



FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: FOI 25-006

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)	58 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: [CMTEDD_FOI](#)
To: [CED_FOI](#)
Subject: FW: CMTEDDFOI 2025-243 - Freedom of Information request
Date: Thursday, 3 July 2025 10:51:47 AM

OFFICIAL

Good morning team

Could you please advise if CED accepts full transfer of this request.

Thanks

Sue

Freedom of Information Coordinator | Information Access Team

Phone: 02 6207 7754 | Email: CMTEDDFOI@act.gov.au

Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 5, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | act.gov.au

From: no-reply@act.gov.au <no-reply@act.gov.au>
Sent: Thursday, 3 July 2025 8:05 AM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Subject: CMTEDDFOI 2025-243 - Freedom of Information request

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.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title: [REDACTED]

First Name: [REDACTED]

Last Name: [REDACTED]

Business/Organisation: Private

Address: [REDACTED]
Suburb: [REDACTED]
Postcode: [REDACTED]
State/Territory: ACT
Phone/mobile: [REDACTED]
Email address: [REDACTED]

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

All documentation and minutes of meetings that relate to the contract of the Reusable Facility at Mugga Lane and Mitchell by St Vincent DePaul Society Including a copy of the dataset of reusables. monthly, quarterly and bi annual reports and all correspondence between ACT NOWaste and SVDP

I do not want to access the following documents in relation to my request::

Thank you.
Freedom of Information Coordinator

From: [REDACTED]
To: [CED, FOI](#)
Subject: Re: FOI 25-006 - Clarification request
Date: Monday, 14 July 2025 9:09:27 AM

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 Sam, thanks for your email, to keep things easy (for me) I have just copied your questions with my replies.

Can you please advise if:

- you are only seeking access to records that have come to be held by TCCS (now CED) between 1 July 24 to 1st of July 25, per your email below?
- That is correct, I guess it should technically only be until the end of June 2025. But require all reports I assume the 12 monthly report may not have been sent within that financial year.
- correspondence of interest relate solely to relevant meetings, the dataset of reusables, monthly, quarterly and bi annual reports? The current wording can also be interpreted as all correspondence generally.
- Would appreciate all correspondence between Nowaste and SVDP (goodies) representatives. Especially any contact with Chairman Blundall, Adam Smith and Ash Pepper and any other Nowaste staff. All reports required under the contract.
- If the 'documents' you are seeking to access relate solely to relevant meetings, the dataset of reusables, monthly, quarterly and bi annual reports?
- All meetings and all reports required under the reporting requirements of the contract.

[REDACTED]

On 11 Jul 2025, at 10:29 am, CED, FOI <CEDFOI@act.gov.au> wrote:

Can you please advise if:

- you are only seeking access to records that have come to be held by TCCS (now CED) between 1 July 24 to 1st of July 25, per your email below?
- correspondence of interest relate solely to relevant meetings, the dataset of reusables, monthly, quarterly and bi annual reports? The current

wording can also be interpreted as all correspondence generally.

- If the 'documents' you are seeking to access relate solely to relevant meetings, the dataset of reusables, monthly, quarterly and bi annual reports?



ACT
Government

City and Environment

Our ref: CED FOI 25-006

[REDACTED]

Via email: [REDACTED]

Dear [REDACTED]

Freedom of Information – Notice of Decision

I refer to your amended access application under section 30 of the [Freedom of Information Act 2016](#) (the FOI Act), received by the City and Environment Directorate (CED) on 19 August 2025. It is my understanding you are seeking access to the following information:

- *I request minutes of meetings that relate to the contract of the Reusable Facility at Mugga Lane and Mitchell by St Vincent DePaul Society including a copy of the dataset of reusables, monthly, quarterly, and bi-annual reports. The date range for this request is 1 July 2024 to 1 July 2025"*

Timeframes

In accordance with section 46(3) your amended application is taken to have been made at the time it is given to CED, being 19 August 2025. Therefore, the timeframe under section 40 of the FOI Act initially required a decision on or before 30 September 2025.

On 26 September 2025, our office advised you of the requirement for third party consultation to be undertaken prior to reaching a decision on your application; Therefore, the timeframe under section 40 of the FOI Act was extended by 15 business days until 22 October 2025.

On 9 September 2025, our office contacted you to advise of a request from the third party for additional time to consult and a request for a further 15 business days to decide on your application. In accordance with section 41(4) the extension request is agreed as no refusal was received within 7 business days.

A decision is required to be made on your application by 12 November 2025.

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 25 records within the scope of your application have been identified. These records encompass reports relevant to the scope of your request and an export of an actions register.

Due to the frequency of meetings between ACT NoWaste and St Vincent De Paul (SVDP) 1 July 2024 to 1 July 2025, information discussed in meetings were recorded into an action register rather than a standard minute template. For this reason, I find the action register relevant to your application.

I have reviewed the information falling in scope of your application and followed the steps set out in section 17 and 38 of the FOI Act in reaching a decision on your application. In summary, I have found disclosure of the information, including the report titles, to be contrary to the public interest. Therefore, I refuse access to the requested information.

The reasons for my decision are detailed in the *statement of reasons* section below.

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
- the views of third party 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

No relevant factors identified.

Schedule 2 – Public interest test

Factors favouring disclosure (Schedule 2.1)

- *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 relevant information, I consider that the information you seek to access relates to a service provided to the community through a contractual arrangement. I acknowledge that the operation of the facility has been of interest to the public, and the disclosure of this information is likely to demonstrate the government's operations regarding contract compliance. However, I also consider that the degree in which material is already available to the public through the ACT Government's contract register, with redactions to commercially sensitive information only where specific thresholds of harm are demonstrated under the *Government Procurement Act 2001*. I also consider the degree of information made available through other information release processes, such as media releases, online publications and responses in the ACT Legislative Assembly.

While I find that this factor applies, I consider that the degree in which public interest would be advanced is minor and afford minimal weight to this factor.

I have given consideration to section 2.1(a)(iv) in which disclosure is likely to ensure effective oversight of expenditure of public funds; however, I have found that this factor does not apply. While the information you seek does relate to a contracted service, which in turn relates to the expenditure of public monies, the requested information itself does not ensure oversight of expenditure or reveal further information about the effectiveness of that expenditure; whereas information provided in the ACT Government Contract Register and annual budget statements provide this type of information.

Factors favouring nondisclosure (Schedule 2.2)

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

In making my decision, I have also considered the way CED is entitled to access the relevant information, and the agreement by both parties that the information is commercially sensitive. The expectations for the non-disclosure of commercially sensitive information to third parties is explicitly stated within the agreement, reference [GS3538978](#), and is provided to CED with the expectation it remains confidential.

Consistent with the ACT Ombudsman's guidelines (see [here](#) for ACT Ombudsman Guideline, page 32), third party consultation was undertaken to verify the sensitivity of the information. I have considered the views provided by St Vincent De Paul, including a confirmation that the information remains commercially sensitive.

I am satisfied by the information provided by St Vincent De Paul that the disclosure of this information is likely to prejudice their business affairs. I find there is sufficient demonstration that disclosure is likely to result in harm to their business affairs by disclosing information that details particulars regarding their operations, finances, strategy and performance which would in turn provide competitors with an advantage. In consideration of the degree and likelihood of harm resulting from disclosure, I have placed significant weight on factors 2.2(a)(xii) and 2.2(a)(xi).

Balancing the factors

In balancing the public interest, I consider the potential harm that could arise from disclosing information which is commercially sensitive and likely to prejudice the business affairs of St Vincent De Paul. While transparency is important, the degree of weight in favour of disclosure does not outweigh these risks which warrant careful protection. On balance, I have determined that disclosure of the information is contrary to the public interest.

Charges

Processing charges are not applicable for this application as no records are being released to you.

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 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
<http://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



Lisa Johnson
Information Officer
City and Environment Directorate
10 November 2025