**Attachment 4**

To

Freedom of Information Commissioner

PO Box 24274, Melbourne, Victoria, 3000

Dear Freedom of Information Commissioner,

I made a request for documents under Freedom of Information (FOI), dated 24 June 2015.

Please see Attachment 1.

I have received two responses.

* Firstly, from the Department of Environment, Land, Water and Planning (DELWP).

Please see Attachment 2

* Secondly, from the Mount Buller and Mount Stirling Alpine Resort Management Board (ARMB). Please see Attachment 3

My initial request for documents from the Alpine Resorts Co-ordinating Council (ARCC) is correct.

DELWP has written “I have transferred your request to the Mt Buller and Mt Stirling Alpine Resort Management Board, in accordance with Section 18(2)(b)(ii) of the Freedom of Information Act 1982 (the Act) as the subject matter of the request more closely relates to that agency.”

I believe that the decision to transfer was in error. Although the ARMB possesses the requested documents in one form or another, I want to see what the ARCC actually received.

If the ARCC received a “robust business case…aligned with resort, regional and state-wide strategic plans”, in accordance with ARCC specifications, the ARCC has strong grounds on which to make decisions regarding the granting of funds for the ARMB’s proposed Link Road project.

Reference: <http://arcc.vic.gov.au/uploads/files/VARDP-policy.pdf>

If the ARCC received any of the documents from the ARMB in “draft” form, the basis of the ARCC’s grant decisions will be more interesting.

**Appeal**

1. I am humbly appealing to you to reverse the decision to transfer my request from the Alpine Resorts Co-ordinating Council to the MB MS ARMB.
2. I am seeking release of the documents which have been denied in my initial request.
3. I am seeking redirection of my request for documents relating to the grant of $1.55 million arising from the 2007 Report of the Ministerial Taskforce on Bushfire Recovery (see page 38) to the agency which now holds those documents.
4. Given the amount of time since my initial FOI request, I am humbly requesting that you add to the requested information, the following;

Any decision made by the ARCC, the Minister, or any other agency, regarding the application for funds, or other action, in relation to the ARMB Link Road project (also known as Planning Application 2008/0980).

**Discussion in relation to Attachment 3**

**A. Release**

Point 2

In the ARMB’s letter to me, it states “The Mount Buller Mt Stirling Strategic Management Plan 2013-18 is available without charge from the Board’s website, etc….” The problem with this document is that it is not complete with respect to Mount Stirling. See page 11 of the document.

I am seeking a copy of the Strategic Plan document completed in accordance with the requirements of Division 4 of the *Alpine Resorts (Management) Act 1997*.

I am also seeking a copy of the Mount Stirling Resort Master Plan, in accordance with the requirements of the *Alpine Resorts Strategic Plan 2012*.

If a completed Mount Stirling Strategic Management Plan and/or Mount Stirling Resort Master Plan do not exist, I am humbly requesting that you state that fact please.

**C. No release**

Point 6.

“In relation to the May 2011 Business Case Update, the document is exempt from release pursuant to section 30 of the Act, namely that it is an internal working document the release of which would be contrary to the public interest. The basis for this decision is outlined above at paragraph 3. Aspects of the document are also exempt under section 34 of the Act as explained at paragraph 4.”

I suggest, with great respect, that once a Business Case has been submitted to another entity, e.g. the Alpine Resorts Co-ordinating Council, in support of a grant of public monies, that Business Case can no longer be considered “an internal working document”.

Given that the stated date of the Business Case is “May 2011” and the ARMB has not encountered any compelling reason to improve on it in the last four years, it could be reasonably argued that this version of the Business Case is no longer a “draft”, regardless of any such label attached to it.

Rather than the release of the Business Case being “contrary to the public interest”, I suggest with great respect, that the Business Case is part of an application by one public authority to another public authority, for public funds, for a road on public land, under the administration of a public authority, for use by the public. Indeed the entire matter of road building in alpine resorts is arguably a matter of keen public interest.

Furthermore, I suggest with great respect, that a well written Business Case does not need to contain confidential information. Public release of a Business Case should stimulate commercial interest and competitive tendering, all of which are definitely “in the public interest”.

The matter of “uninformed and unnecessary public debate” is easily resolved. Release the information. Speculation will then be quenched.

**D. Release not applicable**

Point 9.

“In relation to documents relating to the application for an approval of a grant of $1.55 million for the Link Road arising from the 2007 Ministerial Taskforce of Bushfire Recovery, the Board did not submit any such documents to the ARCC.”

I am sure that the statement above is correct.

What I am not sure about is exactly how that grant was applied for, and from which agency the grant was approved.

I am, however, reliably informed that the grant papers were approved in government offices at No. 1 Spring Street, Melbourne. Presumably, the Department of Environment, Land, Water and Planning would have the grant application and approval documents somewhere on those premises. Sorry I cannot be more specific.

**Conclusion**

Please consider my appeal, and respond in accordance with your procedures.

I am happy to discuss these matters with you and provide assistance wherever possible.

Yours faithfully,

Charles Street

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