



**ACT**  
Government

Territory and Municipal Services

**COPY**

Dear

### **Freedom of Information Request**

I refer to your application under the *Freedom of Information Act 1989*, partially transferred from the Chief Minister and Treasury Directorate on 20 March 2013, in which you sought access to documents related to the Government's current policy of refusing licences to wildlife carers for the rescue, rehabilitation and release of Eastern Grey Kangaroos.

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

### **Decision**

The Directorate has located 14 documents within the scope of your request. I have decided to:

- fully release 7 of these documents;
- partially release 4 documents; and
- exempt from release 3 documents.

A schedule of documents has been included at Attachment A. I have decided to fully release documents 1, 2 and 10 to 14.

I have decided to fully exempt document numbers 6 and 8 and partially exempt document numbers 3, 7 and 9 from release pursuant to section 42 of the Act, which provides:

- 42 Documents subject to legal professional privilege**
- (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.

These documents consist of correspondence between officers of the Directorate and the ACT Government Solicitor's office and documents containing the ACT Government Solicitor's advice, which I consider to be subject to legal professional privilege.

Additionally, I have decided to exempt document 4 from release pursuant to section 46 of the Act, which provides:

**46 Document disclosure of which would be contempt of Legislative Assembly or a court**

A document is an exempt document if public disclosure of the document would, apart from this Act and any immunity of the Crown—

[...]

- (c) infringe the privileges of the Legislative Assembly, of the Commonwealth Parliament, of the Parliament of a State or of a House of such a Parliament or of the Legislative Assembly of the Northern Territory or of Norfolk Island.

I have decided that releasing the information contained in this document could infringe the privileges of the Legislative Assembly, and in particular the privilege of a member's freedom of speech.

I have also decided to partially exempt document 5 from release pursuant to section 41 of the FOI Act (personal privacy). The exempt material is the personal information of a third party including their name and address details.

**Fees and charges**

Freedom of information requests attract fees and charges for time spent searching and retrieving documents, decision-making time and photocopying. I note that you have asked for remission of any applicable charges on the basis that the release of the documents is in the public interest.

In relation to your request, no fee is payable as the time spent on processing your request, 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 from the Tribunal ([www.acat.act.gov.au](http://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 complain to the Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

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](mailto:tamsfoi@act.gov.au).

Yours sincerely



Fay Steward  
Executive Director  
Parks and City Services Division

18 April 2013