



ACT
Government

City and Environment

OFFICIAL

Our ref: CED FOI 26-155

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 4 June 2026. Your application was received as part of a Multiple Directorate request; therefore, you will receive separate decisions from those Directorates.

It is my understanding you sought access to the following information:

1. *All emails and any other correspondence related to the tender evaluation of the Monaro Highway upgrade between Executive Branch Managers and Executive Group Managers within and between Infrastructure Canberra and the Transport Canberra and City Services Directorate in 2023.*
2. *The final tender evaluation report, including all appendices, produced for the Monaro Highway upgrade in 2023.*
3. *Any further correspondence from Infrastructure Canberra Executives relating to any potential project risks for the Monaro Highway Upgrade in 2023 and 2024.*
4. *Documents relating to all contract variations awarded to Wodens Contractors for the Monaro Highway upgrade.*

On 1 July 2026, you clarified the scope of your application via written correspondence with iCBR as follows:

1. *All emails and any other correspondence related to the tender evaluation of the Monaro Highway upgrade between Executive Branch Managers and Executive Group Managers within and between Infrastructure Canberra and the Transport Canberra and City Services Directorate in 2023.*
2. *The final tender evaluation report, including all appendices, produced for the Monaro Highway upgrade in 2023.*
3. *Risks reports to the governance board for the Monaro Highway Upgrade in 2023 and 2024.*
4. *Contractors claims and iCBR approval documents relating to all contract variations awarded to Wodens Contractors for the Monaro Highway upgrade.*

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 **20 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

A search for records held by CED has been completed and 23 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 17 records.
- grant **partial** access to 6 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**.

I note that out of scope information has been redacted from some of the records.

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 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.*
- *Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

In reviewing the information within scope of your application, I have identified information that is likely to provide background or contextual information that informed government decisions and may promote open discussion and informed debate of public affairs. Furthermore, I consider that disclosure enhances government's accountability generally. I have placed significant 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.*

Some of the records contain the mobile phone numbers of an ACT Public Service employees. Release of information concerning individuals working within the ACT Public Service is generally not considered to prejudice the protection of an individual's right to privacy. However, the mobile numbers of employees are either personal phone numbers or provided by CED to staff for a specific purpose, such as out of hours contact.

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 given substantial weight to 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.

I also consider that the disclosure of the mobile numbers is likely to prejudice the personal privacy of employees and their right to disconnect, and that the advancement to the public in disclosing this information is minimal as information on how to contact the directorate is already publicly available.

On balance, I find that the factor favouring nondisclosure carry greater weight than the factors favouring disclosure for the relevant information.

Having applied the public interest test outlined in section 17 of the FOI Act, I have concluded that the personal information contained in the records is not in the public interest to disclose. Accordingly, I have redacted this information in accordance with 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 applicable for this application because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, I have decided not to impose a fee in response to your application.

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
Web: <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
20 August 2026