

## Freedom of Information Request Schedule – Koppers Wood Products

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 the 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](http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online)

**Please note: You will find a full description of the exemption categories, as outlined in the *Freedom of Information Act 1989*, included at the end of this document.**

Ref No.	Number of Pages	Description	Date	Status	Reason for Exemption	Online release status
1.	4	Email regarding minute to Chief Health Officer	3 April 2014	Exempt	Section 35 – Executive Documents	Exempt
2.	3	Email: Re resolution: Koppers Wood Products – 9 April 2014	14 April 2014	Exempt	Section 35 – Executive Documents	Exempt
3.	2	Email: Re resolution: koppers wood products – 9 April 2014	14 April 2014	Exempt	Section 35 – Executive Documents	Exempt
4.	2	Email: FW Lawder Motion	11 April 2014	Exempt	Section 35 – Executive Documents	Exempt
5.	2	Email: Re Lawder Motion	10 April 2014	Exempt	Section 35 – Executive Documents	Exempt
6.	3	Email: Fw: Lawder Motion	9 April 2014	Exempt	Section 35 – Executive Documents	Exempt
7.	2	Email: Re: possible motion	8 April 2014	Exempt	Section 35 – Executive Documents	Exempt
8.	1	Email: Re: possible motion	8 April 2014	Exempt	Section 35 – Executive Documents	Exempt

9.	6	Email: draft brief for municipal laws for land management Attachment – brief to minister	19 August 2014	Exempt	Section 35 – Executive Documents	Exempt
10.	2	Email: possible motion	8 April 2014	Exempt	Section 35 – Executive Documents	Exempt
11.	1	Email: re brief to CM – koppers	25 March 2014	Exempt	Section 35 – Executive Documents	Exempt
12.	1	Email: re brief to CM	25 March 2014	Exempt	Section 35 – Executive Documents	Exempt
13.	3	Email: re possible motion	9 April 2014	Exempt	Section 35 – Executive Documents	Exempt
14.	7	Email: FW: minute to Chief Health Officer	2 April 2014	Exempt	Section 35 – Executive Documents	Exempt
15.	21	Draft Letters to koppers from ESDD re environmental audit	Various	Exempt	Section 36 - Internal working documents	Exempt
16.	101	Deed of settlement and release	August 2013	Exempt	Section 43 – Documents relating to business affairs	Exempt
17.	1	Letter Re: Block 1210 Tuggeranong	7 March 2013	Exempt	Section 43 – Documents relating to business affairs	Exempt
18.	2	Land title – Block 1210 Tuggeranong	11 September 2013	Exempt	Section 11 – a document that is open to public access	Exempt
19.	2	Tax invoice for property sale	11 September 2013	Exempt	Section 43 – Documents relating to business affairs	Exempt
20.	8	Brief to Chief Minister: former Koppers treatment facility Hume	25 March 2014	Exempt	Section 36 - Internal working documents	Exempt
21.	1	Letter from federal Minister for the Environment to Chief Minister re Koppers site	25 March 2014	Exempt	Section 35 – Executive Documents	Exempt
22.	1	Email: assembly daily program	9 April 2014	Exempt	Section 35 – Executive Documents	Exempt
23.	1	Legislative Assembly daily program	9 April 2014	Exempt	Section 35 – Executive Documents	Exempt

24.	1	Email: Lawder motion	9 April 2014	Exempt	Section 35 – Executive Documents	Exempt
25.	2	Amendment: Assembly business notice number 3	9 April 2014	Exempt	Section 35 – Executive Documents Section 11 – a document that is open to public access	Exempt
26.	12	Email: Re Lawler statement	28 April 2014	Exempt	Section 35 – Executive Documents	Exempt
27.	9	Email: 14/06254 – signed brief	29 April 2014	Exempt	Section 35 – Executive Documents	Exempt
28.	2	Email: FW Lawder motion	8 April 2014	Exempt	Section 35 – Executive Documents	Exempt
29.	5	Email: order of PMB	8 April 2014	Exempt	Section 35 – Executive Documents	Exempt
30.	5	Email: Ministerial correspondence	4 April 2014	Exempt	Section 35 – Executive Documents	Exempt
31.	3	Letter from Minister Corbell to Shane Rattenbury re reports of contamination	undated	Exempt	Section 35 – Executive Documents	Exempt
32.	5	Email: minute to CHO	2 April 2014	Exempt	Section 35 – Executive Documents Section 36 - Internal working documents	Exempt
33.	8	Email: FW: follow up brief	28 March 2014	Exempt	Section 35 – Executive Documents	Exempt
34.	9	Draft brief to Minister Corbell: Managing and resolving municipal matters including long term vacant leaseholds	undated	Exempt	Section 35 – Executive Documents	Exempt
35.	1	Email: Koppers Wood Products briefing information request	26 March 2014	Exempt	Section 34 - Documents affecting relations with Commonwealth and States	Exempt
36.	3	Email CM Talkback scheduled for 4 April 2014	26 March 2014	Exempt	Section 35 – Executive Documents Section 36 - Internal working documents	Exempt

## Exempt documents

*Note* For the exemption of documents in the possession of the housing commissioner containing protected information within the meaning of the *Housing Assistance Act 2007*, pt 5, see that Act, s 29.

### 11 Pt 3 not to apply to certain documents

- (1) A person is not entitled to obtain access under this part to—
- (a) a document that is open to public access, as part of a public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge; or
  - (b) a document that is available for purchase by the public in accordance with arrangements made by an agency; or
  - (c) library material maintained for reference purposes.

### 32 Exemptions do not limit each other

A provision of this part under which documents referred to in the provision are exempt documents—

- (a) shall not be construed as limited in its scope or operation in any way by any other provision of this part under which documents are exempt documents; and
- (b) shall not be construed as not applying to a particular document because another provision of this part of a kind mentioned in paragraph (a) also applies to that document.

### 34 Documents affecting relations with Commonwealth and States

- (1) Subject to subsection (2), a document is an exempt document if disclosure of the document under this Act—
- (a) would, or could reasonably be expected to, cause damage to relations between the Territory and the Commonwealth or the Territory and a State; or
  - (b) would divulge information or matter communicated in confidence by or on behalf of the Commonwealth, a State or an authority of the Commonwealth or of a State to the Territory, to a Territory authority or to a person receiving the communication on behalf of the Territory or of a Territory authority.
- (2) This section does not apply to a document in respect of matter in a document the disclosure of which under this Act would, on balance, be in the public interest.

## 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; 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.

*Note* Access to the Cabinet notebook is excluded under s 11 (2).

- (2) This section does not apply to a document (a **relevant document**)—
- (a) that is referred to in subsection (1) (a); or
  - (b) that is referred to in subsection (1) (b) or (c) and is a copy of, or of part of, or contains an extract from, a document that is referred to in subsection (1) (a);
- to the extent that the relevant document contains purely factual material unless—
- (c) the disclosure under this Act of that document would involve the disclosure of any deliberation or decision of the Executive; and
  - (d) the fact of that deliberation or decision has not been officially published.
- (3) A reference in this section to the Executive includes a reference to a committee of the Executive.

## 36 Internal working documents

- (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.

#### **43 Documents relating to business affairs etc**

- (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.

- (2) Subsection (1) does not apply to a request by a person for access to a document—
  - (a) only because of the inclusion in the document of information concerning that person in respect of his or her business or professional affairs; or
  - (b) only because of the inclusion in the document of information concerning the business, commercial or financial affairs of an undertaking where the person making the request is the proprietor of the undertaking or a person acting on behalf of the proprietor; or
  - (c) only because of the inclusion in the document of information concerning the business, commercial or financial affairs of an organisation where the person making the request is the organisation or a person acting on behalf of the organisation.
- (3) A reference in this section to an undertaking includes a reference to an undertaking that is carried on by, or by an authority of, the Territory, the Commonwealth, a State or by a local government authority.