

[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

## Freedom of Information – Notice of Decision

I refer to your application under section 30 of the Freedom of Information Act 2016 (the FOI Act), received by the City and Environment Directorate (CED) on 7 April 2026. Your application was received by full transfer from the Chief Minister, Treasury and Economic Development Directorate (CMTEDD). Specifically, you sought access to the following information:

*"I request access to the following information and documents held by the ACT Government in relation to residential woodsmoke pollution and associated policy matters.*

### 1. Complaints received

*Please provide statistics on the number of complaints received from members of the public between **1 January 2022 and the date this request is processed** concerning neighbourhood woodsmoke pollution, including complaints relating to:*

- *residential wood heaters*
- *smoking chimneys*
- *fire pits*
- *wood-fired barbecues*
- *pizza ovens*
- *backyard or household waste burn-offs*
- *any other comparable sources of residential smoke pollution.*

### 2. Compliance and enforcement action

*In relation to the complaints identified above, please provide statistics on the number of instances in which the ACT Government has taken any of the following actions:*

- *letters or other written warnings sent to householders*
- *formal warning notices issued*
- *breach notices issued*
- *finest, penalties, or other enforcement action applied.*

### 3. Meetings with industry representatives

*Please provide details on the number of planning, advisory, consultation, or other meetings attended by ACT Government representatives between **1 January 2022 and the date this request is processed** at which representatives, members, or agents of the wood-heating industry, firewood industry, or associated peak bodies or lobby groups were also present, and where any of the following matters were discussed:*

- residential woodsmoke pollution
- wood heaters
- related government policy, regulation, legislation, or public advice regarding wood heaters, firewood and residential woodsmoke pollution.

#### **4. Purpose and outcome of industry meetings**

For each meeting identified in response to item 3, please provide details or documents sufficient to show;

- the date of the meeting
- the attendees
- the purpose of the meeting
- the issues discussed
- any outcomes, decisions, or follow-up actions arising from the meeting.

#### **5. Attempts to influence government policy or advice**

Please provide any documents that show whether, between **1 January 2000 and the date this request is processed**, any representatives of the wood-heating industry or firewood industry served, in a paid or unpaid capacity, on any ACT Government committee or board, or acted as industry specialists, consultants or advisers to any ACT Government directorate, agency, department, committee or board.

Please provide copies of all documents that show whether any lobbyist, lobby group, industry body, peak body, organisation, company, or individual representing the wood-heating or firewood industry has, at any time between **1 January 2000 and the date this request is processed**, requested, suggested, advocated for, or otherwise attempted to influence the ACT Government to:

- modify, amend, delay, soften, or withdraw public advice relating to the use of wood heaters
- alter statements, reports, or findings regarding pollution caused by wood heaters
- change, reinterpret, or downplay evidence relating to environmental harm or public health impacts associated with wood-heater use
- adjust regulatory, policy, or public messaging positions concerning wood heaters.

#### **6. Scope of documents sought**

Without limiting item 5, this request includes:

- emails
- letters
- meeting minutes
- briefing notes
- file notes
- internal memoranda
- communications between ACT Government officials and external stakeholders
- meeting agendas, attendance records, and summaries
- drafts of public advice, policy documents, reports, or communications showing tracked changes, comments, or annotations linked to external input.

#### **7. Meetings with community representatives**

Please provide details on the number of planning, advisory, consultation, or other meetings attended by ACT Government representatives between **1 January 2022 and the date this**

**request is processed** at which community representatives were also present, and where any of the following matters were discussed:

- residential woodsmoke pollution
- wood heaters
- related government policy, regulation, legislation, or public advice.

#### **8. Purpose and outcome of community meetings**

For each meeting identified in response to item 7, please provide details or documents sufficient to show;

- the date of the meeting
- the attendees
- the purpose of the meeting
- the issues discussed
- any outcomes, decisions, or follow-up actions arising from the meeting.

*To assist with processing, I am happy for the request to be interpreted as covering documents held by the relevant ACT Government directorates, agencies, and business units with responsibility for environmental protection, public health, climate policy, regulatory compliance, and related policy development concerning woodsmoke pollution and wood-heater use."*

I thank you for engaging with our office on 28 April 2026, to clarify the scope of your application, in which you amended the scope of your application as follows:

*"I have raised the contents of your email with our members and we are happy to limit our FOI request to the year **2020**."*

#### **Timeframes**

In accordance with section 40 of the FOI Act, CED 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 **31 July 2026**.

#### **Authority**

I am an Information Officer appointed by the Director-General of the City and Environment Directorate 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 CED has been completed and three records within the scope of your application have been identified. The records are listed in the schedule at **Attachment A**.

I have decided to:

- grant **partial** access to two records.
- **refuse** access to one record as I consider the disclosure of the information to be contrary to the public interest.

In relation to point 1 of your application, wood-smoke complaint data was not readily available within Salesforce (the Customer Relationship Management system), and there may be limitations relating to data capture, classification and interpretation. To identify potentially relevant records, complaint numbers were extracted using a range of keyword filters, including Environment, Air Pollution and Smoke, Smoke - Backyard BBQ/Fireplace, Smoke - Burning Off, and Smoke - Domestic Fireplace. Based on this methodology, 478 complaints received since 1 January 2022 were identified as potentially related to wood-smoke issues.

In relation to point 2 of your application, the ACT Government has undertaken a range of compliance and engagement activities in response to the 478 identified wood-smoke complaints. These actions included, but were not limited to, issuing 421 education and advisory letters, conducting 234 onsite inspections, making contact with 109 affected parties, contacting 50 complainants, and issuing 9 written warnings.

In relation to points 3-8, there have been no formal meetings organised by the ACT Government with industry during in that period. However, the Senior Director, Environment Protection Policy, Environment Parks and Heritage, City and Environment Directorate is the ACT representative on the Australian Standards Technical Committee CS-062, Solid Fuel Burning Appliances, which recently reviewed and updated Australian Standard AS 4012 (efficiency) and AS 4013 (emissions) AS 2918 (installation) standards for wood heaters. The Australian Home Heating Association and certification laboratories for wood heaters are members of the committee along with other industry and government representatives including New Zealand government representatives. The reviews occurred during the relevant period with the final updated standards for AS 4012 and AS 4013 published on 20 June 2025 and AS 2918 published on 6 March 2026.

The Technical Committee is chaired and administered by Standards Australia. All meeting records and related documentation are maintained by Standards Australia and stored on the Standards Australia secure committee web portal. Consequently, CED does not hold any information relevant to this part of your application, except for the three records identified and considered as part of this decision.

The reasons for my decision are detailed in the *Statement of reasons* section below. The records being released to you are provided at **Attachment B**, with redactions applied to any information contrary to the public interest to release.

## **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 views of third parties consulted

- the *Human Rights Act 2004*.

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

- *No relevant sections identified.*

#### 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)(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.*

In reviewing the information within the scope of your application, I consider that disclosure promotes open discussion of public affairs and enhances government's accountability. Disclosure would also inform the community about the government's operations and its dealings with industry representatives regarding residential wood heaters and related policy matters. I have placed moderate weight to these factors.

##### *Factors favouring nondisclosure (Schedule 2.2)*

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*
- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*

Records 1 and 2 contain personal information relating to individuals, including names, signatures and contact details. I consider that this information is not readily available to the public and has come into the possession of CED with the expectation that it be handled in accordance with the Territory Privacy Principles and the *Information Privacy Act 2014*. I consider that the disclosure of this information could reasonably be expected to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*. I have given this factor significant weight.

I have considered the content of Record 3 and the submission provided by the affected third party. I am satisfied that disclosure of the presentation would reveal commercially sensitive information concerning AHHA's research strategy, funding and partnership arrangements, and technical methodology relating to an ongoing research project. I consider that release of this information could reasonably be expected to prejudice the business, commercial and professional affairs of AHHA and its research partners by placing them at a competitive disadvantage. I also note that the information was provided to the ACT government with a reasonable expectation that it would be treated confidentially and formed part of preliminary discussions relating to a funding proposal. Disclosure could reasonably be expected to discourage industry and research stakeholders from providing candid information to government in future. I have given this factor substantial weight.

While there is a public interest in promoting government transparency and accountability, I consider that this interest is substantially met through the publicly available information regarding the grant. In particular, the Australian Research Council grant (LP250200949) has been approved and information about the project is publicly available through the Australian Research Council Data Portal at

<https://dataportal.arc.gov.au/NCGP/Web/Grant/Grant/LP250200949>

This publicly available record provides transparency regarding the project's objectives, participants and funding arrangements, and enables public scrutiny of the expenditure of public funds. As noted by the third party, the record was prepared for a different purpose and audience, namely to brief government decision-makers during the funding process, and contains commercially sensitive information that is not necessary to satisfy the public interest in transparency regarding the approved grant.

On balance, I find that the public interest factors against disclosure outweigh those favouring disclosure. Accordingly, I have decided to refuse access to this record because disclosure would, on balance, be contrary to the public interest having regard to Schedule 2, section 2.2(a)(xi) of the FOI Act, as disclosure would prejudice the business, commercial and professional affairs of an entity.

In relation to the two records that contain personal information, I have concluded that it is not in the public interest to disclose this information. I am satisfied that the names, signatures and contact details are not necessary to advance the public interest in understanding the substance of the records. As such, I have redacted that information in accordance with section 50(2) of the FOI Act.

### **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, CED 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](mailto: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/>

Please contact the CED Information Access team if you have any queries in relation to your application via 6207 2987 or [CEDFOI@act.gov.au](mailto:CEDFOI@act.gov.au).

Yours sincerely

(signed electronically)

Craig Weller  
Information Officer  
City and Environment Directorate  
31 July 2026