



Dear 

## **FREEDOM OF INFORMATION APPLICATION – NOTICE OF DECISION**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the City and Environment Directorate (CED) on 10 September 2025.

Specifically, you have sought access to the following information:

*“All Question Time Briefs prepared for any minister by CED between 1 June 2025 and 10 September 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.

### **Timeframes**

In accordance with section 40 and 41 of the Act, CED is required to provide a decision on your access application by **10 November 2025**.

### **Decision on access**

Searches of CED records have identified 278 documents within the scope of your application.

I have decided to:

- grant **full** access to 254 documents; and
- grant **partial** access to 24 documents.

Please note, as CED was not formed until 1 July 2025, Question Time Briefs (QTB) prepared for June were drafted under the names of the previous Directorates.

The documents identified as relevant to your application are listed in the schedule at **Attachment A**. The schedule provides a description of each document that falls within the scope of your application and the access decision for each of those documents. The information being released to you is provided at **Attachments Ba - Be**.

### **Deferred Access:**

Section 49 states that a respondent may defer giving access to government information for a reasonable period (no longer than 3 months) if (a) the information was prepared with the intention that it be formally published within a stated time OR (b) the information has not been published as intended. Documents 215 and 249 contain information which is intended for release and as such access has been deferred in accordance with section 49 of the Act.

## Statement of Reasons

In accordance with section 54(2) of the Act, a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request
- the Freedom of Information (*Volume 4 - Considering the Public Interest*) Guidelines 2023.

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose in accordance with **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring nondisclosure in **Schedule 2** of the Act.

### **Schedule 1: Information taken to be contrary to the public interest**

#### *Schedule 1, 1.2 – Information subject to legal professional privilege:*

Document 162 contains information relating to current compliance matters and GSO advice. This information is subject to legal professional privilege and is taken to be contrary to the public interest.

#### *Schedule 1.6 – Cabinet Information*

Document 182 contains extracts from information submitted to Cabinet for its consideration and was brought into existence for that purpose. The information relates to the 2025-26 Budget initiatives and has not been publicly released as it is subject to further consideration of Cabinet. I can confirm that this information is not purely factual, schedule 1.6 applies and is taken to be contrary to the public interest.

#### *Schedule 1.14 – Law Enforcement or Public Safety Information*

I have identified five documents to contain information detailing current compliance matter investigations. I have given particular consideration to schedule 1, 1.14(1)(a) and schedule 1, 1.14(1)(e). It is important to allow for full and frank investigations into compliance matters, without evidence or testimony interference. Such matters are subject to legal prosecution and as such disclosure of this information could reasonably be expected to prejudice the investigation of a contravention or possible contravention of the law. Further, there is reasonable expectation for premature disclosure of this information to prejudice a person's fair trial or the impartial adjudication of a matter before a court or tribunal. I find that these factors apply, and disclosure is taken to be contrary to the public interest.

### **Schedule 2: Factors to be considered when deciding the public interest**

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and nondisclosure.

Taking into consideration the information within scope of your application, I have identified that the following public interest factors are relevant to determine if release of the information contained within the records relevant to your application.

### **Factors favouring disclosure (Section 2.1)**

- *Schedule 2.1(a)(i) – promote open discussion of public affairs and enhance the government’s accountability.*
- *Schedule 2, 2.1(a)(ii) – contribute to positive and informed debate on important issues or matters of public interest.*
- *Schedule 2, 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.*
- *Schedule 2, 2.1(a)(iv) – ensure effective oversight of expenditure of public funds.*
- *Schedule 2, 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

I have identified that the information subject to your application include Question Time Briefs spans across multiple portfolios and a large variety of subject matters. Large amounts of this information provide context to current government projects, programs, decision and other matters of public interest. I have considered that the disclosure of some of this information would likely inform the community of the government’s operations and further, could reveal the reason for a government decision and any background or contextual information that informed the decision. I have considered that some of the information relevant to your request also relates to management of government assets and expenditure by government agencies (including Budget Initiatives) to which I consider is of public interest and the disclosure of this information is likely to contribute to open discussions for public affairs. I have also identified that the disclosure of financial information increases transparency and can ensure an effective oversight of public funds more broadly. I find that the disclosure of this information is likely to advance the public interest, and as such attribute moderate weight to the factors in favour of disclosure.

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

- *Schedule 2.2(a)(ii) – prejudice the protection of an individual’s right to privacy or any other right under the Human Rights Act 2004.*
- *Schedule 2, 2.2(a)(xiii) – prejudice the competitive commercial activities of an agency*
- *Schedule 2, 2.2(a)(xvi) – prejudice a deliberative process of government*

### **Personal Information**

I have identified personal information of other third parties and the mobile phone number of employees within 11 documents. I have considered that the personal information of third parties 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 has not otherwise been disclosed by CED. I have extended this consideration to the mobile numbers of ACT Government employees, which are either personal phone numbers or provided to staff for a specific reason. Where the number is provided by CED, the use of the phone is for agreed purposes with limitations on calls outside of business hours and disclosure of these contact numbers is likely to prejudice the personal privacy of employees and their right to disconnect. As such, I find that the disclosure of this information would prejudice their right to privacy under the Humans Rights Act 2004. I find that the likelihood of disclosure prejudicing the protection of an individual’s right to privacy is significant, and as such attribute significant weight to schedule 2.2, section 2.2(a)(ii).

## Competitive Commercial Activities & Deliberative Process of Government

Three documents (document 150, 216 & 251) contain information regarding current negotiations between the ACT Government and a third party, including details of their commercial activities. This information reflects private discussions and early positions of negotiation. I have considered how the public interest would be advanced by releasing this information in part or in whole. It is my view that the information if disclosed could reasonably be expected to prejudice the competitive commercial activities of an agency and a deliberative process of government. I have applied significant weight to this factor.

## Deliberative Process of Government

Documents 215 and 249 contain recommendations for possible future re-purposing of facilities. This information is intended for release once a final decision on this has been reached and is still under consideration. Documents 223 and 257 contains information regarding the active considerations and deliberations of the SLA. I consider that the disclosure of this information, at this time, could reasonably be expected to prejudice a deliberative process of government. In this instance, I have applied significant weight to this factor.

## Balancing the factors

Having applied the public interest test outlined in section 17 of the FOI Act, I have concluded that the above outlined factors favouring non-disclosure carry significant weight. In each instance, while the factors favouring disclosure apply, the degree of advancement to transparency of government processes is likely to be minor due to the significant amount of information already available publicly on these matters. Therefore, I find that disclosure is, on balance, contrary to the public interest to disclose. Accordingly, I have redacted this specific information under section 50(2) of the FOI Act and provide you with partial access.

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**

Charges applicable to your application are waived in accordance with section 107(2)(e) of the Act.

## **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, this decision and documents released to you (with redactions to your personal information) will be published on the [CED disclosure log](#). Your personal information will be removed from these copies prior to publication.

## **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 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.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the 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 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  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact the Information Access Team by telephone on 6207 2987 or email [CEDFOI@act.gov.au](mailto:CEDFOI@act.gov.au).

Yours sincerely



Lisa Johnson  
Information Officer  
City and Environment  
10 November 2025