



ACT
Government

Chief Minister and Treasury

Our ref: FOI CMTD 4/13-14

Dear

I refer to your letter received 26 August 2013 by partial transfer from the Economic Development Directorate in which you sought access to the following document under the *Freedom of Information Act 1989* (the Act):

The documents for which access is sought and the page of the Martin Report [Review of ACT Supermarket Competition Policy prepared by John Martin of Martin Stone Pty Ltd, dated September 2009] on which they are referred are as follows:

2. ACT Treasury Survey - May 2009 – Page 53

Decision Maker

I am authorised under section 22 of the Act to make decisions on access to documents held by the Chief Minister and Treasury Directorate (CMTD) 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

The Economic Development Directorate informed CMTD of your application to them under the Act and advised they would respond to your request for access to documents on the Grocery Choice National Survey data for the ACT and price comparison information received from major chains.

Officers of CMTD have conducted thorough searches of paper and electronic files and email accounts for the ACT Treasury Survey of May 2009, referenced in the Martin Report. Documents that are relevant to your request have been located in the Economics Branch.

Decision on access

In the identification and consideration of documents relevant to your request, I have interpreted the scope to refer to documents directly relating to the results of the ACT Treasury Survey of May 2009. The survey results that were provided to Mr Martin during

the Review of ACT Supermarket Competition Policy are captured in a minute to the Treasurer, from the Acting Director of the Economics Branch, and its appendices. This briefing package was, in effect, a report on the survey findings and the appendices illustrate the compiled data in lists ranking pricing and items surveyed, price comparisons, standard deviations, and the difference from the mean; these documents are listed on the attached schedule with a summary of my decision in relation to each.

I have decided to release to you, in full, the majority of the documents located within the scope of this request. I have exempted from release a small section of one document in respect of business affairs; this exemption is outlined below.

Under section 43 (1)(c) of the Act, I have exempted an excerpt of a brief that if disclosed would potentially have an adverse affect on a particular organisation by making public information on its private business strategy or undertakings.

Documents relating to business affairs, etc.

Section 43 of the Act provides:

- (1) *A document is an exempt document if its disclosure under this Act would disclose—*
- a. trade secrets; or*
 - b. any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or*
 - c. information (other than trade secrets or information to which paragraph (b) applies) concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, being information—*
 - (i) the disclosure of which would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or*
 - (ii) the disclosure of which under this Act could reasonably be expected to prejudice the future supply of information to the Territory or an agency for the purpose of the administration of a law or the administration of matters administered by an agency.*

Copies of the documents which I have released in full are attached to their respective schedules. Duplicate documents have been listed on the schedules however, where applicable, only one copy has been included with the released documents.

Your right of review

Internal Review

You are entitled, under section 59 (1) of the Act, to request a review of my decision. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate.

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
Chief Minister and Treasury Directorate
GPO Box 158
CANBERRA ACT 2601

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 may conduct an independent investigation into your complaint. You can contact the Ombudsman either by telephone on 1300 362 072 or by writing to:

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 in response to your Freedom of Information request 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 the FOI Coordinator 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/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf

Should you have any queries regarding this matter please contact me on 620 73949.

Yours sincerely



Brett Wilesmith
A/g Director
Economics Branch

25 September 2013