



ACT
Government

Economic Development

COPY

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I am the officer authorised under section 22 of the ACT *Freedom of Information Act 1989* (the Act) to make a decision in respect of your revised scope request (the request) received by the Economic Development Directorate (EDD) on 14 June 2013. You sought access to information regarding the National Broadband Network in the ACT. My decision is outlined below.

Decision

The Directorate has identified a number documents in its possession that meet the scope of your request, as outlined in the schedule attached to this letter. I have however decided not to release some of the documents for the following reasons:

1. due to the documents being executive working documents;
2. due to the documents being internal working documents; and
3. the information within the document is out of scope of the request.

The specific documents and provisions are discussed in further detail below:

Section 35 Executive Documents

(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.

The identified material is Cabinet-In-Confidence and has been exempt on the grounds that it is an Executive Document as described under section 35 (1) (a) of the Act.

Section 36 Internal working documents

(1) A document is an exempt document if its disclosure under this Act—

- (a) would disclose matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency or Minister or of the Territory; and
- (b) would be contrary to the public interest.

The exempt material has been removed on the grounds that it is an internal working document as described under section 36 (1) of the Act. It would not be in the public interest to release this information as the document in its current form is to be considered a draft document, therefore the information within the document is incomplete.

Out of Scope

Some information in the released documents has been redacted because it was out of the scope of the request.

Review rights

My decision is appealable under the Act. This means that if you are dissatisfied with this outcome you have a right to seek a review under section 59 of the Act. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate. If you wish to seek a review you should write to:

The Director-General
Economic Development Directorate
C/- Freedom of Information Officer
GPO Box 158
CANBERRA ACT 2601

You have 28 days from the date of this letter to seek a review of the outcome or such other period as the Director-General permits.

Ombudsman

Under section 54 of the Act, if you are concerned about the processing of your request or related administrative matters, you may contact the Ombudsman, who may conduct an independent investigation into any complaint you may have. There is no fee for this, and the contact details are as follows:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

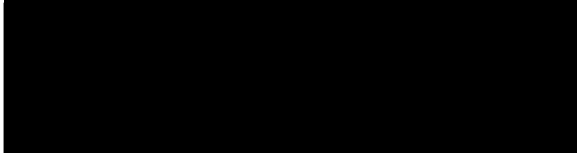
Online Freedom of Information (FOI) Policy

Please be aware that under the ACT Government's Online FOI Publication Policy, information released to you under this Freedom of Information Application may be released on the internet. 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)

If you have any queries in relation to this matter, please contact the Economic Development Directorate Freedom of Information Coordinator, Matthew Neilsen on 6207 5833 or at EDDfreedomofinformation@act.gov.au

Yours sincerely



Anita Hargreaves
Director Workforce and Governance
Economic Development Directorate

9 July 2013