



**ACT**

Government

City and Environment

Our ref: CED FOI 25-010

Dear [REDACTED]

## **FREEDOM OF INFORMATION REQUEST – 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 14 July 2025.

Specifically, you have sought access to the following information:

*“An email chain between staff from the offices of Leanne Castley MLA and Peter Cain MLA, in which a staff member or members from the office of Planning Minister Chris Steel MLA was/were copied in. I cannot confirm a specific date, but I understand it occurred no earlier than 20 May, and canvassed issues relating to the government’s planning changes. The email chain is believed to demonstrate a dispute between the offices of the two Liberal MLAs. It may include an email from Leanne Castley’s chief of staff, Jonathon Deans. It may also include a follow-up email from staff in the Cain office to the Steel office, apologising for inadvertently copying them into the chain.”*

### **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, CED is required to provide a decision on your access application within 30 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 Act.

Therefore, a decision is due on or by **15 September 2025**.

### **Decision on access**

Searches of records have identified one document within the scope of your application.

I have decided to grant partial access to this document.

### Deferred Access

In accordance with section 38 of the Act, third party consultation was undertaken on the disclosure of the information. One of the third parties objected to the release of the information within the document. My decision has taken into consideration the objection raised.

As I have decided to partially release the information, access to the document is deferred under section 38(6)(b) of the Act to allow the opportunity for the third party to seek a review of my

decision by the ACT Ombudsman. You will be notified of the outcome of any review process, and the documents may be released to you pending that outcome.

### **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 *Human Rights Act 2004*
- 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**

The document does not contain information which would be taken to be contrary to the public interest under Schedule 1 of the Act.

### **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 these documents is within the 'public interest'.

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

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability.*

The disclosure of any government information aids in the promotion of open discussion and the enhancement of the government's accountability. I am satisfied that this factor favouring disclosure carries some weight. However, this factor is to be balanced against the factor favouring nondisclosure.

#### ***Factors favouring nondisclosure (Section 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.*

### **Personal Information**

The document contains the mobile phone number 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 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*. On balance, and

the information available to me, I am satisfied that the disclosure of this personal information is not in the public interest.

### Balancing relevant factors

Having applied the test outlined in section 17 of the Act and deciding that the release of some information contained within the documents is not in the public interest to disclosure, I have chosen to redact this specific information in accordance with section 50(2) of the Act. 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 disclose will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CED within scope of your application.

### **Charges**

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50.

### **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 and my decision will be published on the CED disclosure log. Your personal contact details will not be published.

### **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



Craig Weller  
Information Officer  
City and Environment  
12 September 2025