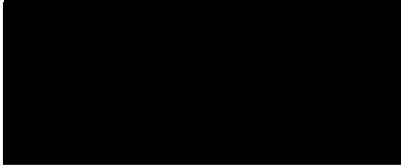




ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD 50/16-17



Dear 

Decision on Freedom of Information Request – economic modelling of direct international air-freight services

I am writing further to my letter of 6 March 2017 in relation to your access request, made under section 14 of the ACT *Freedom of Information Act 1989* (the Act) and received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 10 February 2017.

In your request you are specifically seeking:

“... all documents and any information held by the Directorate relating to information provided by Cadence Economics Pty Ltd to the ACT Government, in particular:

All documents received by the ACT Government in exchange for the payment made to Cadence Economics Pty Ltd on 21st June 2016;

All reports, documents and information provided by Cadence Economics Pty Ltd to the ACT Government concerning 'economic modelling of direct international air-freight services';”

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

I have interpreted your request to relate specifically to the final reports provided to CMTEDD by Cadence Economics Pty Ltd (Cadence) in exchange for the payment made on 21 June 2016.

The primary report prepared by Cadence is available online and so has not been included in this release. This report is available at http://www.economicdevelopment.act.gov.au/data/assets/pdf_file/0019/1030609/Economic_Analysis-of-Air-Freight.pdf.

Some documents containing data used in preparing the Cadence reports were obtained from the Bureau of Meteorology and Maritrade. As this information is publicly available for a fee, I have not considered it for release in accordance with section 11 of the Act. These documents are identified on the attached schedule.

Decision on Access

I have made my decision on access to documents following consultation with relevant third parties whom I considered may wish to contend that documents should be exempt from release.

I have decided to partially release to you the identified documents, provided with this letter and described on the attached schedule. My reasons for not providing access to some documents and components of documents are detailed in the following statement of reasons and in the attached schedule.

Exemptions claimed

Section 39 – Documents affecting financial or property interests of the Territory

Refers to folios: 3, 5, and 6.

Section 39 of the Act provides:

- (1) Subject to subsection (2), a document is an exempt document if its disclosure under this Act would have a substantial adverse effect on the financial or property interests of the Territory or of an agency.*
- (2) This section does not apply to a document the disclosure of matter in which under this Act would, on balance, be in the public interest.*

Under section 39 of the Act, I have decided to exempt from release documents and components of documents that contain information that I consider would affect the financial interests of the Territory. These documents relate to a hypothetical course of action by the Government – namely, direct Government support for air freight operations.

Although these documents may be of interest to you and to a limited number of community members, I do not consider that they are of general public interest. The disclosure of this information may, however, be reasonably expected to be detrimental and adversely affect the financial outcomes for CMTEDD and the Territory.

Section 43 - Documents relating to business affairs etc

Refers to folio: 2

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 the Cadence Economics Summary of Consultations in full, as it contains information concerning the business affairs of an organisation as described in section 43(1) of the Act.

The release of the detailed consultation summary is likely to adversely affect Cadence by impacting their ability to seek confidential feedback from businesses in future. The businesses identified in the consultation summary may also be affected by disclosure of their confidential business information.

Section 44 - Documents affecting economy

Refers to folio: 3, 5 and 6

Section 44 of the Act provides:

- (1) *A document is an exempt document if its disclosure under this Act would be contrary to the public interest because it—*
- (a) *would, or could reasonably be expected to, have a substantial adverse effect on the ability of the Government of the Territory to manage the economy of the Territory; or*
 - (b) *could reasonably be expected to result in an undue disturbance of the ordinary course of business in the community, or an undue benefit or detriment to any person or persons, by giving premature knowledge of or concerning proposed or possible action or inaction of the Government of the Territory or the Legislative Assembly.*

The Benefit Cost Analysis of Fiscal and Welfare Impacts is intended to provide the Government with analysis on a hypothetical course of action – namely, direct Government support for air freight operations. Release of this analysis would give premature knowledge of this possible action and may result in an undue benefit or detriment to any person or persons.

Section 45 - Documents containing material obtained in confidence

Refers to folio: 2

Section 45 of the Act provides:

- (1) A document is an exempt document if its disclosure under this Act would constitute a breach of confidence.*
- (2) Subsection (1) does not apply to any document to the disclosure of which section 36 (1) (a) applies or would, but for section 36 (2), (3) or (4), apply, being a document prepared by—*
 - a) a Minister; or*
 - b) a member of the staff of a Minister or an officer of an agency in the course of his or her duties; or*
 - c) a prescribed authority in the exercise of its functions;*
 - d) for purposes relating to the affairs of an agency or the official affairs of a Minister unless the disclosure would constitute a breach of confidence owed to a person or body other than—*
 - e) a person in the capacity of Minister, member of the staff of a Minister or officer of an agency; or*
 - f) an agency or the Territory.*

The Cadence Economics Summary of Consultations contains information obtained during a confidential consultation process. Cadence undertook the consultation with businesses on a commitment to the relevant businesses that the main report would only include a high level discussion of the results of the consultation.

As a result, the more detailed record of the consultation undertaken (this folio) was provided in confidence to the Directorate by Cadence, and was only intended to be used for internal reference.

I consider that release of this information would constitute a breach of this confidence, and, as above, would be likely to have a detrimental effect on Cadence's business 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
c/o Freedom of Information Co-ordinator
Chief Minister, Treasury and Economic Development Directorate
GPO Box 158
CANBERRA ACT 2601

Via email: CMTEDDFOI@act.gov.au

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 and the information released 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) 6205 4961.

Yours sincerely



Simon Tennent
Director
Strategy and Program Design

31 March 2017