



ACT
Government

Justice and Community Safety

Our Ref: FOI ORS: 13-0019

Your Ref:



Dear 

Re: Freedom of Information request

Thank you for your letter requesting access to the Office of Regulatory Services documents. Your letter is not a formal request for information under *Freedom of Information Act 1989* (the Act). However, section 2(1)(b) of the Act creates a general right of access to information held in documentary form by agencies. Your request is in the spirit of the Act and will be treated accordingly. As such, I am writing to acknowledge receipt of your request in accordance with section 18 (1)(c) of the Act.

In your letter, you seek access to documents regarding ACT Smoking Laws.

In particular, you seek access to:

"...any charges, prosecutions, sentencing, penalties, of any individuals, departments, companies, organisations, re ACT Smoking Laws ..."

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

Although the Act facilitates the objective of public access to documents, access is subject to a number of exemption provisions as set out by the Act. Documents in your request are subject to exemptions as set out by section 41(1) and section 43(1) of the Act.

Section 41(1) of the Act details that information may be exempt from release if its disclosure under the Act would unreasonably release personal information.

Section 43(1) of the Act details that information may be exempt from release if its disclosure under the Act would release information that may unreasonably affect business affairs.

I have decided that some documents are to be fully released and some partially released in accordance with the above mentioned exemption provisions. Please see the attached schedule detailing what will be released to you.

I have also assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that the documents relevant to your request, not including your original application, **will** be published online. For more information about the ACT Government's Online Freedom of Information Publication Policy, visit the link below.

http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online

Office of Regulatory Services

Callam Offices, Easty Street

PHILLIP ACT 2606

GPO Box 158 Canberra ACT 2601 / Phone 6207 3000 / Fax 6207 0538

You have a right to seek a review of the outcome under section 59 of the Act. You have 28 days from the date of this letter, or such other period as the Director-General permits. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate. Requests for review should be submitted to the following address:

The Director-General
ACT Justice and Community Safety Directorate
C/- Freedom of Information Officer
GPO Box 158
CANBERRA ACT 2601

You also have the right to contact the Ombudsman regarding the processing of your request and you may contact the Ombudsman's Office at the following address:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Yours sincerely

A handwritten signature in black ink, appearing to be 'D Cubin', followed by a horizontal line.

Derise Cubin
Decision Maker
Office of Regulatory Services
3 April 2013