



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 2023-078

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	30
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

Subject: Re: FOI request-CMTEDDFOI 2023-078 - Suspended pending your advice
Date: Friday, 24 March 2023 5:51:52 PM

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Hi Emma,

My apologies for the delay in replying to your earlier email.

Please accept this email as my acceptance of an extended processing time to April 21 and the withdrawal of my third part of the request, regarding information and correspondence between Australian Agricultural Resources Group.

I will await your confirmation the directorate holds no information on part two of my request, and would be happy to consider a withdrawal of that should this be the case.

Warm regards,

On Fri, Mar 24, 2023 at 5:47 PM CMTEDD FOI <CMTEDDFOI@act.gov.au> wrote:

OFFICIAL

Good afternoon

It has been a few days since we spoke, the processing of your application will be suspended under section 34(4) of the *Freedom of Information Act 2016*, and will resume once we have received clarification from you.

However, I can advise the following:

1. We still need your agreement to an extension for point 1 (as listed below), until 21 April 2023.
2. I have been advised by our key business areas that we do not hold any material within scope for point two. I have made enquiries of another directorate but am awaiting advice on that.
3. We need your confirmation that you are happy to withdraw the information you are seeking on Australian Agricultural Resources Group Pty Ltd and its representatives.

Thanks and kind regards

Emma

Emma Hotham (she/her) | Director, Freedom of Information

Phone: 02 6207 0811 | emma.hotham@act.gov.au

From: CMTEDD FOI

Sent: Tuesday 21 March 2023 11:01 AM

Subject: RE: FOI request-CMTEDDFOI 2023-078

OFFICIAL

Good morning [REDACTED]

Thank you for your time on the phone just now.

As discussed, the Commissioner for International Engagement is currently away and their office has requested an extension. Can you please confirm if you agree to an extension of 10 working days, a response would be due **21 April 2023**.

1. Any documents related to the Commissioner for International Engagement's meeting with Peter Conway and George Wason on 15 March 2018 at 9.30am, including, but not limited to, notes, minutes and briefings

I am awaiting advice on the below request, but as discussed I think makes sense to split this request from the one above and treat it as a separate request.

2. Any documents related to the ACT government seeking finance from sovereign wealth funds for ACT infrastructure projects, including but not limited to light rail, hospital, road realignment, convention centre, football and entertainment centre and swimming pool

In relation to the third point, below, we have not been able to locate anything in relation to the below for Australian Agricultural Resources Group Pty Ltd. I understand you have also submitted an FOI to EPSDD for their material relating to the Land Development Agency and the Australian Agricultural Resources Group Pty Ltd and its representatives. Our searches did not locate any material when approached by EPSDD. As discussed, you are happy to withdraw this portion of the request from CMTEDD.

3. Any documents related to, and including, correspondence with Australian Agricultural Resources Group Pty Ltd and its representatives

If you can please read and confirm your agreement or provide clarity, if there is anything that you feel I have missed that would be much appreciated.

Kind regards

Emma

Emma Hotham (she/her) | Director, Freedom of Information

Phone: 02 6207 0811 | emma.hotham@act.gov.au

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

Level 5, 220 London Circuit, Canberra City | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: [REDACTED]

Sent: Tuesday, 7 March 2023 8:00 AM

To: CMTEDD FOI <CMTEDDFOI@act.gov.au>

Subject: FOI request-CMTEDDFOI 2023-078

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hello,

I'm writing to make a request under the *Freedom of Information Act 2016* for the following material:

4. Any documents related to the Commissioner for International Engagement's meeting with Peter Conway and George Wason on 15 March 2018 at 9.30am, including, but not limited to, notes, minutes and briefings
5. Any documents related to the ACT government seeking finance from sovereign wealth funds for ACT infrastructure projects, including but not limited to light rail, hospital, road realignment, convention centre, football and entertainment centre and swimming pool
6. Any documents related to, and including, correspondence with Australian Agricultural Resources Group Pty Ltd and its representatives

Please exclude duplicate documents and forward my request to relevant directorates and agencies that would hold related material.

Kind regards,



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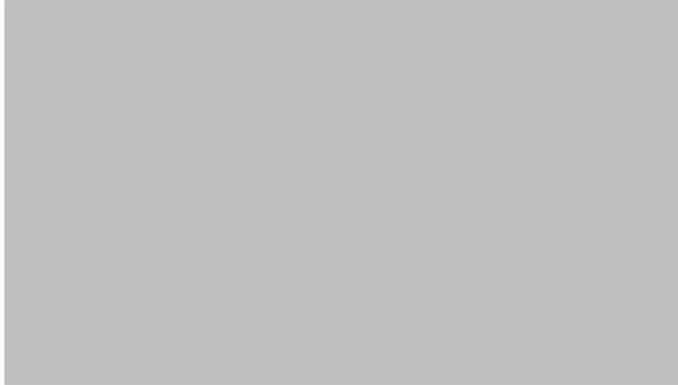




ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD 2023-078



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 07 March 2023 :

Any documents related to the Commissioner for International Engagement's meeting with Peter Conway and George Wason on 15 March 2018 at 9.30am, including, but not limited to, notes, minutes and briefings.

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 was required to provide a decision within 20 working days of receipt of your application, however following a further 11 working day extension granted by yourself, a decision on your access application is due by 21 April 2023. Thank you for agreeing to this extension of time.

Decision on access

Searches were completed for relevant information and the information contained in **Attachment B** falls within the scope of your request. Two documents have been located. One of these documents is outside of the timeframe of your request as it is dated after your access application was received. However, it has been provided as it will give additional context.

I have decided to grant part access to one document and full access to a second document. A schedule of the relevant documents has been provided at **Attachment A** outlining my access decisions.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per Schedule 1 of the Act
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in Schedule 2

The public interest information under schedule 2 of the Act

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

Taking into consideration the information found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (i) *promote open discussion of public affairs and enhance the government's accountability.*
 - (ii) *contribute to positive and informed debate on important issues or matters of public interest.*
 - (viii) *reveal the reason for a government decision and any background or contextual information that informed the decision.*

I have put substantial weight on the above factors favouring disclosure. The release of this information can reasonably be expected to provide information that will inform the community and inform debate on important issues or matters of interest.

Factors favouring nondisclosure in the public interest (Schedule 2 section 2.2):

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (i) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

When considering the information and factors in favour of nondisclosure, I have considered that the protection of an individual's right to privacy is a significant factor. The personal information contained in one of the documents contains a mobile phone of an ACT government employee. This has been redacted as in my opinion the nondisclosure of this outweighs the benefit which may be derived from release.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information and business information contained in the documents is not in the

public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Charges

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50.

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 will be published on the CMTEDD disclosure log. Your personal contact details will not be published. You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2023>

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.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@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 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,

EH

Emma Hotham

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

21 April 2023



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST

Any documents related to the Commissioner for International Engagement's meeting with Peter Conway and George Wason on 15 March 2018 at 9.30am, including, but not limited to, notes, minutes and briefings.

Reference NO.

CMTEDD FOI 2023-078

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Meeting appointment Memo	15/03/2018	Full Release		Yes
2	2-4	Email correspondence RE: Stadium offer	28/03/2022	Partial Release	Sch 2, 2.2(a)(ii)	Yes
Total No of Docs 2						

From: [Dynon, Kaarin](#)
To: [Smyth, Brendan](#)
Subject: RE: Stadium offer
Date: Monday, 28 March 2022 2:56:28 PM

The CM is ok with this, please take a look:

From an ACT Government spokesperson:

The Commissioner met with Mr Wason and Mr Conway on 15 March 2018 at 9:30am.

The meeting canvassed investment into the ACT at a broad level. A specific offer was not made at the meeting and as a consequence no further action was taken. The Commissioner does not recall that any country was named to which the offer was connected with.

The global trend of sports teams building and owning their own stadiums as has been seen in the United Kingdom and North America has never been the case in Australia and is unlikely to be likely in the medium term as the most professional leagues still require significant public subsidy.

Inevitably "private investors" are looking for a commercial return on their investments, it is hard to see how a stadium that hosts 25-30 football matches and another 25-30 non-sporting events could possibly make a commercial return.

From: Smyth, Brendan <Brendan.Smyth@act.gov.au>
Sent: Monday, 28 March 2022 2:32 PM
To: Dynon, Kaarin <Kaarin.Dynon@act.gov.au>
Subject: RE: Stadium offer

Kaarin

Perhaps something like:

The Commissioner met with Mr Wason and Mr Conway on 15 March 2018 at 9:30am.

The meeting canvassed investment into the ACT at a broad level.

A specific offer was not made at the meeting and as a consequence no further action was taken.

The Commissioner does not recall that any country was named to which the offer was connected with. Unfortunately any notes taken at the meeting are no longer available as limited storage in 220 London Circuit did not allow documents to be brought across into the new building.

Happy to discuss

Regards

Brendan

Brendan Smyth

Commissioner for International Engagement
COVID-19 Local Business Commissioner
ACT Government

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+61 Sch 2.2(a)(ii)

Brendan.Smyth@act.gov.au

From: Dynon, Kaarin <Kaarin.Dynon@act.gov.au>

Sent: Monday, 28 March 2022 10:49 AM

To: Smyth, Brendan <Brendan.Smyth@act.gov.au>

Cc: Mison, Matt <Matt.Mison@act.gov.au>

Subject: FW: Stadium offer

Brendan – more info below, is this helpful to answer the questions below?

From: Jasper Lindell <jasper.lindell@canberratimes.com.au>

Sent: Monday, 28 March 2022 10:39 AM

To: Dynon, Kaarin <Kaarin.Dynon@act.gov.au>

Subject: Re: Stadium offer

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Kaarin,

I've gathered some more information which may help:

I understand Brendan Smyth met with George Wason and Peter Conway in mid-June 2019. Mr Wason and Mr Conway were representing Australian Agricultural Resources Pty Ltd, and I understand the discussion centred on a foreign country's interest in investing \$400 million (US) into a stadium and office development on the Canberra Olympic Pool site, and that the representatives from the country were interested in flying into Canberra to further discuss the proposal with the ACT government. I understand there was no follow-up conversation with Mr Wason and Mr Conway and the possibility of investment was not pursued.

- Which country was the offer connected to?
- How was the offer considered?
- On what grounds was the offer considered unsuitable?

Is 4pm today going to be possible for a response?

JL

On Fri, Mar 25, 2022 at 12:39 PM [REDACTED] wrote:

Hi Kaarin,

I understand a pitch was made on behalf of a foreign country about four or five years ago to the ACT government to put up the money for a stadium and office project on the Olympic Pool site.

Did the Commissioner for International Engagement for the ACT, Brendan Smyth, meet with representatives acting for the country? How many meetings took place? Who was present at the meetings?

Which country was the offer connected to and what was the value of the offer?

How was the offer considered? Was it considered unsuitable? Was this communicated to the representatives?

Let me know if a COB deadline today is unworkable - can push this to next week if needed.

Cheers,



--



Gowling, Emma

Subject: George Wason

Location: OIE

Start: Thu 15/03/2018 9:30 AM

End: Thu 15/03/2018 10:00 AM

Recurrence: (none)