

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 5 May 2026. It is my understanding that you are seeking access to the following information:

- *“Any and all complaints and correspondence relating to complaints or concerns regarding barbeque safety at Kilmeny Close Park in Franklin ACT”.*

### 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 **15 June 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, with four (4) records identified as being within the scope of your application. These records are listed in the schedule at **Attachment A**.

I have decided to grant partial access to the four records. 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 the information determined to be 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
- 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 categories of information listed in Schedule 1 have been identified as being applicable to your access application.

#### 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.

In reviewing the information within the scope of your application, I have decided that disclosure promotes open discussion of public affairs and enhances government's accountability generally. Additionally, the disclosure of the information will contribute to an informed debate on a matter of public interest. I have placed moderate weight on these factors.

##### *Factors favouring nondisclosure (Schedule 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*.

The records relevant to your application contain the personal information of third parties (including names, addresses and images), which CED is required to handle in accordance with the *Information Privacy Act 2014*, as well as its published privacy statements and policies. I have given significant weight to this factor.

##### *Balancing the factors*

Having applied the public interest test outlined in section 17 of the FOI Act, I have concluded that the disclosure of third-party personal information is, on balance, contrary to the public interest to disclose. Accordingly, I have redacted this specific information under section 50(2) of the FOI Act. 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.

#### **Charges**

Processing charges are not applicable to 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](mailto: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 by phone 6207 2987 or email [CEDFOI@act.gov.au](mailto:CEDFOI@act.gov.au).

Yours sincerely

*(signed electronically)*

Helen Stoddart  
Information Officer  
City and Environment Directorate  
11 June 2026