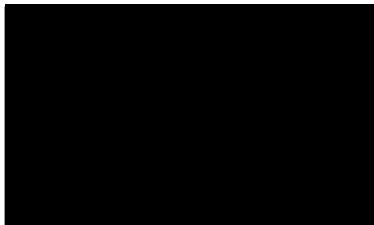




ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD2017/3636



Freedom of Information Request

I refer to your access request under section 14 of the *ACT Freedom of Information Act 1989* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 1 September 2017.

In your request you sought:

"Policy papers, proposals and underlying analysis, including any modelling of expected impact on segments of the ratepayer population and effect on equity, relating to the change in methodology used to calculate general rates for units. This change took effect on 1 July 2017, and was announced in the 2016-17 Budget. Also, any analysis of the impact of the change that has been carried out since the change took effect."

Decision Maker

I am authorised under section 22 of the Act and have been approved to make decisions on access to documents and liability for charges.

Charges

I have decided, under section 29 of the Act, not to impose processing charges for this request.

Identification of documents and decision on access

Documents identified as relevant to your request are listed on the attached schedule and included in the attached document package.

The ACT does not have access to ratepayer income details, and therefore is not able to assess the impact of increased rates on individual households.

The equity analysis that has been undertaken is in relation to geographic locations and types of residential properties. Much of this analysis has subsequently been provided post budget deliberations and is in the attached response. Some information will also be through responses to Question on Notice or to the media.

I have deliberated on the identified documents and decided to release eleven documents and fully exempt the remainder from release. My decision to exempt documents and components of documents from release is detailed further below.

I note that some information released to you contains figures later determined to be incorrect. I have released this information to you as it was previously released to the media, but these figures have since been corrected. The correct information is located in the document listed as “folio 16 20170911 - distribution of houses and flats by AUV threshold”.

Some information relevant to your request has recently been made publicly available through the [ACT Legislative Assembly website](#). Details on how to access this information are in the attached schedule.

Exemptions claimed

Executive documents

Section 35 of the Act provides:

- (1) *A document is an exempt document if it is—*
 - (a) *a document that has been submitted to the Executive for its consideration or is proposed by a Minister to be so submitted, being a document that was brought into existence for the purpose of submission for consideration by the Executive; or*
 - (b) *an official record of the Executive; or*
 - (c) *a document that is a copy of, or of a part of, or contains an extract from, a document referred to in paragraph (a) or (b); or*
 - (d) *a document the disclosure of which would involve the disclosure of any deliberation or decision of the Executive, other than a document by which a decision of the Executive was officially published.*
- (2) *This section does not apply to a document (a **relevant document**)—*
 - (a) *that is referred to in subsection (1) (a); or*
 - (b) *that is referred to in subsection (1) (b) or (c) and is a copy of, or of part of, or contains an extract from, a document that is referred to in subsection (1) (a);*
 - (c) *to the extent that the relevant document contains purely factual material unless—*
 - (d) *the disclosure under this Act of that document would involve the disclosure of any deliberation or decision of the Executive; and*
 - (e) *the fact of that deliberation or decision has not been officially published.*
- (3) *A reference in this section to the Executive includes a reference to a committee of the Executive.*

Rates reform was a significant Budget initiative and therefore a large component of the documents relevant to your request were submitted to Cabinet for consideration and informed Cabinet deliberations. I consider these documents to be exempt from release under section 35 of the Act.

Internal working documents

Section 36 of the Act provides:

- (1) *Subject to this section, a document is an exempt document if its disclosure under this Act—*
 - (a) *would disclose matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency or Minister or of the Territory; and*
 - (b) *would be contrary to the public interest.*
- (2) *In the case of a document of the kind referred to in section 8 (1), the matter referred to in subsection (1) (a) of this section does not include matter that is used or to be used for the purpose of the making of decisions or recommendations referred to in section 8 (1).*
- (3) *This section does not apply to a document only because of purely factual material contained in the document.*
- (4) *This section does not apply to—*
 - (a) *reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts, whether employed within an agency or not, including reports expressing the opinions of such experts on scientific or technical matters; or*
 - (b) *reports of a prescribed body or organisation established within an agency; or*
 - (c) *the record of, or a formal statement of the reasons for, a final decision given in the exercise of a power or of an adjudicative function.*
- (5) *Where a decision is made under part 3 that an applicant is not entitled to access to a document because of this section, the notice under section 25 shall state the ground of public interest on which the decision is based.*

I have decided to exempt from release, under section 36 of the Act, documents and components of documents that are deliberative in nature. This includes preliminary data and calculations that ultimately did not form part of proposals to Government on rates reform. I have also decided to exempt draft versions of responses to questions asked by members of the Legislative Assembly in recent Questions on Notice Papers. These responses have not yet been reviewed and approved for release by the Treasurer.

Although there is general public interest in the development of rates policy in the ACT, release of this information is also likely to prejudice the ability of CMTEDD officers to freely develop and prepare preliminary analysis and draft documents. I consider that there is a strong public interest in Government officials being able to formulate initial calculations and prepare draft documents while in the process of developing policy proposals and final responses. On balance, I consider that it is not in the public interest to release this preliminary data and draft documents.

I also note that the final versions of the Questions on Notice will be made publicly available in coming weeks. The responses will be available here:
<http://www.hansard.act.gov.au/hansard/qtime/default.htm>

Documents affecting personal privacy

Section 41 of the Act provides:

- (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).*

I have decided to exempt one document from release under section 41 of the Act as this is based on individual blocks and sections and would identify individual ratepayer information. I consider that release would be an unreasonable disclosure of personal information.

Your right of review

Internal Review

Under section 59(1) of the Act, you may request a review of my decision. You have 28 days after receiving notice of my decision to ask for a review, or a further period as allowed by the Director-General.

Your request should be addressed to:

Director-General

c/o Freedom of Information Co-ordinator

Chief Minister, Treasury and Economic Development Directorate

GPO Box 158

CANBERRA ACT 2601

Via email: CMTEDDFOI@act.gov.au

Complaints to the Ombudsman

Under section 54 of the Act, you may complain to the Ombudsman about administrative matters relating to the processing of your FOI request. There is no fee for making a complaint. The Ombudsman will conduct an independent investigation into your complaint.

You can contact the Ombudsman either by telephone on 1300 362 072 or in writing to:

The Ombudsman

GPO Box 442

CANBERRA ACT 2601

Online FOI Policy

I have assessed your request for information under the ACT Government's Online FOI Publication Policy and have determined that my decision on your request will be published online. Personal information or business information will not be made available under this policy. 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/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf

If you would like to discuss this matter further please contact me on (02) 6205 0772.

Yours sincerely



Kathy Goth
Director
Economic and Financial Analysis

3 October 2017