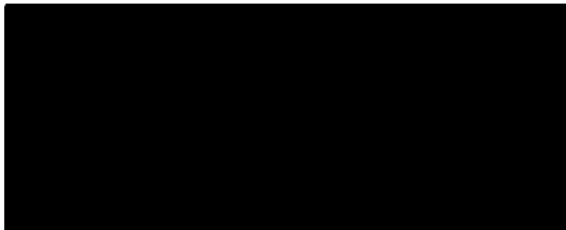




ACT

Government

Justice and Community Safety



Freedom of Information Request-Aerial Capital Group Limited and Australian Capital Territory

I refer to correspondence of 23 May 2013 to you from the office of the Attorney General, Simon Corbell, MLA, which advised that your request under the *Freedom of Information Act 1989* (the Act), dated 8 March 2013, had been transferred to this Directorate.

Your request was for all documents concerning, setting out or relating to advice, referenced in the Attorney General's letter to you of 18 February 2013, about whether the establishment of a Wheelchair Accessible Taxi Centralised Booking Service (WCBS) amounted to an acquisition of property rights, without compensation on just terms.

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

Although the Act facilitates the objective of public access to documents, access is subject to a number of exemption provisions as set out in the Act. Documents identified within the scope of your request require consideration of the extent to which they are subject to section 42 of the Act.

Decision

The Directorate has identified 9 documents in its possession that fall within the scope of your request. Please see the attached schedule providing brief details of these documents.

While legal advice is subject to legal professional privilege', the terms of the Attorney General's letter to you dated 18 February 2013, in particular his statements that "I am advised that..." followed by the disclosure of the substance of the advice provided by the ACT Government Solicitor, is on balance considered to constitute a waiver of legal professional privilege.

On this basis, I have decided that all the documents which fall within the scope of your request for access are to be fully released.

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
Justice and Community Safety 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.

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

Online 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 will be released on the internet.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform Vicki Crispe, FOI Coordinator immediately. Vicki can be contacted on Ph [REDACTED] or email: [REDACTED]

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

If you have any queries in relation to this matter, please contact Wayne Daly on phone [REDACTED] or email: [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read 'Karen Greenland', with a stylized flourish at the end.

Karen Greenland
Deputy Executive Director
Legislation Policy and Programs
Justice and Community Safety Directorate

28 May 2013