



**ACT**  
Government

City and Environment

Dear [REDACTED]

### **Freedom of Information Application - Reference 25-074**

I refer to your application for access to government information received by the City and Environment Directorate (CED) on 10 September 2025, where you are seeking access to the following government information under the *Freedom of Information Act 2016* (FOI Act):

*“The subject line of all final Ministerial briefs between 22 July 2025 and 10 September 2025 generated for or directed to any ACT Government Minister”.*

#### **Timeframes**

In accordance with section 40 of the FOI Act, a decision on your access application was due to be made on or by 22 October 2025. Thank you for your agreement to an extension to the decision due date to 27 October 2025.

#### **Authority**

I am an Information Officer appointed by the Director-General under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act.

#### **Decision on access**

In accordance with the FOI Act, a search of CED records has been completed. 75 subject lines of Ministerial Briefs were identified and have been compiled into one document.

I have decided to provide you with partial access to the document. The information not in the public interest to disclose is Cabinet Information, the name of a member of the public and information which could disclose the business affairs of a third party.

I have also decided to refuse to deal with part of your application under sections 43(1)(d) and 45(f) of the FOI Act. Section 43(1)(d) of the FOI Act provides that 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, including where the information has previously been given to an applicant under the FOI Act.

I refer to your previous access application (our reference FOI 25-043) seeking access to the subject line of all final Ministerial briefs between 25 May 2025 and 18 August 2025. As some information requested was already provided to you in FOI 25-043, I have refused to deal with the part of your application covering the timeframe of 22 July 2025 to 18 August 2025, satisfying section 45(f) of the FOI Act.

The requested information is provided at Attachment A with deletions applied to information which is contrary to the public interest to disclose.

## 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 decision, I have taken the following into account:

- the FOI Act
- the information that falls within the scope of your application
- the *Human Rights Act 2004*.

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 required to determine whether disclosure of the information within the scope of your application would be contrary to the public interest.

I must first assess whether disclosure of the information is taken to be contrary to the public interest under Schedule 1 of the FOI Act. If the information does not fall within a category under Schedule 1, I am then required to apply the public interest test set out in section 17 of the FOI Act. This involves balancing the factors favouring disclosure and the factors favouring non-disclosure, as outlined in Schedule 2 of the FOI Act. In making my decision, I also confirm that I have not considered any of the factors listed in section 17(2) of the FOI Act, being a list of factors which must not be taken into consideration.

### Schedule 1

One subject line contains information that falls within Schedule 1, section 1.6 of the FOI Act as it is information which has been brought into existence to guide Cabinet in its decision making and assist it in its deliberations. It is reasonable to consider that the disclosure of this material would or could reveal those deliberations.

### Public interest test (Schedule 2)

#### 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.

I consider that disclosing the contents of the information sought could contribute to open discussion and informed debate on the matters contained in the subject lines. I am satisfied there may be a public interest, however, I weigh these factors lightly as release of single subject lines alone may not reasonably contribute to informed debate.

#### Factors favouring non-disclosure (Schedule 2.2)

- Schedule 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.

The information in scope includes the personal information (name) of a member of the public. I have considered that the information has been provided to CED with the expectation that it is handled in accordance with the *Information Privacy Act 2014* and published privacy statements and policies. I consider that this information is not readily available to the public and has not otherwise been disclosed by CED at this time.

I find that the protection of an individual's right to privacy under the *Human Rights Act 2004* carries significant weight. In this instance, I have found the disclosure of personal information to be, on balance, contrary to the public interest.

The information in scope includes information relating to a third party's business affairs currently being discussed with ACT Government. When third parties have provided their information during formal consultation with government there is an expectation that this information will remain confidential. I have given this factor favouring nondisclosure significant weight.

In accordance with section 50(2), I have found that the factors favouring disclosure can be satisfied by the deletion of information which is contrary to the public interest.

### **Charges**

No fee is applicable to this application.

### **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, my decision and documents released to you will be published within 3 – 10 business days. Your personal information will be deleted from these copies prior to publication.

### **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 CED's disclosure log or a longer period allowed by the Ombudsman. If you wish to request a review of my decision, 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 ACAT at:

ACT Civil and Administrative Tribunal  
GPO Box 370  
CANBERRA CITY ACT 2601  
Telephone: (02) 6207 1740  
[www.acat.act.gov.au](http://www.acat.act.gov.au)

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact the CED FOI team on (02) 6207 2987 or email to [CEDFOI@act.gov.au](mailto:CEDFOI@act.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to be 'L. Johnson', written in a cursive style.

Lisa Johnson  
Information Officer  
City and Environment Directorate

27 October 2025