



ACT

Government

City and Environment

OFFICIAL

Our ref: CED FOI 26-069

By email: [REDACTED]

Dear [REDACTED]

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 10 March 2026. It is my understanding you are seeking access to the following information:

All current documents about ACT government policy regarding responsibility for trees on leased land parcels for the past 5 years. For example, documents indicating that the ACT government is responsible for the removal, pruning or other maintenance of trees in any of the following circumstances:

- (a) where the tree was present on a land parcel prior to its lease;*
- (b) for trees that are partly on public land and partly on private land;*
- (c) for protected trees;*
- (d) for trees that have been present on a privately leased land parcel for any particular period (say 50 years or some other threshold)*

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:

The ACT government has several trees on nature strips that are large gum trees that have a history of dropping large boughs. I have one in the street which regularly drops very large boughs of significant size and weight. The policy stance on tree removal is an impediment to safety and needs to be explored. It is impossible to do so without access to relevant document setting out ACT government policy.

Timeframes

In accordance with section 40 of the FOI Act, CED is required to provide a decision on your access application within 30 working days. Therefore, a decision is due on or by 24 April 2026.

Authority

I am an Information Officer appointed by the Director-General of CED 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 six 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 five records.
- grant partial access to one 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 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

- No relevant sections identified.

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)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*
- *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 information within the scope of your application, I consider that disclosure promotes open discussion of public affairs, enhances government's accountability generally, and helps inform the community around government operations and policies. I have placed substantial weight on this factor.

Factors favouring nondisclosure (Schedule 2.2)

- *Section 2.2(a)(xv) - prejudice the management function of an agency or the conduct of industrial relations by an agency*

The Contractor Tree Removal Program Procedure at page 11 of the enclosed records contains the direct email addresses of Urban Treescapes staff. The purpose of including this contact information in this internal procedure is to enable effective communication between Urban Treescapes in relation to tree removal considerations. I consider that the disclosure of these email addresses or staff members' names is likely to encourage direct contact by external entities, including direct requests from members of the public. This diversion of requests is likely to prejudice the management of complaint, request or claims functions as they would not be received by the correct case management system. The misdirection of these requests circumnavigates processes in place to ensure effective responses, particularly contingencies around staff absence. I have considered that this information is not readily available to the public and has not otherwise been disclosed by CED. I have placed significant weight on this factor.

Balancing the factors

In balancing the factors favouring disclosure against those favouring nondisclosure, I have carefully considered the public interest in promoting transparency, accountability and informed public debate. I acknowledge that disclosure of certain information would advance these interests, particularly where it relates to the government's operations and related policies and guidelines.

In one instance, I find that considerations must be given to Urban Treescapes' processes and how disclosure is likely to prejudice the management of specific functions. On balance, I find the factor favouring nondisclosure of the specified email addresses to carry greater weight than the factors favouring disclosure for the relevant information. As such, I find disclosure to be, on balance, contrary to the public interest. Accordingly, I have redacted this specific information under section 50(2) of the FOI Act.

Having applied the public interest test outlined in section 17 of the FOI Act, I have also concluded that most information contained in the records is in the public interest to disclose.

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.

Further Information

The Urban Treescapes unit has provided me with the following information, which you may find useful.

The following publicly available legislation and guidelines have governed tree protection and management across Canberra over the last 5 years:

- [Urban Forest Act 2023](#)
- [Tree Protection Act 2005](#) (repealed in January 2024)
- [Public Unleased Land Act 2013](#)
- Nature Conservation (Loss of Mature Native Trees Key Threatening Process) Action Plan 2023 [DI2023-230](#)
- [Urban Forest Strategy 2021-2045](#).

Tree management responsibility is determined by land tenure. Whether land is leased or unleased, responsibility rests with the relevant custodian or lessee under the Crown lease arrangements. While legislation and policy provide a framework to guide decision-making for public tree management, accountability for managing trees at a specific location ultimately lies with the lessee or land custodian.

In addition, tree management decisions require case by case assessment and the application of specialist expertise, as is applied to public tree decision-making. These assessments involve site specific factors and professional judgement that cannot be reduced to prescriptive or universal decision-making rules, but are guided by the associated laws, policy and guidance materials.

There is no policy that determines the ownership of trees that sit across a land boundary; however, the directorate's applied process is to determine the majority owner based on trunk location.

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 the ACT Ombudsman's 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 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 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

Adam Roach
Information Officer
City and Environment Directorate
24 April 2026