



Dear

Freedom of Information Request – Planning and Development (Project Facilitation) Amendment Bill 2014

I refer to your application under section 14 of the *Freedom of Information Act 1989* (FOI Act), received by the Economic Development Directorate (the Directorate) on 23 April 2014, in which you requested access to:

... all documents and any information held by the Directorate in relation to the Planning and Development (Project Facilitation) Amendment Bill 2014 and preliminary work leading to the development of the Bill.

Decision

I am an officer authorised under section 22 of the Act to make decisions on access to documents held by the Economic Development Directorate (EDD).

I advise that EDD has identified a number of documents relevant to your request as outlined in the attached schedules. I have determined that some of the documents identified are considered exempt under the Act and I have decided not to release these documents to you in accordance with the following exemption provisions and subsequent reasoning, detailed below:

1. The documents are considered Executive documents - s35;
2. Internal working documents- s36; and
3. The information within the document is out of scope of the request.

I have attached the full schedules listing all documents identified and any decisions regarding access to the documents. The terms used are either 'Full release', 'Partial release' or 'Exempt'.

Section 35 Executive documents

(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.*

In respect of the privileged confidentiality of the Executive, I have decided to exempt from release items that formed the official record of the Executive and items that contain information that, if released, would disclose the deliberations of the Executive.

The documents I am exempting under this section, as identified in the schedules, include draft and final submissions to Cabinet and their attachments, and internal correspondence discussing the submissions and related briefings.

Section 36 Internal working documents

(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. The documents I have identified as exempt under this section include internal emails containing early policy analysis and the subsequent deliberative processes of the agency which underpin the production of Executive documents.

Out of Scope

Some information is considered out of scope, outlined in the attached schedules, as it does not pertain to the subject matter of the request. This has been removed or redacted from particular documents.

Review rights

You have the right to seek a review of any decision made by the Directorate under section 59 of the Act. If you wish to seek a review you should write to:

The Director-General
Economic Development Directorate
C/- Freedom of Information Coordinator
GPO Box 158
CANBERRA ACT 2601

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.

If you are concerned about the processing of your request or related administrative matters, under section 54 of the Act 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

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 the FOI coordinator on 6205 2669 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

If you have any queries in relation to this matter, please contact the FOI Coordinator on 6205 2669 or at EDDFreedomOfInformation@act.gov.au.

Yours sincerely

Louise Gilding
Executive Director, Policy, Projects and Legislation
Economic Development Directorate
23 May 2014