



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD 50/15-16



Dear 

Freedom of Information Request – Autonomous Vehicles

I refer to your request under the ACT *Freedom of Information Act 1989* (the Act) received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 11 March 2016. I apologise for the delay in providing this information.

In the revised scope of your request, provided to CMTEDD by your office on 19 April 2016, you are seeking:

“documents in relation to autonomous vehicles since September 2015, specifically: meeting appointments, agendas, minutes and presentations; briefing documentation from the Directorate to the Minister; and correspondence between the Directorate and external parties in relation to autonomous vehicles since September 2015.”

Decision Maker

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.

Identification of Documents

Officers of CMTEDD have conducted searches of paper and electronic files for documents that may relate to your request and a number of documents have been located. These are detailed in the attached schedule.

Decision on Access

As you are aware from my letter of 11 April 2016, I have been consulting with a number of third parties under section 43 (business affairs) of the Act regarding the possible exemption from release of information contained in documents relevant to your request.

I have now received written comments from these third parties regarding the possible release of this information.

I have decided to fully release to you 36 documents, partially release 50 documents and fully exempt five documents.

I have decided to fully release the relevant portions of folios 46 and 108, however information beyond the scope of your request has been redacted. Folios 8, 9 and 17 are publicly available.

In accordance with section 21 of the Act, where it has been possible to delete exempt material from a relevant document in order to provide access to the remaining information I have done so. My reasons for not providing access are outlined in the following statement of reason and in the attached schedule of documents.

You will note that the Folio reference numbers are not sequential. This reflects that a number of duplicate documents were provided from various officers and that some documents were judged to be beyond the scope of your request. Further, there has also been a partial redaction to folio 46 for information beyond the scope of your request.

Exemptions claimed

Executive documents

Folios 92–95.

Section 35 of the Act provides:

- (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; or*
 - (b) *an official record of the Executive; or*
 - (c) *a document that is a copy of, or of a part of, or contains an extract from, a document referred to in paragraph (a) or (b); or*
 - (d) *a document the disclosure of which would involve the disclosure of any deliberation or decision of the Executive, other than a document by which a decision of the Executive was officially published.*

In respect of the confidential nature of the considerations of Cabinet I have decided to exempt the above listed folios from release under section 35(1)(a) of the Act. These documents have been submitted to Cabinet for consideration and their release would reveal deliberations or decisions of the Executive.

Section 36 - Internal Working Documents

Folio 84.

Section 36 of the Act provides:

- (1) *Subject to this section, 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.*
- (2) *In the case of a document of the kind referred to in section 8 (1), the matter referred to in subsection (1) (a) of this section does not include matter that is used or to be used for the purpose of the making of decisions or recommendations referred to in section 8 (1).*
- (3) *This section does not apply to a document only because of purely factual material contained in the document.*
- (4) *This section does not apply to—*
 - a. *reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts, whether employed within an agency or not, including reports expressing the opinions of such experts on scientific or technical matters; or*
 - b. *reports of a prescribed body or organisation established within an agency; or*
 - c. *the record of, or a formal statement of the reasons for, a final decision given in the exercise of a power or of an adjudicative function.*
- (5) *Where a decision is made under part 3 that an applicant is not entitled to access to a document because of this section, the notice under section 25 shall state the ground of public interest on which the decision is based.*

Folio 84 contains community consultation data on Autonomous Vehicles collected for the ACT Government for the purpose of policy formulation; as such it is an internal working document. Releasing the document would not be in the public interest as it would represent premature release of information related to a tentative and partially-considered policy matters and may mislead the public and encourage ill-informed speculation on these matters.

Documents Affecting Personal Privacy

Folios 2, 7, 11-15, 18, 20-21, 23-25, 28-37, 40-41, 43-50, 61, 64, 67-72, 74, 82, 99, and 101-105.

Section 41 (1) of the Act provides:

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

I have decided to exempt from release the redacted portions of these documents as they contain the mobile phone numbers and personal email addresses of individuals that are not ACT Public Servants. I consider that release of this information would be an unreasonable disclosure of personal information and a breach of privacy, as defined in section 41 (1) of the Act.

Documents relating to Business Affairs

Folios 62, 86, 88 and 108.

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 partially release folios 62 and 86. The redacted portions contain information supplied to the ACT Government in-confidence that is commercially sensitive as it refers to non-public company plans in specific product segments. Release would likely prevent industry partners working cooperatively within the Australian autonomous vehicle industry.

I have decided to partially release folio 88. The redacted portions concern the nature of relations between the Australian Driverless Vehicle Initiative and driverless vehicle manufacturers. Releasing the information could affect the ability of the Australian Driverless Vehicles Initiative to engage with these manufacturers in the future.

I have decided to partially release folio 108. The redacted portions contain information outside the scope of this request.

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
Chief Minister, Treasury and Economic Development Directorate
GPO Box 158
CANBERRA ACT 2601

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

I would be happy to elaborate on this decision with you and address any specific concerns or questions you may have. I am contactable on (02) 6207 2004.

Yours sincerely



Ian Cox
Executive Director
Innovate Canberra

12 July 2016