



By Email: [REDACTED]

Dear [REDACTED]

**Decision on Freedom of Information Access Application 24/075637**

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the FOI Act) received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 12 July 2024.

Specifically, you are seeking:

*"...any briefs, documentation, minutes, correspondence, internal messages and related records which mention the "Inter-town Public Transport route" (also known as the "IPT", the "IPT route" or the "IPT route overlay") in relation to the new Territory Plan since 1 June 2019."*

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 of the Act. EPSDD must decide your application on or by 23 August 2024.

**Decision on access**

In response to your application, comprehensive searches were conducted and 32 documents containing information within the scope of your application were identified.

I have included as **Attachment A** to this decision the schedule of relevant documents. 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.

In considering your application, I have taken the following into account:

- the FOI Act, particularly sections 6, 17, 50, Schedule 1 and 2;
- the content of the documents that fall within the scope of your request;
- the *Freedom of Information (Volume 4 – Considering the public interest) Guidelines 2023* (Notifiable Instrument [NI2023-751](#)) and;
- the *Human Rights Act 2004*.

I have decided to:

- grant **full access** to 28 documents.
- refuse access to one document.

- grant **partial access** to 3 documents and, in accordance with section 50 of the Act, provide you with copies of documents with deletions applied to contrary to the public interest information.

### **Information Disclosure – Contrary to the Public Interest under schedule 1 of the Act**

Information relevant to your application has been identified to fall under Schedule 1, 1.6 of the Act and is taken to be contrary to the public interest to disclose. This information 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 1, 1.6 (1) (a) – Cabinet Information

The Act identifies any official record of Cabinet or information which would reveal any Cabinet deliberation as being contrary to the public interest, a factor favouring non-disclosure under the public interest provisions. Document 28 contains information that falls within Schedule 1, section 1.6 of the Act as it is information which has been brought into existence and proposed to be submitted to Cabinet in its decision making and assist it in its deliberations and which has not been officially published, and any disclosure of which would reveal those deliberations.

### **Public interest considerations**

#### Information Disclosure – Schedule 2 of the Act

In assessing whether disclosure of the remaining information identified in relation to your request would, on balance be contrary to the public interest, I must apply the test outlined under section 17 of the Act.

This requires consideration of factors favouring disclosure, any favouring nondisclosure and the balancing of those factors when considered cumulatively. Unless, on balance, disclosure would be contrary to the public interest, access to the information must be allowed.

#### *Factors Favouring Disclosure*

In applying the public interest test, I have determined that disclosure of the information could reasonably be expected to do the following:

- Schedule 2, 2.1(a)(i) – promote open discussion of public affairs and enhance the government’s accountability.
- Schedule 2, 2.1(a)(ii) – contribute to positive and informed debate on important issues or matters of public interest.

#### *Factors favouring non-disclosure*

In applying the public interest test to the documents identified in relation to your application, I have determined that disclosure of the information could reasonably be expected to do the following:

- Schedule 2, 2.2(a)(ii) – disclosure of the information could reasonably be expected to prejudice the protection of an individual’s right to privacy or any other right under the *Human Rights Act 2004*.

### *Personal information*

Documents 15, 24 and 27 contain personal information, including mobile numbers, of individuals. I am satisfied that the factors in favour of release can still be met while protecting relevant personal information. I have therefore weighed the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information could prejudice the individual's right to privacy under the *Human Rights Act 2004*. Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2) of the Act.

### **Charges**

In accordance with section 107(2) of the Act any charges applicable are waived.

### **Online Publication**

Under section 28 of the Act, the Environment Planning and Sustainable Development Directorate (EPSDD) maintains an online record of access applications called a disclosure log. Your original access application, this decision and documents released will be published in the EPSDD disclosure log no earlier than three days after you receive this decision. Your personal contact details will not be published.

You may view the EPSDD disclosure log at

<https://www.environment.act.gov.au/about-us/access-government-information/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 published in the disclosure log, or a longer period allowed by the Ombudsman. For more information and the application form for Ombudsman review, please visit:

<https://www.ombudsman.act.gov.au/accountability-and-oversight/freedom-of-information/foi-complaints-and-reviews>

Alternatively, you may write to the 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 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  
15 Constitution Avenue  
GPO Box 370  
CANBERRA CITY ACT 2601

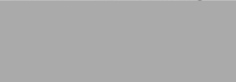
Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

### **Further Information**

If you have any queries concerning the Agency's processing of your request, or would like further information, please email [EPSDFOI@act.gov.au](mailto:EPSDFOI@act.gov.au) or call (02) 6207 1923 and ask for the Information Governance team.

Yours sincerely



Ben Green  
Executive Group Manager, Planning Urban Policy  
Information Officer

21 August 2024