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Freedom of Information Request - Reference 25-017

I refer to your application for access to government information under the Freedom of Information Act 2016 (FOI). Your application was received by the City and Environment Directorate (CED) on 21 July 2025. You sought access to the following government information:

all reports, attachments and appendices associated with the "ACTION Future Facilities Master Plan" project, as referenced on page 127 and others of this document:

https://www.treasury.act.gov.au/data/assets/pdf_file/0005/786488/ACTION_Exp_enditure_Review_Final_Public_Report.pdf

Timeframes

In accordance with section 40 of the Act, a decision on your access application was originally due on 1 September 2025. As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40 (2) of the Act with a decision due by 22 September 2025. Thank you for agreeing to an extension until 3 October 2025.

Authority

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

Decision on access

In accordance with the FOI Act, a search of CED records has been completed, and a total of one record as relevant to your request has been identified.

Upon reviewing the information identified in the record, I have found that some of the information within these documents is, on balance, contrary to the public interest to disclose. I have decided to provide you with partial access to the record. In summary, I have found it contrary to the public interest to disclose information which is the personal information of third parties, or information which relates to a current deliberative process of government. The reasons for my decision are detailed further in the following statement of reasons.

I have included a schedule at [Attachment A](#). The record is enclosed at [Attachment B](#) with deletions applied to information which is contrary to the public interest to disclose.

Statement of Reasons

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

- the FOI Act;
- the content of the documents that fall within the scope of your request; and
- the *Human Rights Act 2004*.

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 must decide where, on balance, public interest lies in the disclosure of government information. Section 17 (1) of the FOI Act sets out the steps for completing the public interest test. As part of this process, I must identify all relevant factors in schedule 1 of the FOI Act. If no factor in schedule 1 is found relevant, I must then consider the factors listed in schedule 2 of the FOI Act and determine, on balance, where the public interest lies.

Schedule 1

- No relevant factors identified.

Public interest test (Schedule 2)

Factors favouring disclosure (Schedule 2.1)

- Schedule 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability; and
- Schedule 2.1(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring non-disclosure (Schedule 2.2)

- Schedule 2, 2.2(a)(xvi) – prejudice a deliberative process of government; and
- 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*.

In reviewing the information within scope of your application, I have identified information that is likely to provide background or contextual information about public transport in Canberra. I have considered how the public interest would be advanced by releasing this information in part or in whole. The disclosure of this information could reasonably be expected to promote open discussion and contribute to positive and informed debates on public affairs. I have placed significant weight on this factor. I also acknowledge that the pro-disclosure bias requires Information Officers to consider that the weighting of factors and consideration to the public interest begins in favour of disclosure.

In reaching my decision on access, I must also identify all factors favouring non-disclosure. After careful consideration, I can advise that some relevant information has been identified that if disclosed at this time could compromise the Territory's negotiating position and may affect the value or integrity of ongoing or upcoming commercial arrangements. Furthermore, some of the information relates to an ongoing and a yet to be finalised deliberative process of government. I consider the deliberative process of greater weight requiring the government to maintain integrity when making informed decisions, any disclosure of this information could reasonably be expected to prejudice a deliberative process of government as the decision remains under assessment and is not yet been determined. On balance, and with the information available to me, I am satisfied that the disclosure of this information is not in the public interest at this current time.

In my consideration of factors favouring non-disclosure of information within the records, I have identified the personal information of parties who are not employees of the ACT Government. I have considered that the information has been provided to CED with the expectation that it is handled in accordance with published privacy statements and policies. I consider that this information is not readily available to the public and has not otherwise been disclosed by CED. I further consider that this information has come to be held by CED with the expectation that it is handled in accordance with the *Information Privacy Act 2014*.

I have found that the factors favouring disclosure can be satisfied by the deletion of information which is contrary to the public interest. I have attached a list of the records at [Attachment A](#) and a copy of the records with redactions enclosed at [Attachment B](#).

Charges

I have waived the fees associated with this application as the number of pages exceeding the fee-free threshold is marginal.

Online publishing – disclosure log

Under section 28 of the Act, CED maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you will be published on the disclosure log [here](#).

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 an Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is provided to you 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:

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 on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
CANBERRA CITY ACT 2601
Telephone: (02) 6207 1740
www.acat.act.gov.au

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact the CED FOI team on (02) 6207 2987 or email to CEDFOI@act.gov.au.

Yours sincerely

Yu-Lan Chan
Information Officer
City and Environment Directorate

02 October 2025