



**ACT**  
Government

Environment and Planning

Phone: 6207 1923  
Reference: 15/15614

Dear [REDACTED]

### **Freedom of Information Request – 10 McKail Crescent Stirling**

I refer to your application under section 14 of the *Freedom of Information Act 1989* (the Act), received by the Environment and Planning Directorate (EPD) on 10 July 2015, in which you requested the following documents:

*"All documents, information and correspondence held by the ACT Government in relation to the uninhabitable house at 10 McKail Crescent Stirling, from the period of 1 November 2010 to 30 June 2015."*

I am an officer authorised to make a decision in respect of a request for information, under section 22 of the Act.

### **Schedule detailing decisions**

Please refer to the attached schedule that lists decisions regarding access to all documents, which have been identified as relevant to your request. The terms used on the schedule are either 'Release', 'Partial release' or 'Exempt'. Where an exemption is made, a reference will be made on the schedule to the relevant section or combinations of sections of legislation that apply to the decision.

### **Decision**

The Directorate has identified 33 documents in its possession that meet the scope of your request, as identified in the schedule attached to this letter.

Under the Act, documents may be partially exempt or provided to applicants with deletions and I have decided to exempt some parts of some documents under sections 41 (Documents relating to personal privacy) and 42 (Documents subject to legal professional privilege)).

### **Personal Privacy**

Section 41 of the Act provides:

- 1. a document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*

### **Legal Professional Privilege**

Section 42 of the Act provides:

- 1. a document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.*

Following the creation of Access Canberra, the responsibility for building construction and compliance matters transferred from EPD to Access Canberra, which is part of the Chief Minister, Treasury and Economic Development Directorate. Access Canberra may hold further records relating to this matter. To request records from Access Canberra please visit the following website:

<http://www.cmd.act.gov.au/functions/foi>

## 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 EPD. If you wish to seek a review you should write to:

The Director-General  
Environment and Planning Directorate  
GPO Box 1908  
CANBERRA ACT 2601

Email: [EPDFOI@act.gov.au](mailto:EPDFOI@act.gov.au)

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.

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

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

## Online FOI Publication Policy

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

Personal information or business affairs information will not be made available under the policy. If you think the content of your request would contain such information, please inform our contact officer 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/open\\_government/report/freedom\\_of\\_information\\_online](http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online)

If you have any queries in relation to this matter please contact EPD's Customer Service Centre on 6207 1923 and ask for the Information Management Team.

Yours sincerely



Christopher Collier  
A/g Executive Director  
Planning Delivery

2 September 2015