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Post 2

7/5/12



ACT
Government

Economic Development

Dear :

I refer to your application under section 14 of the *Freedom of Information Act 1989* (FOI Act), *Freedom of Information Act 1989* (the Act) received by the Economic Development Directorate (EDD) on 3 April 2012.

You sought access under the Act to the following documents:

- *The current land management agreement(s) relating to the Glenloch rural lease blocks*
 - 1548 on Deposited Plan 9132
 - 1549 on Deposited Plan 9132
 - 1550 on Deposited Plan 9132
 - Molonglo Valley Block 6 on Deposited Plan 9132
 - Molonglo Valley Block 7 on Deposited Plan 9132
- *Documents concerning any review of and assessment of compliance with the land management agreement(s) noted above during the period 2002-2012*
- *The result of any biodiversity surveys done in the Glenloch rural lease and Aranda Bushland (including Aranda snow gums) during the period 2002-2012*
- *Documents concerning any action(s) taken under the ACT Natural Resource Management Plan or other policy document for the protection and recovery of the endangered species *Swainsona recta* (small purple pea) on the Glenloch rural lease*
- *Documents concerning the statutory provisions and policy guidelines for ascertaining the price payable to the Glenloch rural lessee if their lease is acquired by the ACT Government*
- Documents concerning the statutory provisions and policy concerning any costs payable by the rural lessee for the restoration of the biodiversity values of the land that have been adversely impacted by the failure of the rural lessee to manage invasive species on their lease
- Documents concerning the incorporation or otherwise of the rural lease noted above within Canberra Nature Park

I am an officer authorised to make a decision in respect of a request for information, under section 22 of the FOI Act.

Decision

The Directorate has identified a number of documents in its possession that meet the scope of your request, as identified in the schedule attached to this letter. I am releasing all of the relevant documents held by the department to you, although I have decided to exempt some material from release.

43 Documents relating to business affairs

(1) (c) (ii) A document is an exempt document if its disclosure under this act would disclose – 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 – (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.

(1) (b) A document is an exempt document if its disclosure under this act would disclose – 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;

The exempt material relates to business affairs of a third party.

35 Executive documents

(1) A document is an exempt document if it is—(a) a document that has been submitted to the Executive for its consideration or is proposed by a Minister to be so submitted, being a document that was brought into existence for the purpose of submission for consideration by the Executive.

The exempt material contains information prepared for Cabinet consideration.

42 Documents subject to legal Professional Privilege.

(1) A document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of level professional privilege.

(2) A document of the kind referred to in section 8 (1) is not an exempt document under subsection (1) of this section only because of the inclusion in the document of matter that is used or to be used for the purpose of the making of decisions or recommendations referred to in section 8 (1).

The exempt material relates to advice received from Government Solicitors Office.

Please note that some information/folios have been excluded because they were out of the scope of the request.

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.

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

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Online 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.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform Tracey Henry on 6207 3764 immediately.

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

If you have any queries in relation to this matter, please contact Tracey Henry on 6207 3764
or at tracey.henry@act.gov.au

Yours sincerely

Glenn Bain
Executive Director
Ministerial, Cabinet and Policy
7 May 2012