



ACT
Government

Territory and Municipal Services

Dear

Freedom of information request

I refer to your application made under the *Freedom of Information Act 1989* (the FOI Act) received on 8 and 9 March 2016, in which you sought access to all documents relating to the Isaacs Ridge Mountain Bike Trail Upgrade and in particular all documents relating to:

1. the initial proposal for the upgrade
2. the briefing of senior executives and the Ministers of the proposal and recommendations
3. the procurement of consultants Canberra Town Planning and Anthony Burton and Associates
4. Parks and Conservation Service letter drop during the consultation period
5. survey results and all forms of feedback, comments from the consultation between 4 August 2015 and 2 September 2015
6. meetings or discussions between ACT Government officials and Ministers with Canberra Off Road Cyclists
7. the procurement of Jindabyne Constructions in relation to Isaacs Ridge.

Decision

I am an officer authorised under section 22 of the FOI Act to make a decision in relation to your request and apologise for the delay in doing so.

I understand that the directorate's Freedom of Information officer discussed with you the extent of your request being estimated at about 500 pages. I understand that to assist with the progress of your request a decision is being made on each part. This decision relates to part three of your request.

In relation to part three, 25 documents have been located within the scope of your request as summarised in the schedule at Attachment A. I have decided to release documents 3-7, 9-11, 14-20 and 22 to you in full.

I have decided to partially exempt from release documents 1-2, 8, 13 and 21 pursuant to section 41(1) of the Act, which provides:

41 Documents affecting personal privacy

- (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).

The exempt material includes the full name and telephone details of third parties, including details of stakeholders and the personal mobile details of officers.

I have decided to exempt in full documents 23-25 after considering section 43(1)(b)(c)(i) of the FOI Act, which provides:

43 Documents relating to business affairs etc

- (1) A document is an exempt document if its disclosure under this Act would disclose—
- [...]
 - (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
 - (c) information 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[.]

The exempt documents include the quotation response and supporting documentation that was submitted by third party consultants. I have decided that the release of the documents would disclose the methodologies and processes that its authors use. The documents also contain pricing amounts and I have decided that the release of this information would unreasonably affect the business affairs of those parties, particularly if released to its competitors. That, in turn, could likely prejudice the consultant's ability to bid competitively for future engagements of this nature and unreasonably affect their business affairs. Furthermore, this disclosure may lead to damaging the consultant's willingness to do business with the ACT Government in the future.

Fees and charges

Freedom of information requests attract fees and charges for time spent searching and retrieving documents, decision-making time and photocopying.

In relation to part 3 of your request, no fee is payable as the time spent on processing this part, and the number of documents released were within the fee-free threshold.

Right of review

If you are dissatisfied with my decision, you have the right to seek an internal review. If you wish to seek an internal review you should write to:

The Director-General
Territory and Municipal Services Directorate
C/- Freedom of Information Officer
GPO Box 158
CANBERRA ACT 2601

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

ACT Civil and Administrative Tribunal

If you are still dissatisfied after the directorate has conducted an internal review, you can seek an independent review of the decision by the ACT Civil and Administrative Tribunal. You have 28 days from the date of the internal review decision to seek a review from the Tribunal.

The Tribunal is an independent body. It can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with Tribunal recommendations. To apply to the Tribunal for a review you can obtain an application form at www.acat.act.gov.au. The postal address of the Tribunal is:

ACT Civil and Administrative Tribunal
GPO Box 370
CANBERRA ACT 2601

Ombudsman

You also have the right to contact the Ombudsman regarding the processing of your request. You may contact the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Further information

If you have any questions in relation to your request please contact the Directorate's FOI Coordinator on 6205 5408 or tamsfoi@act.gov.au.

Yours sincerely

Paul Peters
Executive Director
Infrastructure, Roads and Public Transport

25 May 2016



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Attachment A

FREEDOM OF INFORMATION SCHEDULE

| Document number | Description | Date | Status (full release, partial release, exempt) | Reason for exemption (where applicable) |
|-----------------|--|-------------------|--|--|
| 1 | Email Subject – CUP 2015-16: Isaacs Ridge Community Trail Network Upgrade | 1 June 2015 | Partial release Out of scope material removed relating to another program | Section 41: Documents affecting personal privacy |
| 2 | Email Subject: Isaacs Ridge MTB trail network upgrade | 3 July 2015 | Partial release | Section 41: Documents affecting personal privacy |
| 3 | Attachment to document 2 Draft Project Brief – Community Consultation and Trail Management Plan | June 2015 | Full release | |
| 4 | Email Subject – Isaacs – Project Brief | 15 July 2015 | Full release | |
| 5 | Attachment to Document 3 Isaacs Ridge Recreation Facility Community Engagement and Concept Plan | November 2014 | Full release | |
| 6 | Attachment to Document 3 Maps | Various | Full release | |
| 7 | Attachment to Document 3 Preliminary Stakeholder list | Undated | Full release | |
| 8 | Email Subject – Isaacs Ridge mtn bike trail upgrade - confirm scope of the trail mgmt plan | 23 July 2015 | Partial release | Section 41: Documents affecting personal privacy |
| 9 | Email Subject – Isaacs Ridge | 29 July 2015 | Full release | |
| 10 | Email Subject – Isaacs ridge consultation and trail management plan | 3 August 2015 | Full release | |
| 11 | Email Subject – Isaacs Ridge online survey results | 4 September 2015 | Full release | |
| 12 | Email Subject – Isaacs | 17 September 2015 | Partial release | Section 41: Documents affecting personal privacy |
| 13 | Attachment to Document 12 Stakeholder List | Undated | Partial release | Section 41: Documents affecting personal privacy |
| 14 | Email Subject – Revised Consultation Report – Isaacs | 21 September 2015 | Full release | |

| Document number | Description | Date | Status (full release, partial release, exempt) | Reason for exemption (where applicable) |
|-----------------|---|-------------------|--|--|
| 15 | Attachment to Document 14 Consultation Report – Isaacs Ridge Mountain Bike Trail Upgrade Project | September 2015 | Full release | |
| 16 | Meeting Request Subject – Isaacs Ridge Pines | 25 September 2015 | Full release | |
| 17 | Email Subject – 15/16 CUP – Hit the ground running | 10 July 2015 | Full release | |
| 18 | Simple Purchasing Purchase number – ACTGOVRFQ-1-390 | 9 July 2015 | Full release | |
| 19 | Project Brief Isaacs Ridge – Mountain Bike Trail Network Upgrade | 16 July 2015 | Full release | |
| 20 | Email – Invitation to submit a quote Subject – RFQ – Isaacs Ridge mountain bike trail network upgrade planning consultancy | 16 July 2015 | Full release | |
| 21 | Email – Invitation to submit a quote Subject – RFQ – Isaacs Ridge mountain bike trail network upgrade planning consultancy | 16 July 2015 | Partial release | Section 41: Documents affecting personal privacy |
| 22 | Email – Invitation to submit a quote Subject – RFQ – Isaacs Ridge mountain bike trail network upgrade planning consultancy | 16 July 2015 | Full release | |
| 23 | Goods and Services under \$25,000 – Request for Quote Quote and supporting documentation | 24 July 2015 | Exempt | Section 43: Documents relating to business affairs |
| 24 | Goods and Services under \$25,000 – Request for Quote Quote and supporting documentation | 24 July 2015 | Exempt | Section 43: Documents relating to business affairs |
| 25 | Goods and Services under \$25,000 – Request for Quote Quote and supporting documentation | 24 July 2015 | Exempt | Section 43: Documents relating to business affairs |