



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 9 February 2026. It is my understanding you are seeking access to the following information:

“...I request the following in relation to the draft technical report “Managing wombats: A review of current practice, issues and challenges to inform wombat management in the ACT”, undertaken by the City and Environment Directorate and the Fauna Research Alliance:

- a) All correspondence (including emails, letters, memos, meeting notes) relating to the commissioning of the report, including any communication with the Fauna Research Alliance (FRA) or anyone associated with the Fauna Research Alliance, and any documents relating to the FRA’s appointment to undertake the report.*
- b) All background materials provided to the FRA for the purpose of preparing the report, including any briefing notes or instructions.*
- c) All earlier versions or drafts of the draft technical report, including partial drafts, working drafts, and documents containing tracked changes or comments.*
- d) All comments, feedback, or input on any earlier versions or drafts of the report from any area of the ACT Government, including (but not limited to) the Office of Nature Conservation and the City and Environment Directorate. This includes comments via email, tracked changes, marginal notes, or informal communications.*
- e) Any agreements, contracts, grant documents, procurement documents, or records relating to payment, grants, fees, stipends, or any other financial or contractual arrangements for the production of the report...”*

Timeframes

In accordance with section 40 of the FOI Act, CED was required to provide a decision on your access application within 30 working days. 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 FOI Act.

On 21 April and 28 May 2026, you have agreed on both occasions to our request for an extension of time which brought the due date to 9 June 2026.

On 9 June 2026, CED Freedom of Information team requested for further extension of time via email. To this date we have not received a response to the request. Under section 41(4) of the FOI Act it is taken to agree if the applicant did not refuse within 7 days of the request being made. Therefore, a decision is due on or by **30 June 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

Under section 43(1)(d) of the FOI Act, a respondent agency may refuse to deal with an access application wholly or in part if the government information is already available to the applicant.

I have refused to deal with parts of your application under section 43(1)(d) and section 45(a) of the FOI Act as some of the records within the scope of your application are already available to you:

- Wombat Policy July 2011 from NSW Office of Environment and Heritage can be accessed through this link: [Wombat Policy](#)
- FOI Request for Similar Information – [26-021](#).

A search for records held by CED has been completed and 45 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 **full** access to eight records.
- grant **partial** access 37 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,C and D** 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*
- 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 1.14 - Law enforcement or public safety information.

Some information captured within the email correspondence falls within the scope of schedule 1, section 1.14(d) of the FOI Act, wherein the disclosure of which would or could reasonably be expected to result in a person being subject to a serious act of harassment or intimidation. The records contain information which would identify commenting stakeholders and CED staff engaged in preparing the body of work related to the review of wombat management in the ACT. Due to previous instances of harassment of CED staff working in animal management related fields and the property trespass experienced by a third party, I am satisfied that disclosure of this information is not in 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.*

In relation to information to which schedule 1 does not apply, I consider that disclosure would promote open discussion and inform debate about the future of the review of wombat management in the ACT, noting the considerable public interest in this subject as evidenced by the petition lodged with the Legislative Assembly. 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.*
- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*

Some of the records relevant to your application contain the personal information of individuals, including names and contact details. 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.

I am satisfied that disclosure of this information 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.

I have also considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Consistent with this interpretation, I have had regard to Schedule 2, section 2.2(a)(xi), which provides that access to government information may be refused where disclosure could reasonably be expected to prejudice the trade secrets, business affairs, or research of an agency or person.

Balancing the factors

In balancing the factors favouring disclosure against those favouring nondisclosure, I acknowledge the important role of transparency and informed public debate in relation to matters of public interest. However, I also consider there is a strong public interest in protecting personal privacy. I am of the view that individuals are entitled to expect that the personal information they provide to government agencies will be managed in a way that safeguards their privacy.

On balance, while I consider that there is a public interest in disclosure of this information, I also consider that the risk and severity of the harm that could result from releasing the personal information outweigh the benefits of disclosure in this case.

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 applicable for this application because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, I have decided not to impose a fee in response to your application.

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

Craig Weller
Information Officer
City and Environment Directorate
30 June 2026