

Schedule 2.2(a)ii
[Redacted]

via email: Schedule 2.2(a)ii [Redacted]

Dear Schedule 2.2(a)ii [Redacted]

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by Major Projects Canberra (MPC) on 28 March 2024, in which you sought access to:

“Any reports or studies commissioned by the ACT Government which assess the viability and benefits of extending light rail to Mawson.”

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Decision on access

Searches were completed for relevant documents and two (2) documents were identified that fall within the scope of your request.

My decision in relation to the document relevant to your request is summarised as follows:

- Withhold access to two (2) documents

My decision is detailed further in the following statement of reasons.

Statement of Reasons

In making my decision on disclosing government information, I must identify all relevant factors in schedule 2 of the FOI Act and determine, on balance, where the public interest lies. In reaching my access decision, I have taken the following into account:

Factors favouring disclosure in the public interest (Schedule 2, Section 2.1)

- Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government’s accountability;

Factors favouring non-disclosure (Schedule 1 Information disclosure of which is taken to be contrary to the public interest)

- Section 1.6 Cabinet information;

Two documents have been identified as being within the scope of your request, however, these documents contain information that is considered to be contrary to the public interest under section 1.6 of Schedule 1 of the Act. This information is Cabinet information, which is exempt from release. The purpose of Cabinet information being exempt from release is to maintain the confidentiality of

the Cabinet process and to uphold the principle of collective ministerial responsibility. This exemption was discussed in *The Commonwealth v Northern Land Council* [1993] HCA 24; (1993) 176 CLR 604 (21 April 1993). Paragraph 6 of the decision, states that:

“... it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made.”

The information in these documents is considered Cabinet information within section 1.6 of the Act as it is information which has been commissioned to inform Cabinet to guide its decision making and assist in its deliberations. It is therefore exempt from release under the Act.

Online Publishing – Disclosure Log

Under section 28 of the Act, MPC maintains an official online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the MPC disclosure log three (3) to ten (10) working days after the date of the decision. Your personal contact details will not be published. You may view the MPC disclosure log at [FOI disclosure log - Major Projects Canberra \(act.gov.au\)](https://www.act.gov.au/foi-disclosure-log-major-projects-canberra).

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the MPC disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore Street
GPO Box 370
CANBERRA CITY ACT 2601

Telephone: (02) 6207 1740
<http://www.acat.act.gov.au>

Should you have any queries in relation to your request, please contact me by telephone on (02) 6205 5288 or email MPCFOI@act.gov.au.

Yours sincerely,

Schedule 2.2(a)ii

Kylie Bailey
Information Officer
Major Projects Canberra
21 May 2024

FREEDOM OF INFORMATION REQUEST SCHEDULE

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

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 contact officer immediately.

Information about what is published on open access is available online at: <https://www.act.gov.au/majorprojectscanberra/home>

FOI Reference Number		Request Details				
MPCFOI2024/08		<i>"Any reports or studies commissioned by the ACT Government which assess the viability and benefits of extending light rail to Mawson."</i>				
Ref No.	No. of Folios	Description	Date	Status	Reason for non-release or partial release	Open Access release status
1.	-	VLC – ACT Light Rail Stage 2 Mawson Extension	9 June 2021	Withheld	Schedule 1.6 Cabinet Information	N
2.	-	ARUP - Canberra Light Rail Stage 2 – Mawson Extension Design Report	4 June 2021	Withheld	Schedule 1.6 Cabinet Information	N
Total Number of Documents						
2						