



23rd June 2026
SLA FOI 26-007

Dear [REDACTED]

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the FOI Act), received by the Suburban Land Agency (SLA) on 23 April 2026. It is my understanding you are seeking access to the following information:

In respect of Contract PISL0011768 dated 01 April 2026 between the Suburban Land Agency and John Randall Consulting Pty Ltd, the Tenders ACT website states that the procurement methodology was 'single select', with reason for exemption stated 'only one suitable supplier'. Please provide all correspondence between the proposer and endorser relating to a) the procurement methodology being 'single select' and b) the reason for the stated exemption 'only one suitable supplier'.

Timeframes

In accordance with section 40 of the FOI Act, SLA is required to provide a decision on your access application within 30 working days. Under section 41 of the FOI Act, you agreed an additional amount of time to decide your application. Therefore, a decision is due on or by **23 June 2026**.

Authority

I am an Information Officer appointed by the Chief Executive Officer of the Suburban Land Agency under section 18 of the FOI Act to deal with access applications made under Part 5 of the FOI Act.

Decision on access

A search for records held by SLA has been completed and one record within the scope of your application has been identified. The record is listed in the schedule at **Attachment A**.

I have decided to grant **partial** access to this record.

The reasons for my decision are detailed in the *Statement of reasons* section below. The record being released to you is provided at **Attachment B**, with redactions applied to the information that I consider is contrary to the public interest to disclose.

Statement of reasons

The FOI Act has a pro-disclosure bias, which requires information to be disclosed unless doing so would be contrary to the public interest. As an Information Officer, I am responsible for determining whether disclosure of the information within the scope of your application would be contrary to the public interest.

My assessment begins with Schedule 1 of the FOI Act, which outlines categories of information that are taken to be contrary to the public interest to disclose. If the information does not fall within any of these categories, I must then apply the public interest test under section 17 of the FOI Act. This test involves weighing the factors favouring disclosure against those favouring nondisclosure, as set out in Schedule 2.

In reaching my access decisions, I have taken the following into account:

- the FOI Act
- the information that falls within the scope of your application
- the ACT Ombudsman FOI Guidelines

I confirm that I have not considered any of the factors listed in section 17(2) of the FOI Act, which outlines a list of considerations that must not be taken into account when applying the public interest test.

Schedule 1 – Information taken to be contrary to the public interest

- *Section 1.6 - Cabinet Information.*

In reviewing the information within scope of your application, I have identified information that would reveal a deliberation of Cabinet. As the information is deliberative, not purely factual, I find that schedule 1.6 of the FOI Act applies and the disclosure of this information is deemed to be contrary to the public interest.

Schedule 2 – Public interest test

Factors favouring disclosure (Schedule 2.1)

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability.*
- *Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*
- *Section 2.1(a)(iii) - inform the community of the government's operations, including policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.*
- *Section 2.1(a)(iv) - ensure effective oversight of expenditure of public funds.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

In relating to the remaining information within the record that does not fall with schedule 1, 1.6 category, I consider that disclosure of the information may contribute to positive and informed debate on matters of public interest and enhance government accountability generally. I have given moderate weight to these factors.

I have also considered the strong public interest in ensuring the effective oversight expenditure of public funds, as well as the importance of revealing the reasons for government decisions. In this case the government decision relates to the application of an exemption to a procurement activity, the disclosure of which will inform the community of the reasons for its decision. I have placed significant weight on these factors.

Factors favouring nondisclosure (Schedule 2.2)

- *Section 2.2(a)(xiii) - prejudice the competitive commercial activities of an agency.*
- *Section 2.2(a)(xvi) - prejudice a deliberative process of government.*

Some of the information within the record discusses matters that are subject to ongoing deliberative processes. It contains preliminary and evolving views that are still under active consideration and is not purely factual in nature. These matters are still at a planning stage and are subject to ongoing negotiations and stakeholder engagement. Premature disclosure of this information whilst it is still the subject of deliberative processes of government is likely to prejudice government's ability to fully explore and refine its options and would undermine the integrity of the decision-making process.

A factor favouring nondisclosure under s 2.2(a)(xiii) is that disclosure could reasonably be expected to prejudice the competitive commercial activities of an agency. This reflects the fact that when the ACT Government engages or competes with commercial service providers in carrying out particular functions, it is necessary that certain information relating to its activities remains confidential in order to operate effectively.

The Suburban Land Agency, established under the *City Renewal Authority and Suburban Land Agency Act 2017*, carries out a range of activities in a competitive commercial environment, including facilitating and delivering development of public infrastructure and land improvements. Disclosure of some of the information within the record could reasonably be expected to undermine its commercial position and affect its commercial negotiations. The risk of harm is likely to be wide-ranging and may extend to ongoing and future ACT Government procurement activities, including by affecting the Territory's ability to negotiate effectively and manage value for money outcomes.

I have given substantial weight to the factors favouring nondisclosure.

Balancing the factors

In balancing the factors favouring disclosure against those favouring nondisclosure, I have carefully considered the public interest in enhancing government's accountability and informed public debate. I acknowledge that disclosure of the information would advance these interests, particularly where the information relates to expenditure of public funds and the reasons for government decisions.

However, I must also consider the strong public interest in protecting commercially activities and preserving the integrity of ongoing government processes. I am satisfied that disclosure could reasonably be expected to cause real and identifiable harm to these interests, including prejudice to ongoing deliberations and commercial negotiations.

Having applied the public interest test outlined in section 17 of the FOI Act, I find that in the circumstances of this matter, the factors against disclosure carry greater weight than the factors favouring disclosure. I have decided to redact this specific information in accordance with section 50(2) of the FOI Act.

Consistent with the pro-disclosure intent of the FOI Act, I am satisfied that redacting only the information that is contrary to the public interest ensures compliance with the FOI Act while still providing access to the majority of the information held by SLA within the scope of your application.

Charges

Processing charges are not applicable for this application because the number of pages released to you is below the charging threshold of 50 pages.

Online publishing – Disclosure Log

Under section 28 of the FOI Act, SLA maintains a disclosure log, which is a public record of access applications and decisions. Your original access application and my decision will be published on the CED disclosure log. Your personal contact details will not be published.

ACT Ombudsman Review

My decision on your access application is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek ACT Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the ACT Ombudsman. If you wish to request a review of my decision, you may write to the ACT 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 FOI 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
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<https://www.acat.act.gov.au/>

Should you have any queries in relation to your application please contact the City and Environment Directorate Information Access Team on 6207 2987 or CEDFOI@act.gov.au.

Yours sincerely,



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Information Officer
EBM Greenfield and Infrastructure Branch - Place Delivery