



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 17/31932

Dear [REDACTED]

Freedom of Information Request – 17/31932 – Annual Report Hearings briefings and notes – Loose Fill Asbestos, land release policy and LDA

I refer to your application under section 14 of the *Freedom of Information Act 1989* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 15 November 2017, in which you requested the following documents:

"I write to request under the Freedom of Information Act 1989 (FOI Act) documents and briefing notes prepared for the Planning and Urban Renewal Committee 2016-17 Annual Report hearings on 13 November 2017, including:

- *Loose Fill Asbestos Insulation Eradication Scheme;*
- *Land Release Policy; and*
- *Land Development Agency."*

The schedule for these hearings is available at

https://www.parliament.act.gov.au/data/assets/pdf_file/0008/1113398/Annual-Report-2016-17-Hearing-Schedule-30102017.pdf

I am an officer authorised to make a decision in respect of a request for information, under section 22 of the 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 'Full release' or 'Partial release'. 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 10 documents in its possession that meet the scope of your request, as identified in the schedule attached to this letter.

Under the Act, documents may be partially exempt and I have decided to partially exempt some documents under section 41 (Documents relating to personal privacy) and section 43 (business affairs).

Access to documents does not apply to certain documents:

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).*

Names, contact details and other information about persons are personal information and are thus exempted by this provision.

Business affairs

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.

Some documents contain information related to the operation of business that could unreasonably affect business affairs.

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 EPSDD. If you wish to seek a review you should write to:

The Director-General
Environment, Planning and Sustainable Development Directorate
GPO Box 1908
CANBERRA ACT 2601

Email: EPSDFOI@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 Publication Policy

Please be aware that under the ACT Government's "Online FOI Publication Policy" (the 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 the 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 EPSDD's Customer Service Centre on 6207 1923 and ask for the Information Management Team.

Yours sincerely



Bruce Fitzgerald
Information Officer
Environment, Planning and Sustainable Development Directorate

16 August 2018