



Our Reference:  
Your Reference:

09 March 2018

Via email:

**REQUEST FOR RELEASE OF DOCUMENTS PURSUANT TO THE *FREEDOM OF INFORMATION ACT 2016***

I refer to your application under section 30 of the Freedom of Information Act 2016 ("the Act"), received by the Office of the Director of Public Prosecutions (ODPP) on 13 February 2018, in which you sought access to information held by this office related to a noise complaint

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

This office received a partial referral from the Chief Minister Treasury and Economic Development Directorate (CMTEDD) on 13 February 2018.

That referral specifically related to point 5 of your request:

*.Any communications from DPP regarding why the Fines from EPA was withdrawn.*

**Decision on access**

I have considered your request and decided to refuse access to all identified documents as I consider them to be contrary to the public interest test to disclose under schedule 1 of the Act.

My reason for refusing to grant access to the information and related documents falls under Schedule 1, section 1.2 - information is subject to legal professional privilege. That is it is information that would be privileged from production or admission into evidence in a legal proceeding on the ground of legal professional privilege.

**ACT DIRECTOR OF PUBLIC PROSECUTIONS**

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## **Online Publishing – disclosure log**

Under section 28 of the Act, ODPP maintains an 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 ODPP disclosure log no earlier than 3 days after date of decision and no later than 10 days. Your personal contact details will not be published.

You may view the DPP disclosure log at: <http://www.dpp.act.gov.au/foi/disclosurelog>

## **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 ODPP 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: [ombudsman@ombudsman.gov.au](mailto:ombudsman@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 the 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 St  
GPO Box 370

If you have any queries concerning the Agency's processing of your request, or would like further information, please contact me on 02 6207 5399.



Yours faithfully  
Ms Emma Flukes  
Information Officer