

Hand delivered
30/10/14.



ACT
Government

Community Services

s41 FOI Act

Dear [REDACTED]

I refer to your application under the ACT *Freedom of Information Act 1989* (the FOI Act), received by the Directorate on 12 August 2014, in which you sought access to the following information:

"...all documents and any information held by the Directorate in relation a report prepared by KPMG relating to early intervention services. Documents and information that might be provided include contracts, variations to contracts, the report itself, emails, letters, minutes and memos"

Under the FOI Act, section 22, I am an officer authorised to make a decision in respect of a request for information. I apologise for the delay in the Directorate's response to you and any inconvenience it may have caused.

Decision

The Directorate has identified one registry file and has also undertaken a search of relevant officers email accounts to extract emails which contain information that meet the scope of your request, as identified in the schedules attached to this letter.

Released Information

The attached schedules list decisions regarding access to the documents. The terms used are either 'Full release', 'Partial release', 'Exempt in full', or 'Out of scope of the request'.

Exemptions

All documents referred to in the schedules have been reviewed with a view to releasing them to you. Where information is considered to be exempt and a deletion or exemption has been made, a reference is made in the schedule to the relevant section, or combinations of sections of legislation that apply to the particular information.

Executive documents - Section 35, FOI Act 1989

A few of documents, draft Cabinet Submissions and documents containing comments included in draft Cabinet Submissions have been exempt from released under this

section of the Act as the information was either submitted to the Executive or prepared for the purpose of submitting to the Executive for consideration.

I consider the disclosure of these documents would involve the disclosure of deliberation of the Executive.

Internal working documents – Section 36, FOI Act 1989

This section has been used in the attached schedules where documents have been considered internal working documents. In using this section a public interest test was required. I believe these documents to be draft internal working documents which would disclose matters relating to opinions and advice prepared for the purposes of deliberative processes between KPMG and the Directorate and would be contrary to the public interest.

Personal information – section 41, FOI Act 1989

Certain documents within the scope of your request have been released with deletions in reference to the FOI Act, section 41. Exemptions under this section have been made where the documents within the scope of your request, contained personal information, relating to other individuals, i.e. information which cannot reasonably be disclosed.

Legal Professional Privilege – section 42, FOI Act 1989

You will also note that some documents have been exempt under section 42 of the FOI Act. (Documents subject to Legal Professional Privilege). A document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings. Such a document may contain evidence of advice or instruction between the Directorate and its internal or external legal representatives.

Documents relating to Business Affairs - Section 43, FOI Act 1989

There are a number of documents which contain information relating to non government organisations. This information contains monetary information or information which may impact on future tender capabilities. The release of this information may diminish the commercial value of the information and compromise the organisations' and other organisations competitiveness in any future tender processes.

Documents affecting economy – section 44, FOI Act 1989

There are some documents, or parts of documents, which have been exempt from release under this section as the disclosure of this information could reasonably be expected to result in undue benefit or detriment to any persons by providing premature information of possible action of the Government.

Information 'Outside the scope of the request'

In some instances I have also addressed information as 'Outside the scope of the request'. This term has been used when the information solely relate to another party/subject.

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:

Executive Director
Service Strategy and Community Building
Community Services Directorate
GPO Box 158
CANBERRA ACT 2601

You have 28 days from the day you receive this notification to seek a review of the outcome or such other period as the Executive Director 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 FOI Applicants may be released on the internet.

A copy of the policy, with details about what information may be published on the internet, is available online at: cmd.act.gov.au/open_government

If you have any queries in relation to this matter, please contact myself on 6207 1523 or via email at CSD.FOI@act.gov.au.

Yours sincerely



David Matthews
Executive Director
Housing and Community Services
29 October 2014