



ACT

Government

City and Environment

OFFICIAL

Our ref: CED FOI 26-190

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 29 June 2026. It is my understanding you sought access to the following information:

“Documents relating to the administration, and compliance management, monitoring and enforcement, of the Public Unleased Land Act 2013, being-

1. A document or documents setting out the current regulatory policy or strategy for securing and enforcing compliance with the Act.

2. A document or documents containing the following data related to administration of the Act:

- (a) the number of permits that have been issued under the Act since it commenced authorising residential landholders to use adjoining or adjacent public unleased land;*
- (b) the number of permits that are currently in effect under the Act authorising residential landholders to use adjoining or adjacent public unleased land;*
- (c) the number of incidents of unauthorised use of public unleased land by residential landholders that have been reported in each of the last 5 years, and the number of such incidents that have been detected by ACT government officers in each of the last 5 years;*
- (d) the total number of enforcement actions that have been taken in respect of unauthorised use of public unleased land by residential landholders in each of the last 5 years, and the number of each type of enforcement action taken, ie. infringement notice, prosecution, directions etc.”*

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. Under section 41 of the FOI Act, you agreed an additional amount of time to decide your application. Therefore, a decision is due on or by **24 August 2026**.

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

Under section 43(1)(d) of the FOI Act, a respondent agency may refuse to deal with an access application wholly or in part if the government information is already available to the applicant. Section 45 sets out the circumstances in which government information is already available to the applicant. Those circumstances include where the government information is publicly available (section 45(g) of the FOI Act).

I have refused to deal with parts of your application under section 43(1)(d) and section 45(g) of the FOI Act as information within the scope of your application is already available to you. Information relating to Access Canberra's regulatory compliance and enforcement approach is publicly available through the Access Canberra Regulatory and Compliance and enforcement Policy, which can be accessed at:

https://www.accesscanberra.act.gov.au/data/assets/pdf_file/0010/2303578/AC-Regulatory-Compliance-Enforcement-Policy.pdf

A search for records held by CED has been completed and one record within the scope of your application has been identified. The record is listed in the schedule at **Attachment A**.

I have decided to grant **full** access to the 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**.

Additional information

In relation to point 2(a) of your application, a total of approximately 25,000 permits has been recorded in the permit register since the commencement of the *Public Unleased Land Act 2013* (the Act).

In relation to point 2(b) of your application, the records within the Access database identify, on 1 July 2026 there are 344 active permits.

Pursuant to section 86 of the Act, the Director-General is required to maintain a permit register that includes the following information:

- (a) the name of the permit holder;
- (b) the location of the permitted public unleased land;
- (c) the permitted activity;
- (d) the permitted times;
- (e) the term of the permit; and
- (f) the conditions of the permit

For noting, the permit register retains personal contact details of permit holders. However, it does not capture or classify permit holders by residential status.

Permit records are not stored in a format that can be electronically interrogated for large-scale reporting. In addition, the recorded location of permitted land use may be described at varying levels of detail, including block, section, street, suburb, or region. The register does not identify the precise physical positioning of the permitted use within or adjacent to these areas.

Due to these limitations in the Access database design and data structure, it is not possible to generate a report identifying the number of permits issued to residential landholders for the use of adjoining or adjacent public unleased land, nor the number of such permits currently in effect.

In relation to point 2(c) and (d) of your application, reports were generated through the Salesforce database. However, there are some limitations in the Salesforce system relevant to the data:

	FY				
	2021-22	2022-23	2023-24	2024-25	2025-26
Unauth PUL cases*	843	424	467	615	713
PUL Directions**	972	1145	653	814	818
PUL Warning Notices***	444	412	400	415	327
PUL Infringement Notices****	361	219	157	521	433
Prosecutions	0	2	9	4	4

* Report generated to only display cases that have Feedback Type categorised as "Unauthorised Use of Territory Land"

** Contains directions related to improper use of public unleased land from ALL Feedback Type categories. Notices directly referencing non-PUL were filtered out.

*** Contains warning notices related to improper use of public unleased land from ALL Feedback Type categories. Notices directly referencing non-PUL were filtered out. Many WN notices were not categorised when entered into SF, so unable to determine without entering into each individual case and recording, which cannot be done with closed cases without being reopened and closed again.

**** Contains infringement notices related to improper use of public unleased land from ALL Feedback Type categories. Notices directly referencing non-PUL were filtered out. Many IN notices were not categorised when entered into SF, so unable to determine without entering into each individual case and recording, which cannot be done with closed cases without being reopened and closed again.

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.

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 categories 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.*

In reviewing the information within the scope of your application, I consider that disclosure promotes open discussion of public affairs and enhances government's accountability generally. I have placed significant weight on this factor.

Factors favouring nondisclosure (Schedule 2.2)

- *No relevant factors have been identified.*

Having applied the public interest test outlined in section 17 of the FOI Act, I have concluded that the information contained in the records is the public interest to disclose. Accordingly, I have decided to provide you with full access.

Charges

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

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
<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)

Helen Stoddart
Information Officer
City and Environment Directorate
21 August 2026