



ACT
Government

City and Environment

OFFICIAL

Our ref: CED FOI 26-154

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 2 June 2026. It is my understanding you sought access to the following information:

Detail as to the cost of repairs to Yarralumla Creek in Curtin over the last 10 years, broken down by year (and if possible, by weather event). Ideally it would be broken down as to repairs, maintenance and other associated work (tree removal etc). Ideally background on other repairs to creeks (eg Sullivan's Creek) across the ACT would be lovely for context. Very happy to negotiate the request so that it can be easily filled.

I thank you for engaging with our office on 10 July 2026 to discuss the records identified in initial searches. You advised that information regarding *other associated works* and repairs to other creeks could be excluded and confirmed that you are seeking access to the repair and maintenance cost information identified in work orders. As such, the amended scope of your application was agreed as follows:

Cost information contained in work orders relating to repairs and maintenance to Yarralumla Creek in Curtin over the last 10 years.

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. Therefore, a decision is due on or by **15 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 three records.

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 *Human Rights Act 2004*
- 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

- *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)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*
- *Section 2.1(a)(iv) - ensure effective oversight of expenditure of public funds.*

In reviewing the information within the scope of your application, I consider that disclosure promotes open discussion of public affairs. Disclosure enhances government's accountability generally and contributes to informed debate.

I have also considered the strong public interest in ensuring the effective oversight of expenditure of public funds, specifically as it relates here to the Curtin Residents Association's interest in Yarralumla Creek works. I have placed significant weight on 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.*

The records relevant to your application contain the personal information of individuals, including names, positions and contact details of members of the public, and mobile numbers of ACT Government employees. I have considered 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*.

It is my view that this information if disclosed, could reasonably be expected to prejudice the protection of an individual's right to privacy under section 12 of the *Human Rights Act 2004*. I have placed substantial weight on this factor.

Balancing the factors

In balancing the factors favouring disclosure against those favouring nondisclosure, I have carefully considered the public interest in promoting open discussion and enhancing government's accountability. I acknowledge that disclosure of certain information would advance these interests, particularly where it relates to providing oversight of expenditure of public funds.

However, I must also consider the strong public interest in protecting personal privacy. In several instances, the likelihood and degree of prejudice that could result from disclosure is significant.

On balance, I find that in the circumstances of this matter, the factors against disclosure carry greater weight than the factors favouring disclosure for the relevant information. As such, I have decided to withhold the information where the public interest against disclosure outweighs the public interest in favour of release.

Having applied the public interest test outlined in section 17 of the FOI Act, I have concluded that some information contained in the records is not in the public interest to disclose. Accordingly, I have redacted this specific information under 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 CED 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, 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

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.

Yours sincerely

Signed electronically

Craig Weller
Information Officer
City and Environment Directorate
15 July 2026