



**ACT**  
Government

Economic Development

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I refer to your request submitted under section 14 of the ACT *Freedom of Information Act 1989* (the Act), received by the Economic Development Directorate (EDD) on 15 May 2013 in which you seek access to documents regarding the direct sale of Block 5 Section 79 Giralang, to Nikias Nominees Pty Ltd.

#### **Decision**

As the officer authorised under section 22 of the Act to make a decision in relation to your request, I would like to advise that the Directorate has identified a number of documents relevant to your request as outlined in the schedule attached to this letter. I have however decided not to release some of the documents for the following reasons:

1. due to the identified documents being accessible online;
2. due to the documents being internal working documents;
3. due to the documents relating to the business affairs of a third party; and
4. the information within the document is out of scope of the request.

The specific documents and provisions are discussed in further detail below:

#### **Section 36 Internal working documents**

- (1) 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.

The exempt material has been removed on the grounds that it is an internal working document as described under section 36 (1) of the Act. It would not be in the public interest to release this information as the identified emails do not contribute to any decision making process and are purely deliberative in nature as part of internal administration processes.

#### **Section 43 Documents relating to business affairs etc**

- (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.

The identified documents relate to the financial affairs of a third party, in particular a financial transaction of a third party. I have however decided to release a copy of the Executed Lease to you. This document is part of the settlement package exempt under the abovementioned provision.

#### **Out of Scope**

Some information in the released documents has been removed because it was out of the scope of the request.

#### **Section 41 Documents affecting personal privacy**

(1) A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of information relating to the personal affairs of any person (including a deceased person).

Please note: I have not exempt any material under this provision, however some material has been redacted due to the information relating to the personal affairs of a third party.

#### **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  
Economic Development Directorate  
C/- Freedom of Information Officer  
GPO Box 158  
CANBERRA ACT 2601

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.

#### **Ombudsman**

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

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

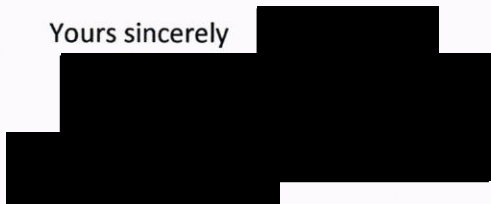
**Online Freedom of Information (FOI) Policy**

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. 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)

If you have any queries in relation to this matter, please contact the Economic Development Directorate Freedom of Information Coordinator, Matthew Neilsen on 6207 5833 or at [EDDfreedomofinformation@act.gov.au](mailto:EDDfreedomofinformation@act.gov.au)

Yours sincerely

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.

Greg Ellis

Director, Sustainable Land Strategy  
Economic Development Directorate

16 July 2013