



ACT
Government

Environment and
Sustainable Development

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Dear [REDACTED]

Freedom of Information Request – City to Gungahlin Traffic Corridor

I refer to your application under the *ACT Freedom of Information Act 1989* (FOI Act), transferred by the Territory and Municipal Services Directorate (TAMSD) to the Environment and Sustainable Development Directorate on 28 November 2012, in which you sought access to the following information:

“Costings and Traffic Forecasts prepared for the “City to Gungahlin Traffic Corridor” Study 2011. Project Update 2 states; Since September 2011, the study’s consultants have undertaken a range of work including the development of engineering concept deigns, pre-feasibility cost estimates, public transport modelling, economic and financial evaluations.”

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

Schedule detailing decisions

Please refer to the attached schedule that lists decisions regarding access to all documents, which have been identified as relevant to your request. The terms used on the schedule are either ‘Release’ or ‘Exempt’. Where an exemption is made, a reference will be made on the schedule to the relevant section or combinations of sections of legislation that apply to the decision.

Decision

The Directorate has identified 8 documents in its possession that meet the scope of your request, as identified in the schedule attached to this letter.

Under the FOI Act, documents may be exempt or provided to applicants with deletions and I have decided to exempt some documents under Sections 35 (Executive documents) and 36 (Internal working documents).

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.*

I have exempted from release under section 35(1)(a)&(d) of the Act documents that have been submitted to Cabinet for the consideration of its members. In addition, documents that refer to information that is contained in the Cabinet submissions are exempted under section 35(1)(d). These documents include draft submissions, background papers, emails and briefs together with comments from officers of ESDD and other agencies that constituted part of the process of drafting the submissions.

To disclose this information would reveal the deliberations of the Cabinet members. The resulting Cabinet decisions I have exempted under section 35(1)(b) 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.*

Section 36 allows the exemption of internal working documents when disclosure under the FOI Act would not be in the public interest.

I consider these documents are internal working documents which are in draft format and include opinion and the deliberative processes of this agency.

The final report for the Gungahlin to City Transit Corridor Study is expected to be finalised in early 2013 and will be made publicly available following approval by the Minister. The final report will include further information about the cost estimates and a summary of the strategic transport modelling undertaken by EMME to develop the traffic forecasts used in the study. It is important to note that the EMME banks (data) which the study's transport modelling uses is in a format which requires EMME software and specialist transport modelling skills to use and interpret the data to produce results. Without EMME software and specialist skills in transport modelling the data is unable to be meaningfully used or reviewed.

In the meantime, Project Updates 2 and 3 and the Design Concept Report prepared by URS provide some information about the costs and traffic forecasts and have been included with this letter for your information.

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
Environment and Sustainable Development Directorate
GPO Box 1908
CANBERRA ACT 2601
Email: ESDDFOI@act.gov.au

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
Email: ombudsman@ombudsman.gov.au

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 may 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 our contact officer immediately.

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 Tasha Hartwig on 6205 0069.

Yours sincerely



Dr Erin Brady
Executive Director
City Planning
20 December 2012