

Schedule 2.2(a)(ii)

via email: **Schedule 2.2(a)(ii)**

Dear **Schedule 2.2(a)(ii)**

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) from Transport Canberra and City Services on 12 December 2022, in which you sought access to:

“The Light Rail Project Board meeting met on Wednesday 23 February 2022 to discuss, among other things, Light Rail Express Services. I seek access to all briefing material in support of that discussion at that meeting, and relevant minutes.”

Authority

I am an Information Officer appointed by the Chief Projects Officer under section 18 of the Act to deal with access application made under Part 5 of the Act.

Decision on access

Searches were completed for relevant documents and three (3) documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

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

- Partial access to two (2) document;
- Withhold access to one (1) 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 schedules 1 and 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; and
- Section 2.1(a)(ii) contribute to positive and informed debate on important issues or matters of public interest.

The release of this information may possibly help to create positive and informed discussions. I consider that disclosing the contents of the information sought could reasonably contribute to

discussion of public affairs. I am satisfied that these are relevant considerations favouring disclosure in this case, and in the interests of enhancing open discussion, I afford them significant weight.

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

- Section 1.6 Cabinet information;

Multiple 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. “

In reviewing these documents, I note the requirements of schedule 1 section 1.6(2) of the Act which states that the exemption for Cabinet Information does not apply to 'purely factual information' unless the disclosure of the information would involve the disclosure of a deliberation or decision of Cabinet and the fact of the deliberation or decision has not been officially published. In the case of *Parnell & Dreyfus and Attorney-General's Department* [2014] AICmr 71, the Australian Information Commissioner stated that the term 'purely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document or is embedded in or intertwined with the deliberative content in such a manner that it is impractical to separate it from the other content.

Having reviewed the documents, I consider that the purely factual information within the documents identified is an integral part of the deliberative content and as stated by the Commissioner, the analysis and views in the documents would be robbed of their essential meaning without incorporation of this material. I am satisfied that disclosure of this purely factual information would involve the disclosure of future deliberations and decisions of Cabinet.

The information in these documents that you have requested falls 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.

Other factors favouring non-disclosure

- Information that is outside the scope of your request

Charges

As requested, I have decided to waive any charges in relation to this Freedom of Information application.

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 you access application will be published in the MPC disclosure log three (3) to (10) ten

working days after the date of the decision. Your personal contact details will not be published. You may view the MPC disclosure log at <https://www.act.gov.au/majorprojectscanberra>.

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 you request, please contact me by telephone on (02) 6205 5288 or email MPCFOI@act.gov.au.

Yours sincerely,

Schedule 2.2(a)(ii)

Nikki Pulford
Information Officer
Major Project Canberra
13 January 2023

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				
MPCFOI2022/27		<i>The Light Rail Project Board meeting met on Wednesday 23 February 2022 to discuss, among other things, Light Rail Express Services. I seek access to all briefing material in support of that discussion at that meeting, and relevant minutes.</i>				
Ref No.	No. of Folios	Description	Date	Status	Reason for non-release or partial release	Open Access release status
1.	1-7	Project Board Minutes - Light Rail Project Board Meeting of 23 February 2022	23 February 2022	Partial	Out of Scope Information & Section 1.6 Cabinet Information	Y
2.	8-11	Project Board Paper - Item 12 - Board Paper - Light Rail Express Services	23 February 2022	Partial	Section 1.6 Cabinet Information	Y
3.	-	Cabinet Submission	21 March 2022	Withheld	Section 1.6 Cabinet Information	N
Total Number of Documents						
3						



ACT
Government

Major Projects Canberra

Minutes

Subject Light Rail Project Board Meeting #101

Date 23 February 2022

Location Via video conference

Prepared by Linda McCoy

Members Present

Greg Wilson	'GW'	Independent Chair
Hamish Stephens	'HS'	A/g, Executive Branch Manager, Infrastructure Finance, CMTEDD (proxy for Stuart Hocking)
Ben McHugh	'BM'	Deputy Director-General, TCCS (proxy for Alison Playford)
Jim Corrigan	'JC'	Deputy Director-General, EPSDD (proxy for Ben Ponton)
Malcolm Snow	'MS'	Chief Executive Officer, CRA
Ian Hunt	'IH'	Independent Member

Attendees

Duncan Edghill	'DE'	Chief Projects Officer, MPC
Shaun Strachan	'SS'	Deputy Chief Projects Officer, MPC
Nikki Pulford	'NP'	Secretariat, MPC
Ashley Cahif	'AC'	Project Director, Light Rail City to Woden, MPC
Linda McCoy	'LM'	A/g Minutes Secretary, MPC
Tania Navarro	'TN'	Senior Director, Communications, MPC
Wilhelmina Blount	'WB'	Observer, CMTEDD
David Doctor	'DD'	Executive Branch Manager, Technical Development Light Rail, MPC
Jo Dawson	'JD'	Executive Branch Manager, Light Rail Operations, TCCS
Judith Sturman	'JS'	Executive Group Manager, Transport Canberra, TCCS (Item 13 only)
Sarah Taylor-Dayus	'ST'	Executive Branch Manager, Planning & Delivery, Transport Canberra, TCCS (Item 13 only)
Luke Powter	'LP'	Director, Strategy, Planning & Policy, Transport Canberra, TCCS (Item 13 only)

Apologies

Alison Playford	'AP'	Director-General, TCCS
Stuart Hocking	'SH'	Deputy Chair, Under-Treasurer, CMTEDD
Ben Ponton	'BP'	Director-General, EPSDD

No.	Item
1	<p>Out of Scope [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
■	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
■	<p>[REDACTED]</p> <ul style="list-style-type: none">■ [REDACTED][REDACTED][REDACTED][REDACTED] <ul style="list-style-type: none">■ [REDACTED][REDACTED] <ul style="list-style-type: none">■ [REDACTED]
■	<p>[REDACTED]</p> <ul style="list-style-type: none">■ [REDACTED][REDACTED][REDACTED] <ul style="list-style-type: none">■ [REDACTED] <ul style="list-style-type: none">■ [REDACTED]
■	<p>[REDACTED]</p> <ul style="list-style-type: none">■ [REDACTED]■ [REDACTED][REDACTED][REDACTED] <ul style="list-style-type: none">■ [REDACTED][REDACTED][REDACTED][REDACTED] <ul style="list-style-type: none">■ [REDACTED][REDACTED] <ul style="list-style-type: none">■ [REDACTED][REDACTED]

Out of Scope

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■	<p>[Redacted]</p> <ul style="list-style-type: none">[Redacted][Redacted]
■	<p>[Redacted]</p> <ul style="list-style-type: none">[Redacted][Redacted][Redacted][Redacted]
13	<p>Light Rail Express Services</p> <ul style="list-style-type: none">• JS presented the board with a paper on Light Rail Express Services from City to Woden, noting the assessment of the services were a commitment in the Parliamentary and Governing Agreement of the 10th Legislative Assembly.• Schedule 1.6 [Redacted]■ [Redacted]■ [Redacted]■ [Redacted] <ul style="list-style-type: none">• <i>The Board noted:</i><ul style="list-style-type: none">○ <i>The Parliamentary Agreement of the 10th Legislative Assembly commitment to examine the feasibility and cost of introducing express light rail services in peak periods, noting this will not set back planning, design and construction of Light Rail Stage 2.</i>■ Schedule 1.6 [Redacted]

	<ul style="list-style-type: none">■ Schedule 1.6 [Redacted]
14	<p>Out of Scope [Redacted]</p> <ul style="list-style-type: none">■ [Redacted] <ul style="list-style-type: none">■ [Redacted]
	<ul style="list-style-type: none">■ [Redacted]
	The Chair closed the Meeting at 11:30am



Light Rail Project

Light Rail Project Board Meeting Paper

Board Meeting Paper Details

Meeting Date: 23 February 2022
Agenda Item: 12
Agenda Item Title: Light Rail Express Service, City to Woden
Paper Type: For Noting
From: EGM Transport Canberra
Drafted: 7 February 2022

Proposed Resolution

That the Light Rail Project Board (Project Board) discuss and note:

- The Parliamentary Agreement of the 10th Legislative Assembly commitment to examine the feasibility and cost of introducing express light rail services in peak periods, noting this will not set back planning, design and construction of Light Rail Stage 2.

- **Schedule 1.6** [Redacted]

Background

Schedule 1.6 [Redacted]

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Schedule 1.6

Findings

Schedule 1.6

Schedule 1.6

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