



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: 6207 1923  
Reference: 17/25896

Dear [REDACTED]

### **Freedom of Information Request – Land Development Agency Board Papers**

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 13 September 2017, in which you requested the following documents:

*“the Land Development Agency Board meeting agenda and minutes for meetings that have taken place since my last request for these documents (9 March 2017).”*

I apologise for the delay in providing you a response. Your patience and understanding throughout this process has been greatly appreciated.

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 ‘Release’, ‘Partial release’ or ‘Exempt’. Where an exemption is made, a reference will be made on the schedule to the relevant section or combinations of sections of the Act that apply to the decision.

### **Decision**

The Directorate has identified 10 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 exempt/exempt or provided to applicants with deletions and I have decided to exempt some documents under sections 35 (Executive documents), 36 (Internal working documents), 41 (Documents relating to personal privacy) and 43 (Documents relating to business affairs).

### **Executive documents**

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.”*

I have exempted from release under section 35(1)(d) of the Act documents referring to information that that would disclose deliberations of the Executive. These documents include draft submissions, background papers, emails and briefs together with comments from officers of LDA and other agencies that constitute part of the process of drafting the submissions.

To disclose this information would reveal the deliberations of the Cabinet members.

### **Financial or Property Interests of the Territory**

*Section 39 of the Act provides:*

- 1. Subject to subsection (2), a document is an exempt document if its disclosure under this Act would have a substantial adverse effect on the financial or property interests of the Territory or of an agency.*
- 2. This section does not apply to a document the disclosure of matter in which under this Act would, on balance, be in the public interest.*

I have exempted from release under section 39 (1) of the Act the documents referring to information that would disclose the financial or property interests of the Territory.

### **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.*
- 2. A document of the kind referred to in section 8 (1) is not an exempt document under subsection (1) of this section only because of the inclusion in the document of matter that is used or to be used for the purpose of the making of decisions or recommendations referred to in section 8 (1).*

I have exempted from release under section 42 (1) of the Act documents referring to information that would disclose information that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

### **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.*

I have exempted from release under section 43 (1) (a) to (c) of the Act documents referring to information that would disclose financial information that would diminish the commercial value of the information and compromise the organisation's competitiveness.

### **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](mailto: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](mailto: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](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,

  
Tom Gordon  
Executive Director  
Suburban Land Agency  
20 March 2018