



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2018-0061

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	No documents found
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	13 working days
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [Access Canberra Government Business & Coordination](#)
To: [CMTEDD FOI](#)
Subject: FOI Request [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]
Date: Monday, 19 March 2018 9:07:50 AM
Attachments: [image001.png](#)

Good Morning

Please see below possible FOI request for your actioning.

Thank you,
Regina

Regina Gaudry | Government Business and Coordinaton Officer | Government Business and Coordination | Mon-Wed

Ph: 02 6207 2223 | E: Regina.Gaudry@act.gov.au

Projects, Governance & Support | Access Canberra | ACT Government

GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: [REDACTED]
Sent: Monday, 19 March 2018 2:08 AM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: FOI Request

Dear Sir,

This is a request under the Freedom of Information Act 2016 for a copy of the following documents relating to the Direct Sale Eligibility Application Commercial 15/10/15 for Block 11 section 8 Fyshwick.

1. The letter or email from ACTPLA requesting comments on the Direct Sale from the ACT EPA.
2. The ACT EPA advice in response to that letter or email with any attachments.
- 3 A copy of the signed Statutory Declaration Section 1 which accompanied the Direct Sale of Land Eligibility Application Commercial 15/10/15 document, not itself being a signed document.
4. Copies of the three independent valuations of the land, block 11 section 8 Fyshwick, used to establish its market value.

This request is made under Part 2 s.7 of the FOI Act .Part 2 s.9 **Promoting access to government information** states *"It is the intention of the Legislative Assembly that this Act be administered with a pro-disclosure bias and discretions given under it be exercised as far as possible in favour of disclosing government information."*

I request that all application and processing fees be waived under s107 of the Act as this information is of special benefit to a substantial section of the public those being all individuals and groups with an interest in the redevelopment of that site for a Railway Hub and Waste Transfer Station NI2017-389. Since this information should be in active files I do not consider retrieval from archives to be necessary and that processing of this request should be simple and expeditious as per the principles of the Act.

I argue also that it has a wider general public interest because it is a contaminated site with high concentrations of BTEX some of which are known carcinogens and because of the potential for harm to the environment, human health and public safety.

There is a wide public interest in general, in the disclosure of public information which could reasonably

be expected to promote open discussion of public affairs enhancing Government accountability and could reasonably be expected to ensure effective oversight of the expenditure of public funds.

This request for documents and remission of fees is also made in accordance with the ACT. Government policy of Proactive Release of Data (Open Data) Policy December 2015 in which a commitment is made to *“transparency in process and information; participation by citizens in the governing process and public collaboration in finding solutions to problems and participation in the improved well-being of the community. For the ACT Government, being an open government means we value collaboration with each other and the community. The Open Government initiatives enhance democracy and place the community at the centre of the governance process.”* (Katy Gallagher Ministerial Statement 23rd June 2011)






ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2018-61



via email: 

Dear 

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 19 March 2018.

Specifically, you are seeking “a copy of the following documents relating to the Direct Sale Eligibility Application Commercial 15/10/15 for Block 11 section 8 Fyshwick:

1. The letter or email from ACTPLA requesting comments on the Direct Sale from the ACT EPA.
2. The ACT EPA advice in response to that letter or email with any attachments.
3. A copy of the signed Statutory Declaration Section 1 which accompanied the Direct Sale of Land Eligibility Application Commercial 15/10/15 document, not itself being a signed document.
4. Copies of the three independent valuations of the land, block 11 section 8 Fyshwick, used to establish its market value.”

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 18 April 2018.

Decision on access

Points 1, 3 and 4 were transferred to the Environment, Planning and Sustainable Development Directorate (EPSDD) in accordance with section 57 of the Act on 21 March 2018 as they are the directorate most likely to hold the information you have requested. EPSDD will provide you with a decision in due course.

A search of CMTEDD records has failed to identify any documentation in relation to point 2 of your request. The search was conducted using the information you provided, and included digital and hard copy records.

In accordance with section 53 of the Act, I am satisfied that appropriate searches were completed and that no documents relevant to your request are held by CMTEDD.

Charges

Processing charges are not applicable for this request because no documents were found.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision in response to your access application will be published in the CMTEDD disclosure log after 12 April 2018.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: ombudsman@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on (02) 6207 7754 or email CMTEDDFOI@act.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'DR', written in a cursive style.

Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

9 April 2018

