



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD 62/16-17

Ms Katrina Lee

foi+request-3260-f6abd833@righttoknow.org.au

Dear Ms Lee

Decision on Freedom of Information Request – Public Housing in Wright and Complaints Handling

I am writing in relation to your access request, submitted under section 14 of the ACT *Freedom of Information Act 1989* (the Act) and received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 19 March 2017.

In your request you sought “... documents showing when Wright was identified as a site for public housing and document showing how public complaints will be handled.”

Decision Maker

I am authorised under section 22 of the Act to make decisions on access to documents 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

I have interpreted your request to relate specifically to the confirmation of Block 1 Section 29 Wright for use as public housing. Whilst the Directorate does not hold documents addressing the handling of public complaints specifically about this matter, I have considered the scope of your request to include Community Engagement planning where it concerns this site. The Directorate manages all public complaints in accordance with the Complaint Handling policy available at <http://www.cmd.act.gov.au/functions/feedback>.

The documents identified as relevant to your request are listed on the attached schedule.

Chief Minister, Treasury and Economic Development

Decision on Access

I have decided to fully exempt five documents from release, partially exempt thirteen documents and fully release the remainder. Two documents listed on the schedule are beyond the scope of your request but have been listed for completeness as they formed part of the package of documents identified at folios 1-5.

My reasons for not providing access to documents and components of documents are detailed in the following statement of reasons and in the attached schedule.

Exemptions claimed

Executive documents

Section 35 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.*

Note Access to the Cabinet notebook is excluded under s 11 (2).

(2) *This section does not apply to a document (a **relevant document**)—*

- (a) *that is referred to in subsection (1) (a); or*
- (b) *that is referred to in subsection (1) (b) or (c) and is a copy of, or of part of, or contains an extract from, a document that is referred to in subsection (1) (a);*

to the extent that the relevant document contains purely factual material unless—

- (c) *the disclosure under this Act of that document would involve the disclosure of any deliberation or decision of the Executive; and*
- (d) *the fact of that deliberation or decision has not been officially published.*

(3) *A reference in this section to the Executive includes a reference to a committee of the Executive.*

I have decided to exempt from release documents that were prepared for submission to and were considered by Cabinet. Release would reveal Cabinet deliberations and decisions that have not been officially published and accordingly I consider these documents to be exempt from release under section 35(1)(a) of the Act.

Documents affecting personal privacy

Section 41 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).*
- (2) *Subject to subsection (3), subsection (1) does not apply to a request by a person for access to a document only because of the inclusion in the document of matter relating to that person.*
- (3) *Where—*
 - (a) *a request is made to an agency or Minister for access to a document of the agency, or an official document of the Minister, that contains information of a medical or psychiatric nature concerning the person making the request; and*
 - (b) *it appears to the principal officer of the agency, or to the Minister, as the case may be, that the disclosure of the information to that person might be prejudicial to the physical or mental health or wellbeing of that person;*

the principal officer or Minister may direct that access to the document, so far as it contains that information, that would otherwise be given to that person is not to be given to that person but is to be given instead to a doctor to be nominated by that person.

I have decided to exempt from release, under section 41(1) of the Act, components of documents that contain personal information. The exempted information includes names and other information that is likely to identify individuals, and includes mentions of staff leave. I consider it would be an unreasonable breach of personal privacy to release this information.

Your 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 as allowed by the Director-General.

Your request should be addressed to:

Director-General
c/o Freedom of Information Co-ordinator
Chief Minister, Treasury and Economic Development Directorate
GPO Box 158
CANBERRA ACT 2601

Via email: CMTEDDFOI@act.gov.au

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 Freedom of Information 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

I have assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that my decision on your request will be published online. Personal information or business information will not be made available under this policy.

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 (02) 6207 1383

Yours sincerely



David Collett
Executive Director
Public Housing Renewal Taskforce

18 April 2017