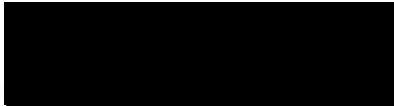




Our Ref: CMA-FOI:14-005



CANBERRA ACT 2601

Dear [Redacted]

Re: Freedom of Information request

I write in response to your letter of 3 June 2014 regarding your request under the *Freedom of Information Act 1989* (the Act) for access to certain documents held by the Capital Metro Agency.

In particular, you sought access to:

- " 1. Rapid Business Case;*
- 2. Active Development Strategy;*
- 3. Value Capture Study; and*
- 4. Job Analysis undertaken by Ernst & Young "*

On 16 June 2014, this office wrote to you advising that, in accordance with section 15 of the Act, the Economic Development Directorate (EDD) accepted a partial transfer of the request as EDD is the responsible agency for the 'Active Development Strategy', listed as item 2 on your request. A separate decision has been prepared by EDD in relation to the release of this document.

I am the officer authorised under section 22 of the Act to make a decision in relation to the remaining documents subject to your request.

Although the Act facilitates the objective of public access to documents, access is subject to a number of exemption provisions as set out by the Act. In this case, I have decided that two of the documents found relevant to your request, the *Rapid Business Case* and the *Value Capture Study*, be exempt from release in accordance section 35(1)(a) of the Act.

Section 35(1)(a) of the Act details that a document is an exempt document if it is a document that has been submitted to the Executive for its consideration, or is proposed by a Minister to be submitted, being a document that was brought into existence for the purpose of submission for consideration by the Executive.



In respect of the privileged confidentiality of the Executive, I have decided to exempt from release these two documents as they came into being for the purposes of being supplied to the Executive.

The remaining document found relevant to your request, the *Job [Creation] Analysis* undertaken by EY is available on the Capital Metro website (www.capitalmetro.com.au).

Section 11(1)(a) of the Act states that a person is not entitled to obtain access under this part to a document that is open to public access, as part of the public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge. The *Job Creation Analysis* is not subject to the Act as it is publicly available on the Capital Metro website.

I have also assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that the documents relevant to your request, including your original application and this decision letter, will not be published online. For more information about the ACT Government's Online Freedom of Information Publication Policy, visit www.cmd.act.gov.au.

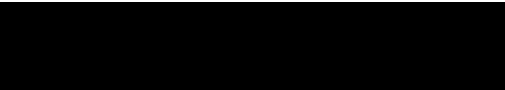
You have a right to seek a review of the outcome under section 59 of the Act. You have 28 days from the date of this letter, or such other period as the Director-General permits, to seek a review. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate. If you wish to seek a review you should write to:

The Director-General
Capital Metro Agency
C/- Freedom of Information Officer
GPO Box 158
CANBERRA ACT 2601

You also have the right to complain to the Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Yours sincerely



Glenn Bain
Decision Maker
Capital Metro Agency

24 June 2014