



Our Ref: CMA-FOI:15-010

[Redacted]
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear [Redacted]

Re: Freedom of Information request

I write in regard to your letter of 16 March 2015 requesting access to Capital Metro Agency (CMA) documents under the *Freedom of Information Act 1989* (the Act). In your letter you sought access to:

"the following documents from the Document Schedule attached to Freedom of Information request CMA-FOI: 15-007:

- *Document [3]* (Email correspondence: Risk Allocation and Qualification)*
- *Document 28 (Email correspondence: Stocktake)*
- *Document 47 (Draft Procurement Plan Minute)*
- *Document 76 (Email Correspondence: RE: Cancelled: Business Case Page booklet)*
- *Document 131 (Email Correspondence: RE: 20140820 - Industry briefing booklet)*
- *Document 132 (Email Correspondence: RE: 20140820 - Industry briefing booklet)*
- *Document 135 (Email Correspondence: RE: 20140820 - Industry briefing booklet)*
- *Document 136 (Email Correspondence: RE: 20140820 - Industry briefing booklet)*
- *Document 138 (Draft Ministerial Correspondence)*
- *Document 161 (Email Correspondence: FW: CMA)*
- *Document 193 (Business roundtable notes: maximising economic opportunities created by light rail)*
- *Document 222 (Draft Ministerial Correspondence)."*

* Upon reviewing your application against the document schedule for CMA-FOI: 15-007, your request has been amended to reference Document 3, rather than Document 2.

Document 2 was titled '*Email Correspondence: Treasury Meeting / Draft Cabinet Paper (Cabinet-in-Confidence)*'. However Document 3 was titled '*Email correspondence: Risk Allocation and Qualification*'.



Decision maker

I am authorised under section 22 of the Act and have been appointed to make a decision in relation to your request.

Charges

I have decided not to process fees or charges in relation to your request.

Decision on access

Of the 12 documents you sought access to, I have decided to fully release one document; partially release three documents; and exempt the remaining eight documents, noting the information discussed below:

- Document 28 relates to the management of a business unit within the CMA, in particular the management of consultants and their workloads. I have decided that this document is exempt from release under sections 36 and 43(1) of the Act.
- Document 47 is a draft procurement minute which is an internal working document. I have decided that this document is exempt from release under section 36 of the Act.
 - I can advise you however, that the work order for this procurement is available on the ACT Government's procurement website www.procurement.act.gov.au.
 - The Work Order number is 2012.20254.400: *Infrastructure Commercial Advisors Panel Directorate: Capital Metro Agency (CMA)*.
- Documents 131-136 and document 161 relate to the preparation of material for the CMA's industry briefing. I have decided that this correspondence is exempt from release under section 36 of the Act as the correspondence is draft in nature and the information discussed is now publicly available.
- Document 193 consists of typed notes taken by an individual from the CMA to assist with the development of communication materials. The notes relate to the Business roundtable discussions held as a part of the Gallery of Australian Designs exhibition on light rail which included a showcase of design proposals from the Australian Institute of Architects: Canberra Light Rail Station Ideas Competition. Therefore, I have decided that this document is exempt from release under section 36(1) of the Act.

Exemptions claimed

Internal workings

- Section 36 provides that a document may be considered as an exempt document if its disclosure under the Act 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 would be contrary to the public interest.

Personal information

- Section 41(1) of the Act states that 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).
 - Exemptions have been applied to remove all personal identifiers (names, contact details, etc) of members of the public in the three documents being partially released to you.

Business affairs

- Section 43(1) of the Act provides that information may be exempt from release if its disclosure would unreasonably affect business affairs.

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 if permitted by the Director-General of the CMA.

Your request should be addressed to:

Director-General
Capital Metro Agency
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 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


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 will be released online.

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 Capital Metro Agency FOI Coordinator immediately on (02) 6207 5424.

A copy of the policy, with details about what information may be published online, is available on the Chief Minister, Treasury and Economic Development Directorate (www.cmttd.act.gov.au) by searching 'Online FOI Publication'.

Should you have any queries regarding this matter, please contact the Capital Metro Agency FOI Coordinator on (02) 6207 5424.

Yours sincerely



Anita Hargreaves
Decision Maker
Capital Metro Agency

18 April 2015