



ACT
Government

**CITY
RENEWAL
AUTHORITY**

Obj Ref: 17/18556

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Dear 

Freedom of Information Request – Land Acquisition Section 65 Block 24, City

I refer to your application under section 14 of the *Freedom of Information Act 1989* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 21 June 2017, in which you requested the following documents:

"I write to request documents generated within the Chief Minister's portfolio relating to the decision making, valuations, assessments, deliberations, payments, negotiations, minutes, correspondence, payment advice, logs and other related information (including internal documents) relating to the LDA's acquisition of:

- *Block 24, Section 65, City (land adjacent to Glebe Park); and*
- *Block 13, Section 33, Acton and Block 16, Section 33, Acton – leases and Businesses"*

On 10 October 2017 the scope was refined to exclude documents previously released to you.

The request has been divided into two FOIs – one relating to Block 24 Section 65 City and the other relating to Blocks 13 and 16 Section 33 Acton.

This decision concerns documents related to block 24, section 65, City.

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

Schedule detailing decisions

Please refer to the attached schedule that lists decisions regarding access to all documents, which have been identified as relevant to your request. The terms used on the schedule are either 'Full release', 'Partial release', 'Exempt' or 'out of scope'. Where an exemption is made, a reference will be made on the schedule to the relevant section or combinations of sections of legislation that apply to the decision.

Duplicate documents are listed on the schedules, however where possible I have included only one copy with the released documents.

Decision

The Directorate has identified 35 documents in its possession that meet the scope of your request, as identified in the schedule attached to this letter.



Under the Act, documents may be partially or fully exempt and I have decided to exempt some documents under section 42 (legal professional privilege), and to release some documents with portions exempted under sections 41 (documents relating to personal privacy) and 43 (documents relating to business affairs).

Personal Privacy

Section 41 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).*

Some documents contain the names, contact details or other information about persons that it would be unreasonable to disclose.

Legal Professional Privilege

Section 42 of the Act provides:

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 legal professional privilege.*

Some documents contain communication with the Territory's legal advisor.

Business affairs

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; 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.*

Some documents contain business affairs information, the release of which would reasonably be expected to affect that organisation.

Review rights

My decision is reviewable under section 59 of the Act. If you wish to seek a review you may write to:

The Director-General
Environment, Planning and Sustainable Development Directorate
GPO Box 158
CANBERRA ACT 2601

Email: EPDFOI@act.gov.au

You have 28 days from the date of this letter to seek a review of my decision 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

Email: ombudsman@ombudsman.gov.au

Online FOI Publication Policy

Please be aware that under the ACT Government's "*Online FOI Publication Policy*" (the 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 the policy. If you think the content of your request would contain such information, please inform our contact officer 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/open_government/report/freedom_of_information_online

If you have any queries in relation to this matter please contact EPSDD's Customer Service Centre on 6207 1923 and ask for the Information Management Team.

Yours sincerely



Nicholas Holt
Director, Programs
City Renewal Authority

27 March 2019