



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDD 29/14-15

Dear

### **Request for documents**

I refer to your letter received 17 November 2014 addressed to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) in which you seek access to documents under the *Freedom of Information Act 1989* (the Act) concerning:

*...all documents and any information in relation to Light Rail and the relocation of Thoroughbred Park Racecourse since 2011.*

### **Decision Maker**

I am authorised under section 22 of the Act to make decisions on access to documents, and liability for charges, for the Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

### **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 email correspondence and five documents have been located in the Cabinet Office of the directorate.

### **Decision on Access**

In accordance with section 21 of the Act I have decided not release to you any of the identified documents. I have enclosed with this letter the schedule of documents.

### **Exemptions Claimed**

#### Documents Submitted to the Executive

Under section 35 of the Act, the release of the scheduled documents would disclose unpublished deliberations and decisions of Cabinet.

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.*

*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.*

## **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

**Online FOI Policy**

The documents provided to you may be made public on the ACT Government Open Government Website.

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](http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf)

Should you have any queries regarding this matter, please contact me on (02) 6207 8884.

Yours sincerely

Geoffrey Rutledge  
Executive Director  
Strategic Policy and Cabinet

19 January 2015

