43 - Documents relating to 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.*
    - (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.*

I have decided to exempt from release commercially sensitive financial information contained in the Quantity Surveyor report at folio 2. I consider that it is reasonable to expect that disclosure of this information would adversely affect an organisation's commercial and financial affairs in line with section 43(c)(i) of the Act.

## **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**

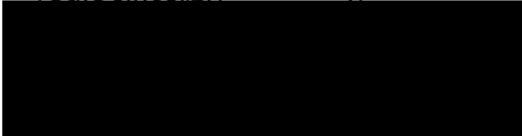
I have assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that my decision on your request will be published online. Personal information or business information will not be made available under this policy.

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](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 4961.

Yours sincerely



Simon Tennent  
Acting Director  
Strategy and Program

5 October 2016