



ACT
Government

Transport Canberra and
City Services

FREEDOM OF INFORMATION COVERSHEET

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI reference: 24-151

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Not Applicable
4. Documents	Not Applicable
5. Additional information identified	Not Applicable
6. Fees	Not Applicable
7. Processing time (in working days)	91 days
8. Decision made by Ombudsman	Not applicable
9. Additional information identified by Ombudsman	Not applicable
10. Decision made by ACAT	Not applicable

11. Additional information identified by ACAT	Not applicable
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From: [REDACTED]
To: [TCCS FreedomOfInformation](#)
Subject: Gungahlin United
Date: Wednesday, 23 October 2024 2:59:17 PM
Attachments: [21102024092204-0001 \(1\).pdf](#)

You don't often get email from david.polkinghorne@canberratimes.com.au. [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi,

I wish to make a request to access the following documents under the Freedom of Information Act 2016.

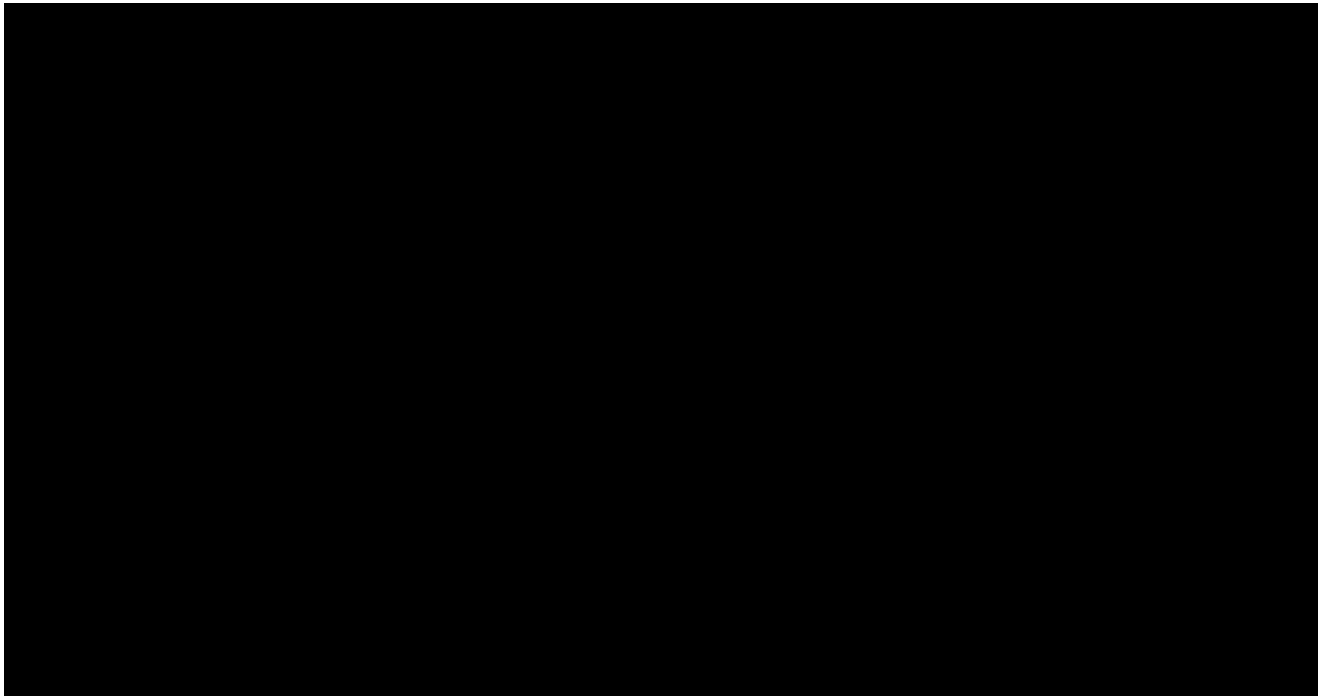
Any correspondence between the ACT government and Gungahlin United regarding the money they owe the government and the agreed repayment plan for that debt. Also any correspondence between the government and Capital Football and any Capital Football clubs regarding money owed. Please limit the search to correspondence this year (2024) and last year (2023). I have attached a copy of a letter that provides an example of what I'm after to assist you in your search.

Please exclude duplicate emails.

I ask that the agency waive the fee associated with the application on the grounds that the subject of this request is of special benefit to the public (section 107 (2) (b) of the Act)

Should you request further information, or have any queries about this application, please do not hesitate to contact me.

Kind regards,



Dear [REDACTED]

Freedom of Information Request - Reference 24-151

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act) received by Transport Canberra and City Services (TCCS) on 23 October 2024.

You have sought access to the following government information under the Act:

“Any correspondence between the ACT government and Gungahlin United regarding the money they owe the government and the agreed repayment plan for that debt. Also any correspondence between the government and Capital Football and any Capital Football clubs regarding money owed. Please limit the search to correspondence this year (2024) and last year (2023). I have attached a copy of a letter that provides an example of what I'm after to assist you in your search. Please exclude duplicate emails”.

Timeframes

A decision was due on your access application by 4 December 2024. Thank you for granting extensions up until 4 March 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 FOI Act.

Decision on access

In accordance with the FOI Act, a search of government information has been completed and relevant information has been identified as held by TCCS.

Upon considering the type of information contained in these records and applying the public interest test under section 17 of the FOI Act, I have decided to refuse access. Reasons for this decision are detailed further in the statement below.

Statement of Reasons

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

- The FOI Act; and
- The *Human Rights Act 2016*.

In making my decision on disclosing government information, I must identify all relevant factors in schedule 2 of the FOI Act and determine, on balance, where the public interest lies. I have taken the following sections of schedule 2 into account:

Factors favouring disclosure in the public interest (Schedule 2, Section 2.1)

- Section 2.1(a)(vii) advance the fair treatment of individuals and other entities in accordance with the law in their dealings with the government.
- Section 2.1(a)(viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring non-disclosure (Schedule 2, Section 2.2)

- Section 2.2(a)(ii) – prejudice the protection of an individual’s right to privacy or any other rights 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.
- Section 2.2(a)(xiii) - prejudice the competitive commercial activities of an agency.

In reviewing the information within scope of your application, I have identified information that is likely to provide background or contextual information that informed a government decision, and advance fair treatment of individuals and entities. I have placed significant weight on these factors. The pro-disclosure bias requires the arguments on each side of the public interest test to be weighed.

I have considered the impact of disclosing information which relates to business affairs. Schedule 2, section 2(a)(xi) allows for government information to be withheld from release if the disclosure of the information could be reasonably expected to prejudice the trade secrets, business affairs or research of an agency or person.

As the information relates to third party financial affairs, I have considered whether disclosure of the information is likely to prejudice third party business affairs. The information within the records includes matters of invoicing, payment and cashflow. I have considered that the information is commercially sensitive, and that the disclosure is likely to prejudice the business affairs of third parties as they pertain to a business’s financial decisions. I have also considered the age of the documents and determined them to not be historical in nature. In consideration of the likelihood of harm resulting from disclosure, I have placed significant weight on factor 2.2(a)(xi).

I note that third parties engage with ACT Government in commercially sensitive matters with the expectation of confidentiality. Disclosing such information would likely prejudice ongoing commercial activities of TCCS and third parties. In consideration of the likelihood of harm resulting from disclosure, I have placed significant weight on factors 2.2(a)(xii) and 2.2(a)(xi).

In addition to the considerations above, I note the information within the scope of your application contained some information pertaining to third parties who provided their personal information to TCCS with the expectation of confidentiality. This information includes names, email addresses, mobile phone numbers and other identifying information. I find that the disclosure of this information would prejudice their right to privacy under the *Human Rights Act 2004*. In conjunction with the significant weight of the factors mentioned above, I have placed some weight on factor 2.2(a)(ii).

Third parties were consulted on the release of the information and the majority of the third parties objected to the release of the information. I have given significant weight to these objections. As outlined above, this information contains personal information, and confidential business information.

In this instance, I have found that the disclosure of the information is, on balance, contrary to the public interest to disclose and refuse access. I considered whether redactions could be applied to the information and partial release. I have found that in this case that is not suitable and would not adjust the weighing of factors against disclosure.

Charges

No fee is applicable to this application.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your access application and this notice of decision will be published on the disclosure log within 3 – 10 business days. Your personal information will be removed from these documents 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 an Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in TCCS' 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

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82 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

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

Yours sincerely



Alison Kemp
Information Officer

3 March 2025