



ACT
Government

City and Environment

OFFICIAL

Our ref: CED FOI 26-110



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 29 May 2026. It is my understanding you are seeking access to the following information:

“... documents relating to the ACT Government’s Affordable Housing Project Fund (the Fund), specifically in connection with the Marymead CatholicCare Canberra and Goulburn build-to-rent development at 5 Strangways Street, Curtin ACT (DA 202644959).

I request access to the following documents:

1. FUNDING CRITERIA AND GUIDELINES

All documents setting out the assessment criteria, eligibility requirements, scoring framework, and any guidelines or policy documents used to evaluate proposals submitted to the Affordable Housing Project Fund, as applicable to the round(s) under which the Marymead CatholicCare Curtin project was considered.

2. MARYMEAD CATHOLICCARE’S PROPOSAL SUBMISSION

All documents comprising or accompanying the proposal submitted by Marymead CatholicCare Canberra and Goulburn (and/or the North Woden Parish of the Catholic Archdiocese of Canberra and Goulburn, could also be known as The Trustees of the Roman Catholic Church for the Archdiocese of Canberra and Goulburn as trustee for Marymead CatholicCare Canberra and Goulburn) to the Affordable Housing Project Fund in respect of the Curtin development, including but not limited to:

- the proposal document(s);*
- financial modelling, feasibility assessments, or budgets;*
- site plans, descriptions, or project summaries;*
- any correspondence between the applicant and the Directorate forming part of the application process.*

3. ASSESSMENT AND DECISION DOCUMENTS

All documents relating to the assessment and approval of the Marymead CatholicCare Curtin proposal, including:

- *assessment reports,*
- *recommendation briefs,*
- *ministerial submissions,*
- *approval records, including a full list of applicants under the same funding round and the outcomes of those applications (successful/unsuccessful)..."*

I thank you for providing the following statement on the public interest in your application. Your views have been considered in reaching my decision on your application:

I have a direct and material interest in understanding the basis on which public funds were committed to this project."

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. Therefore, a decision is due on or by **3 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 32 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 nine records.
- grant **partial** access to four records.
- **Refuse** access to one record.
- **Defer** access to 18 records.

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. Section 45 sets out the circumstances in which government information is already available to the applicant. Those circumstances include where the government information is available for purchase (section 45(g) of the FOI Act).

I have refused to deal with parts of your application under section 43(1)(d) and section 45 of the FOI Act as one record within the scope of your application is available for purchase through the link below.

- [ACTLIS Gov](#)

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 and C** with redactions applied to any information contrary to the public interest to release.

Deferred release of records

Under section 38 of the FOI Act, CED is required to consult with third parties where disclosure of information may reasonably be expected to affect their interests. In making this decision, I consulted with relevant third parties and considered their views and objections. One third party objected to the release of information in 18 records. Some of the information within these records are also found within other relevant records, which were not initially identified as sensitive and were not subject to a third party consultation process. However, as the FOI Act provides a pathway to access information, not records, I am required to consider the objections across all relevant information.

Access to this information is deferred under section 38(6)(b) of the FOI Act. This deferral allows the third party 20 working days, or a longer period if granted by the ACT Ombudsman, to seek a review of my decision by the ACT Ombudsman. You will be notified if a review application is received or when access is no longer deferred.

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
- your views regarding the public interest
- the views of third party/ies 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, 1.2 – Information subject to legal professional privilege
A minor amount of information has been identified as falling within legal professional privilege. Information subject to schedule one is required to be considered contrary to the public interest. As such, I refuse access to this information.

As this consideration only applies to some information subject to your application, I have continued to review the remaining information against schedule 2 factors.

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)(iv) - ensure effective oversight of expenditure of public funds.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

In reviewing the factors favouring disclosure, I consider disclosure of the requested information will contribute to informed public debate regarding ACT Affordable Housing Project Fund, strengthening transparency and accountability in government decision-making. I have allocated significant weight to this factor for disclosure.

The relevant records contain information concerning the allocation and use of public resources. In my opinion the disclosure of this information will enable the public to scrutinise how funds have been spent and assess whether such expenditure aligns with policy objectives and community expectations. This factor attracts significant weight regarding public interest.

The relevant information also provides insight into the rationale and context behind the approval of grants for the government project listed in the scope, and the release of this information will assist the public in understanding the basis upon which the decision was made, including the factors considered and the process followed. Again, the release of this information carries significant weight.

I am satisfied that these factors favouring disclosure carry significant weight. However, these factors are to be balanced against the factors favouring nondisclosure.

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.*
- *Section 2.2(a)(xii) - prejudice an agency's ability to obtain confidential information.*

When considering this information against the factors favouring nondisclosure, I am satisfied that the protection of an individual's right to privacy is a significant factor. Where individuals did not consent to release their personal information which include names, signature and contact information. These individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy under the *Human Rights Act 2004*. I have extended this consideration to ACT Government employee signatures, except digital, as I consider disclosure is likely to prejudice the personal privacy of employees where the signatures sole use is not for the purposes of carrying out their duties and is the signatures are not publicly available.

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.

In this matter, the records within scope contain:

- commercially sensitive pricing information, the release of which could expose the relevant entity to competitive disadvantage;
- proprietary methodologies outlining how the entity conducts and manages its operations; and
- material contained in company-commissioned reports for which consent to release has not been provided.

I am satisfied that disclosure of this information could reasonably be expected to prejudice the business affairs of the affected third party. I have therefore given significant weight to this consideration.

I have considered the potential impact that disclosure may have on an agency's ability to obtain confidential information in the future. Grant applicants engage with government programs on the understanding that the information they provide will be handled with appropriate care and, where necessary, confidentiality. There is the possibility that future grant applicants could be deterred from applying for a grant, should their information be subject to disclosure. However, the weighting of this factor is reduced where access is established as no longer commercially sensitive, either due to the passage of time or by confirmation from the relevant business. In my opinion it is therefore less likely that grant applicants would not provide information, which would limit their likelihood of achieving a grant. I therefore apply minimum weight to this factor favouring nondisclosure.

Balancing the factors

As detailed above, there is information within the relevant records which carry significant weight factoring disclosure, particularly information outlining government methodology which provides increased transparency of a government process. However, the detailed considerations of government which refer to commercially sensitive information, or information which commercially sensitive and was obtained through this process, would increase transparency but at a high likelihood of harm to the relevant third-party business affairs. I consider in many instances that the sensitive information is not wholly limited to the proposed development but intertwines with methodology or other commercially sensitive decisions across their operations. In these instances, and where disclosure would prejudice the privacy of a person, I find that non-disclosure factors carry a heavier weight; therefore, I refuse access where these factors apply.

Having applied the test outlined in section 17 of the Act and deciding that release of some information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met.

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

(signed electronically)

Craig Weller
Information Officer
City and Environment Directorate
3 July 2026