



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2018-0056

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Exempt
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	20
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:** [REDACTED]  
**To:** [CMTEDD.FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Friday, 9 March 2018 1:48:55 PM

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Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

### Your details

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

Title: [REDACTED]  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Business/Organisation: [REDACTED]  
Address: [REDACTED]  
Suburb: [REDACTED]  
Postcode: [REDACTED]  
State/Territory: [REDACTED]  
Phone/mobile: [REDACTED]  
Email address: [REDACTED]

### Request for information

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

I write to request under the Freedom of Information Act 2016 documents since 1 July 2016 regarding housing acquisitions made by the ACT Government, including those made by Housing ACT and the Public Housing Renewal Taskforce. Documents may include, but are not limited to, valuations and instructions, legal advice, planning documents, documents to support negotiation, correspondence, and other internal documents. Should you require any further information or clarification about my request, please contact my office on [REDACTED]

I do not want to access the following documents in relation to my request::

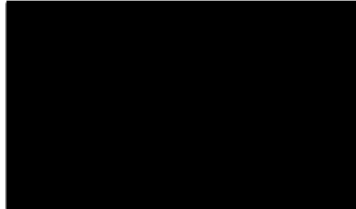
Thank you.  
Freedom of Information Coordinator




**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2018-0056



via email: 

Dear 

#### **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 9 March 2018.

Specifically, you sought access to: “...documents since 1 July 2016 regarding housing acquisitions made by the ACT Government, including those made by Housing ACT and the Public Housing Renewal Taskforce.”

#### **Authority**

I am an authorised Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

#### **Timeframes**

The Act requires a decision and response within 20 working days of the access application being received. The deadline for responding to your access application is 11 April 2018.

#### **Decision on access**

A search of CMTEDD records was completed within business areas which may hold documents relevant to your request. The search resulted in a total of 16 Cabinet submissions being identified.

I have decided to fully exempt from release all 16 documents as it is contrary to the public interest to release under schedule 1 of the Act. I have included as Attachment A to this letter the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I understand that you have requested the same information from the Environment, Planning and Sustainable Development Directorate (EPSDD) and the Community Services Directorate (CSD). You will be provided with a decision on your request by EPSDD and CSD in due course.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

### **Statement of Reasons**

In reaching my access decision, I have taken the following into account:

- the Act; and
- the content of the documents that fall within the scope of your request.

### **Exemption Claimed**

My reasons for deciding not to grant access to the identified documents are as follows:

#### Information contrary to public interest – schedule 1, section 1.6 - Cabinet Information

The documents identified as within scope of your request were prepared for consideration by Cabinet, the Budget Committee of Cabinet, Economic Development Subcommittee and Legislation Subcommittee. These documents contain information that were brought into existence for submission to Cabinet for consideration. The information in these documents is deliberative in nature and includes advice and recommendations regarding a number of housing issues.

In reviewing the documents, I note the requirements of schedule 1 section 1.6(2) of the Act which states that the exemption for Cabinet Information does not apply to 'purely factual information' unless the disclosure of the information would involve the disclosure of a deliberation or decision of Cabinet and the fact of the deliberation or decision that has not been officially published. In the case of *Parnell & Dreyfus and Attorney-General's Department* [2014] AICmr 71, the Australian Information Commissioner stated that the term 'purely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document, or is embedded in or intertwined with the deliberative content such that it is impractical to exercise it.

I consider that the purely factual information within the documents identified is an integral part of the deliberative content and as stated by the Commissioner, the analysis and views in the [documents] would be robbed of their essential meaning without incorporation of this factual material. I am satisfied that disclosure of this purely factual information would involve the disclosure of a deliberation or decision of Cabinet.

Having considered the information contained in the documents, I am satisfied that disclosure of such information would be contrary to public interest pursuant to schedule 1 section 1.6 of the Act.

## **Charges**

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request as no documents are to be released in relation to your request.

## **Online publishing – Disclosure Log**

In accordance with section 28 of the Act, CMTEDD maintains an online record of access applications in the form of a disclosure log. Your access application and my decision in response to your access application will be published in the CMTEDD disclosure log after 16 April 2018. Your personal contact details will not be published.

The CMTEDD disclosure log is at <http://www.cmd.act.gov.au/functions/foi/disclosure-log>.

## **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Via email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

## **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal

Level 4, 1 Moore St

GPO Box 370

Canberra City ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Riley', with a stylized, cursive script.

Daniel Riley

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

11 April 2018