



██████████
ACT Legislative Assembly

By email: ██████████

Dear ██████████,

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 25 November 2025. It is my understanding you sought access to the following information:

- *“(On behalf of ██████████) I request access under the Freedom of Information Act 2016 (ACT) to the subject line of all final Ministerial briefs between the 14th of October 2025 and 22nd of November 2025 generated for or directed to any ACT Government Minister. This request includes, wherever possible, the date of the brief, the internal reference, position of authority it was written by, and which Minister it was addressed to. Please include briefs prepared for Question Time and Annual Reports hearings.”*

On 26 November, advice was provided to CED through the Chief Minister, Treasury and Economic Development Directorate of an amendment to the scope of your application to the following:

- *“We would like to amend the dates to ‘1 to 26 November’, we have made the same amendment to the request with Health FOI, but if could also pass on the change to CED it would be much appreciated.”*

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. Under section 41 of the FOI Act, you agreed an additional amount of time to decide your application. Therefore, a decision is due on or by 22 January 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 CED records has been completed and information relevant to your application has been compiled into three documents, in a format consistent with your application. The documents are listed in the schedule at **Attachment A**.

I have decided to:

- grant **full** access to 2 documents.
- grant **partial** access to 1 record.

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
- 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 1.6 - Cabinet Information.*

In reviewing the subject lines in conjunction with the associated brief, two subject lines have been identified as containing information prepared for the consideration of cabinet. I confirm that these descriptions are not purely factual and find schedule 1.6 applies in which disclosure is deemed to be contrary to 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)(iii) - inform the community of the government's operations, including policies, guidelines and codes of conduct followed followed by the government in its dealings with members of the community.*

In reviewing the records relevant to your application, I have identified that the records provide transparency on subjects briefed to Ministers and relate to topics of community interest; this particularly of relevance where the briefs relate to an Assembly matter. The relevant information is likely to promote open discussion of public affairs and inform the community of the government's operation broadly. I have placed moderate weight on these factors.

Factors favouring nondisclosure (Schedule 2.2)

- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*

In considering the factors favouring non-disclosure, I have information relating to commercially sensitive information of a third-party business. I consider that the information is a kind that is likely to prejudice third party business affairs if disclosed. I have placed significant weight on this factor.

Balancing the factors

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 fee has been waived in accordance with section 107 of the FOI Act.

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. Choose an item.

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

Jodie Vaile
Information Officer
City and Environment Directorate
22 January 2026