



ACT
Government

Chief Minister and Cabinet

COPY

Our ref: FOI CMCD 18/11-12

Dear

I refer to your letter received 2 March 2012 in which you sought access to the following material under the *Freedom of Information Act 1989* (the Act):

Information relating to your proposal to the ACT Government for a General Aviation and Emergency Services Airfield at Williamsdale in the ACT (January 2004)

- 1. All correspondence relating to the proposal from the time of submission until present.*
- 2. All file notes relating to the proposal from the time of submission until present.*
- 3. All briefing notes and papers relating to the proposal from the time of submission until present.*
- 4. Copies of all studies conducted into the proposal.*

Decision Maker

I am authorised under section 22 of the Act to make decisions on access to documents held by the Chief Minister and Cabinet Directorate (CMCD) and liability for charges.

Charges

Due to the estimated processing time involved I have decided under section 29 of the Act not to impose processing charges for this request.

Identification of Documents

Officers of CMCD have conducted thorough searches of all paper and electronic files and email accounts. Documents that are relevant to your request have been located in the business units of Economic, Regional and Planning and Cabinet.

Decision on access

In the identification and consideration of documents relevant to your request, I have interpreted the scope to refer to documents directly relating to your proposal for a General Aviation and Emergency Services Airfield at Williamsdale in the Act.

In making my decision I have considered all located documents that made reference to your proposal. All relevant documents identified are listed on the attached schedules with a summary of my decision in relation to each.

The Directorate holds very little information on this issue as it does not have primary responsibility for matters relating to aviation and economic development. I note that the Economic Development Directorate (EDD) accepted a partial transfer of this request under section 15 (1)(b) of the Act and will respond to your request directly on documents they hold.

Many of the identified documents contain information which is irrelevant to your request. For example, the meeting agendas and notes from Economic, Regional and Planning relate to a range of other topics discussed at the Community Aviation Consultation Group meetings. I have made my decisions on access in relation to the relevant portions of these documents. The remaining information in the documents is beyond the scope of your request and has been excluded.

Under section 43 of the Act, I have exempted excerpts of correspondence that would potentially have an adverse affect on a particular organisation if disclosed.

Documents relating to business affairs etc

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.

The schedule of documents held by Cabinet lists executive material and, consequently, I have decided to exempt the documents under section 35(1)(a) of the Act in order to respect the confidential nature of the deliberations of Cabinet.

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.

Copies of the documents which I have released in full are attached to their respective schedules.

Your right of review

Internal Review

You are entitled, under section 59 (1) of the Act, to request a review of my decision. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate.

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 and Cabinet 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 may conduct an independent investigation into your complaint. You can contact the Ombudsman either by telephone on 1300 362 072 or by writing to:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Online FOI Policy

Please be aware that under the ACT Government's Online FOI Publication Policy information released to you in response to your Freedom of Information request 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 FOI Coordinator 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/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf

Should you have any queries regarding this matter please contact me on 620 50468.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brook Dixon', with a long horizontal flourish extending to the right.

Brook Dixon
Director
Economic, Regional and Planning

13 April 2012