



Our ref: FOI 25-018



Email: [Redacted]

Dear [Redacted]

Decision on Freedom of Information Access Application 25-018

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 21 July 2025.

Specifically, you have sought access to the following information:

In relation to FOI 25/0219983, the contents of the ministerial briefings provided by EPSDD with the following titles:

- 25/0022265 Ministerial-Advisory Note - Steel - Asset Renewal Program Allocation for Development and Implementation (Received by Ministers Office: 20/02/2025)
- 24/129193 Ministerial - Information Brief - Steel - Property Developers Implementation Update (Received by Ministers Office: 26/02/2025)
- 24/122840 Ministerial-Information Brief - Orr - Agriculture and Food in the ACT - Key Findings Report (Received by Ministers Office: 06/03/2025)
- 25/0010061 Ministerial-Information Brief - Orr - Policy options to prevent like for like gas appliance installations (Received by Ministers Office: 14/03/2025)
- 25/0150323 Ministerial-Meeting Notes - Steel - Mawson / Athllon Drive update (Received by Ministers Office: 19/03/2025)
- 25/0005401 Ministerial-Information Brief - Orr - Independent review of ACT Government action on climate change (Received by Ministers Office: 21/03/2025)
- 25/0149849 Ministerial - Advisory Note - Steel - Missing Middle Housing Design Guide (Received by Ministers Office: 28/03/2025)
- 25/0154150 Ministerial-Information Brief - Orr - Next Steps for the Commissioner for Sustainability and the Environment (Received by Ministers Office: 01/04/2025)
- 25/0099287 Ministerial Brief - Chief Planner Functions (Received by Ministers Office: 03/04/2025)
- 25/0144953 Ministerial - Information Brief - Orr - Net Zero Emissions Target Updates (Received by Ministers Office: 04/04/2025)

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 of the Act, a decision on your access application must be made on or by 22 September 2025.

Decision on Access

Searches of CED records have identified 37 documents within the scope of your application.

I have decided to:

- grant full access to 28 documents relevant to your application,
- grant partial access to one document,
- refuse access to five documents,
- refuse to deal with three documents which are publicly available.

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 **Attachment B**.

Material Considered

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

- the FOI Act, particularly sections 6, 17, 50 and Schedule 2
- the content of the documents that fall within the scope of your request
- the *Human Rights Act 2004*
- the views of third parties consulted

Under section 43(1) of the Act, a respondent may refuse to deal with an application wholly, or in part if the information is already available to the applicant. Section 45 of the Act outlines the circumstances where information is available to the applicant. Three documents are publicly available, which satisfies section 45(a) of the Act. The links to the documents are included in **Attachment A**.

Public Interest Considerations

My reasons for deciding not to grant access to certain documents and components of these documents are as follows:

Information Disclosure – Contrary to the Public Interest under Schedule 1 of the Act
Schedule 1 of the Act identifies information the disclosure of which is deemed to be contrary to the public interest.

Five documents contain Cabinet information. Schedule 1, 1.6 of the Act provides that Cabinet information is taken to be contrary to the public interest. These documents contain information relating to Cabinet deliberations and decisions that have not been

officially published. I have determined that the information not released, is not purely factual information.

This information being withheld does not identify corruption or the commission of an offence by a public official or that the scope of a law enforcement investigation has exceeded the limits imposed by law.

Information Disclosure – Schedule 2 of the Act

The Act recognises the right of every person to obtain access, under its provisions, to government information (see section 7, the Act). As an Information Officer, I am required to allow access to information subject to the Act, unless, on balance, disclosure would be contrary to the public interest.

In assessing the public interest, I must apply the test outlined under section 17 of the Act which requires consideration of factors favouring disclosure, any favouring nondisclosure and the balance of those factors when considered cumulatively.

Factors Favouring Disclosure

In applying the public interest test, I have determined that disclosure of the information could reasonably be expected to do the following:

- Schedule 2, 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)(viii) – reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring Nondisclosure

In applying the public interest test, I have determined that disclosure of the information could reasonably be expected to do the following:

- Schedule 2, 2.2(a)(ii) – prejudice the protection of an individual’s right to privacy or any other right under the *Human Rights Act 2004*.

Personal Information

One document relevant to your application contains personal information of an individual. 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 protection of an individual’s right to privacy under section 12 of the *Human Rights Act 2004*. On balance, and the information available to me, I am satisfied that the disclosure of this personal information is not in the public interest.

Charges

In accordance with section 107(2)(e) of the Act any charges applicable are waived.

Online Publication

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Your original access application, this decision and documents released will be published in the EPSDD disclosure log no earlier than three days after you receive this decision. Your personal contact details will not be published.

You may view the EPSDD disclosure log at

<https://www.environment.act.gov.au/about-us/access-government-information/disclosure-log>

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 published in the disclosure log, or a longer period allowed by the Ombudsman. For more information and the application form for Ombudsman review, please visit:

<https://www.ombudsman.act.gov.au/accountability-and-oversight/freedom-of-information/foi-complaints-and-reviews>

Alternatively, you may write to the 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 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

15 Constitution Avenue

GPO Box 370

CANBERRA CITY ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Further Information

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.

Yours sincerely



Craig Weller

Information Officer

Executive Branch Manager, Governance, Compliance and Legal

Environment, Planning and Sustainable Development Directorate

22 September 2025