

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 20 April 2026. Your application was received by partial transfer from the Chief Minister, Treasury and Economic Development Directorate (CMTEDD). A separate decision on your application in relation to information held in CMTEDD will be provided to you by CMTEDD. It is my understanding you sought access to the following information:

“Under the Freedom of Information Act 2016, I request access to all ministerial diary entries, calendar entries, briefing notes, meeting notes, correspondence, and records of communication (including emails, letters, phone records, and text messages) for the office of Minister Yvette Berry relating to:

- 1. Any meetings, communications or contact with Nick Georgalis, Damon Smith, Geocon Group, Geocon Constructors, NG Landholdings, or any representative thereof, between 1 January 2021 and 31 March 2023*
- 2. Any internal briefings or advice to Minister Berry regarding the Phillip Swimming and Ice Skating Centre site (1-5 Irving Street, Phillip) between 1 July 2022 and 31 March 2023.*
- 3. Any communications between Minister Berry's office and the Suburban Land Agency, ACT Planning Authority, or City Renewal Authority regarding the Phillip site between 1 July 2022 and the present day (17 April 2026 or whenever this request is received).*
- 4. Any communications between Minister Berry's office and the ACT Electoral Commission or ACT Labor regarding political donations received from Nick Georgalis, Geocon Group, or associated entities between 1 January 2018 and present day.”*

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 **25 June 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

A search for records held by CED and the Suburban Land Agency have been completed and three 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 one record.
- grant **partial** access to two 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 that is contrary to the public interest to disclose.

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* and
- 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 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 moderate weight on this factor.

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.*

Some of the records relevant to your application contains the personal information of members of the public including names and contact details. I have considered that this information is not readily available to the public and has not otherwise been disclosed by CED. I further consider that this information has come to be held by CED with the expectation that it is handled in accordance with the *Information Privacy Act 2014*.

It is my view that this information if disclosed, could reasonably be expected to prejudice the protection of an individual's right to privacy under section 12 of the *Human Rights Act 2004*. I have placed substantial 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 the context surrounding government decisions.

However, I must also consider the strong public interest in protecting personal privacy, preserving the integrity of ongoing investigations and safeguarding the legitimate business affairs of third parties. In several instances, the likelihood and degree of prejudice that could result from disclosure is significant.

Having applied the public interest test outlined in section 17 of the FOI Act, I have concluded that some information contained in the records is not in 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 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 digitally.

Craig Weller
Information Officer
City and Environment Directorate
25 June 2026