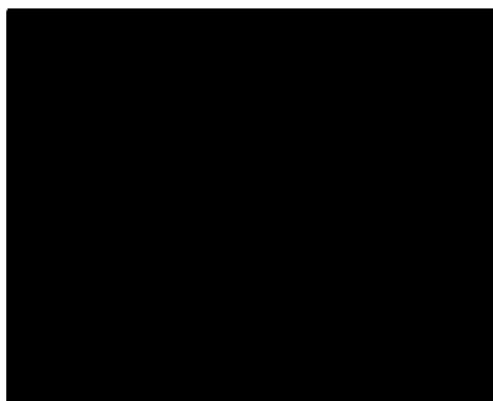




**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDD2017/5207



## **Freedom of Information Request**

I refer to your access request under section 14 of the ACT *Freedom of Information Act 1989* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 15 November 2017.

You requested:

*"...documents and briefing notes prepared for the Economic Development and Tourism Committee 2016-17 Annual Report hearings on 6 November 2017, which include:*

- *Financial and Economic Management;*
- *Procurement and Capital Works;*
- *Government Accommodation and Property Services;*
- *Venues;*
- *ACT Government Procurement Board;*
- *Government Policy Reform;*
- *Coordinated Communications and Community Engagement;*
- *City to the Lake Project;*
- *ACT Executive;*
- *Director of Territory Record;*
- *Economic Development Strategy and Program Design;*
- *Innovation, Trade and Investment – Innovate Canberra;*
- *Visit Canberra; and*
- *Events."*

### **Decision Maker**

I am authorised under section 22 of the Act and have been approved 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 and decision on access**

Directorate officers have identified all documents that formed the briefing packages provided to the Chief Minister for the Economic Development and Tourism Committee 2016-17 Annual Report hearings on 6 November 2017. These briefing documents were also provided to the Director-General and the Under-Treasurer.

I have decided to release almost all of the relevant documents to you in full, and have decided to partially exempt two documents from release. My reasons for exempting some components of documents are detailed further in the following statement of reasons and in the attached schedule.

I have released the relevant components of the indexes that prefaced each briefing package.

Copies of briefs concerning the City to the Lake Project and Economic Development Strategy and Program Design were included in the Chief Minister's briefing package but were prepared by the Environment, Planning and Sustainable Development Directorate (EPSDD). As these briefs concern matters that now fall within EPSDD's responsibilities, a partial transfer has been arranged and EPSDD will provide a separate release decision.

## **Exemptions claimed**

### Documents affecting financial or property interests of the Territory

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.*

I have decided to exempt from release, under section 39(1) of the Act, information contained in one brief that if disclosed would have a substantial adverse effect on the financial interests of the Territory. The Government is currently undertaking a number of processes as part of its evaluation of Aquis Entertainment's proposal to redevelop Casino Canberra. Release of confidential details about the Government's evaluation is likely to prejudice this process and ultimately affect the ability of the Government to achieve the optimum financial outcome for the Territory and the community.

I consider that this potential detriment to the Territory's financial interests outweighs the public interest in release of this information.

### Documents Containing Material Obtained in Confidence

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.*

I have decided to exempt from release components of two documents containing information that if released would constitute a breach of confidence. The exempted information includes: confidential details of an agreement with Singapore Airlines that is subject to a mutual confidentiality clause; and confidential information provided to the Directorate by Aquis as part of the Government's evaluation of Aquis' unsolicited bid to redevelop Canberra Casino.

### **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](mailto: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 FOI 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

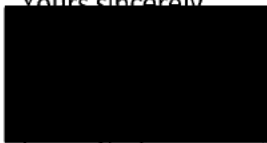
#### **Online FOI Policy**

I have assessed your request for information under the ACT Government's Online FOI 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)

If you would like to discuss this matter further please contact me (02) 6207 3751.

Yours sincerely



Leesa Croke  
Deputy Director-General  
Policy and Cabinet

8 December 2017