



ACT
Government

Commerce and Works

Dear

Request under the Freedom of Information Act 1998

I refer to your letters dated 24 June 2013 and 22 July 2013, in seeking access, under the ACT Freedom of Information Act 1989 (FOI Act), to documents relating to the Subcontract, Sub-Subcontract and the Head Contract for the design and construction of fixed sports lighting at Manuka Oval in Canberra (tender number 19899.111.

As you have been made aware, the Commerce and Works Directorate has recently uncovered material captured under this FOI request that was not identified at the time of the initial release of documents in October 2013.

Decision

As the officer authorised under section 22 of the FOI Act to make a decision in relation to the release of documents I wish to advise that in relation to documents in files: 2012/12292; 2012/12293; 2012/12870; 2012/17300; 2012/17302; and 2013/2908:

I have decided to fully release the following folios:

- file 2012/17300 folios 123-124, 160-161.

I have decided to partially release certain folios. The partially redacted documents are not released in accordance with the FOI Act as follows:

Section 41 – Documents affecting personal privacy

- file 2012/12292 folios 39-41; 44, 69;
- file 2012/12293 folios 4, 42, 59, 67, 83, 90, 112;
- file 2012/12870 folio 86;
- file 2012/17300 folios 26, 56, 97, 105-106, 121-122, 140, 154, 159, 166, 212, 222;
- file 2012/17302 folios 49, 125; and
- file 2013/2908 folios 27, 38-39, 41, 44, 47, 56, 58, 61, 68, 78, 95, 114.

Section 43 – Documents relating to business affairs etc

- file 2012/17300 folios 154, 159;
- file 2012/17302 folios 49, 125; and
- file 2013/2908 folios 38, 39, 40, 41, 44, 51, 58, 61, 114.

Section 45 – Documents containing material obtained in confidence

- file 2012/17300 folios 154, 159;
- file 2012/17302 folios 49, 125; and
- file 2013/2908 folios 58, 61, 114.

Documents have also been removed due to duplication.

I have decided to withhold folio 27 of file 2012/17302 as during the consultation process, a third party has raised concern in relation to release of this document. I have decided that release of the document is appropriate under the FOI Act. However, in accordance with section 69 of the Act, the third party is permitted to appeal this decision to the ACT Civil and Administrative Tribunal.

The Directorate is not permitted to disclose the document until the time has expired for the third party to appeal, or if the third party does appeal, until the appeal has been dealt with in the Tribunal. The third party will be given 28 days to appeal the decision. You will be contacted after this time and advised of the outcome.

Please find enclosed the folio schedule and copies of the fully released and partially released documents.

Right of Review

My decision to exempt certain documents is reviewable under section 59 of the FOI Act. If you wish to seek an internal review you should write to:

The Director General
Commerce and Works Directorate
GPO Box 158
Canberra ACT 2601

You have 28 days from the receipt of the response in which to lodge your request.

You also have the right to complain to the Ombudsman about the processing of your request pursuant to section 54 of the FOI Act. If you wish to lodge a complaint you should write to:

The Ombudsman
GPO Box 442
Canberra ACT 2601

Should you have any queries about your request please contact the FOI Coordinator, Commerce and Works Directorate on 02 620 53955.

Open Government

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.

Under this policy personal information or business affairs information may not be made available. 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

Yours sincerely

Andrew Parkinson
A/g Director Civil Infrastructure
Shared Services Procurement
Commerce and Works Directorate

18 February 2014

