



ACT

Government

City and Environment

Our ref: CED FOI 25-013



Dear 

FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the City and Environment Directorate (CED) on 18 July 2025.

Specifically, you have sought access to the following information:

In reference to CMTEDDFOI 2025-149, the contents of the ministerial briefs provided by CMTEDD that are titled the following:

- 25/0004289 Ministerial Brief - Initiated - Steel - Background of Majura Block 709
- 25/0004722 Ministerial Brief - Steel - Building Levy Review
- 25/0014130 Ministerial Brief - Initiated - Cheyne - 2025-26 Access Canberra Accountability Indicators
- 25/0145002 Brief - Requested - Cheyne - Information on Traffic Infringements
- 25/0149551 Ministerial Brief - Initiated - Cheyne - Working with Vulnerable People scheme pressures.

On 29 August 2025, it was confirmed that you were only seeking copies of finalised briefs.

One of the requested briefs (25/0145002 Brief - Requested - Cheyne - Information on Traffic Infringements) is a draft and has not been included in this decision.

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 Act.

Timeframes

In accordance with section 40 of the Act, CED is required to provide a decision on your access application within 30 days. An extension to the decision due date was granted, therefore, a decision is due on or by **12 September 2025**.

Decision on access

Searches of CED records have identified 13 documents within the scope of your application.

I have decided to:

- grant full access to 8 documents,

- grant partial access to 4 documents,
- refused to deal with 1 document which is publicly available.

The documents identified as relevant to your application are listed in the schedule at **Attachment A**. The schedule provides a description of each document that falls within the scope of your application and the access decision for each of those documents. The information being released to you is provided at **Attachment B**.

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 decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request
- the *Human Rights Act 2004*
- the *Freedom of Information (Volume 4 - Considering the Public Interest) Guidelines 2023*
- information which is publicly available.

Under section 43(1) of the Act, 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. One document (Attachment A to document 9) is publicly available, which satisfies section 45(a) of the Act. A link to the document is included in **Attachment A**.

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose in accordance with **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring nondisclosure in **Schedule 2** of the Act.

Schedule 1: Information taken to be contrary to the public interest

Two documents contain Cabinet information. Schedule 1, 1.6 of the Act provides that Cabinet information is taken to be contrary to the public interest. These documents contain information relating to Cabinet deliberations and decisions that have not been officially published. I have determined that the information not released, is not purely factual information.

This information being withheld does not identify corruption or the commission of an offence by a public official or that the scope of a law enforcement investigation has exceeded the limits imposed by law.

Schedule 2: Factors to be considered when deciding the public interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and nondisclosure.

Taking into consideration the information within scope of your application, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure (Section 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.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

There is a compelling public interest in transparency regarding the conduct, administration and management of government processes and decisions. The ability for the public to have informed debates and discussions regarding government administrative processes, while holding the government accountable, is of fundamental significance for the proper workings of representative democracy.

I am satisfied that these factors favouring disclosure carry some weight. However, these factors are to be balanced against the factor favouring nondisclosure.

Factors favouring nondisclosure (Section 2.2)

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

Personal Information

Two documents contain personal information, being signatures of individuals. I have considered how the public interest would be advanced by releasing this information in part or in whole. It is my view that the disclosure of this information could reasonably be expected to prejudice the protection of an individual's right to privacy under section 12 of the *Human Rights Act 2004*. On balance, and the information available to me, I am satisfied that the disclosure of this personal information is not in the public interest.

Balancing relevant factors

Having applied the test outlined in section 17 of the Act and deciding that the release of some information contained within the documents is not in the public interest to disclosure, I have chosen to redact this specific information in accordance with section 50(2) of the Act. Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to disclose will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CED within scope of your application.

Charges

Processing charges are applicable for this request as the total number of pages released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with Section 107(2) of the Act.

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, this decision and documents released to you will be published on the CED disclosure log.

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 provided to you, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, 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(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/>

Should you have any queries in relation to your request please contact the Information Access Team by telephone on 6207 2987 or email CEDFOI@act.gov.au.

Yours sincerely

(Signed electronically)

Matthew Kamarul
Information Officer
City and Environment Directorate
12 September 2025