



ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923

Reference: 21/45378



Dear 

Freedom of Information 21/45378

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the Act) received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 21 May 2021, in which you sought access to information relating to the William Hovell Drive Preliminary Sketch Plan.

Specifically, you are seeking:

“Bindubi Street grade separated intersection with William Hovell Drive – Preliminary Sketch Plan (AECOM for EPSDD, May 2019).”

Your application was transferred from Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 21 May 2021, in accordance with section 57 of the Act, as EPSDD held the information within the scope of your application.

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 make a decision on your application on or by 22 June 2021.

The AECOM study does not necessarily represent the ACT Government’s position on the future treatment of this intersection or any work that may occur at this location.

Searches Conducted

Comprehensive searches were conducted and one document containing information within the scope of your application was located.

Decision on Access

I have included as **Attachment A** to this decision the schedule of the relevant document. The schedule provides a description of the document that falls within the scope of your application and the access decision for this document.

I have decided to grant partial access to this document and, in accordance with section 50 of the Act, provide you with a copy of this document with deletion of contrary to the public interest information.

My access decisions are detailed further in the following statement of reasons and the document released to you is provided as **Attachment B** to this letter.

Material Considered

In reaching my access decision, I have taken the following into account:

- the Act, particularly sections 6, 17, 50, and schedule 2
- the content of the document that falls within the scope of your request
- the *Human Rights Act 2004*

Public Interest Considerations

My reasons for deciding not to grant access to certain components of this document are as follows:

Information Disclosure – Schedule 2 of the Act

The Act recognises the right of every person to obtain access, under its provisions, to government information (see section 7, the Act). As an Information Officer, I am required to allow access to information subject to the Act, unless, on balance, disclosure would be contrary to the public interest.

In assessing the public interest, I must apply the test outlined under section 17 of the Act which requires consideration of factors favouring disclosure, any favouring nondisclosure and the balance of those factors when considered cumulatively.

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 government's accountability.

Factors Favouring Nondisclosure

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

Personal Information

The document containing information relevant to your application contains personal information, being the names and initials of employees of AECOM.

I have considered the release of this information, and my view in this instance is that the disclosure of these individuals' names would not serve to further open discussion or government accountability.

I have considered that the disclosure of identified personal information could reasonably be expected to prejudice the protection of an individual's right to privacy in accordance with Schedule 2.2(a)(ii) of the Act and is therefore contrary to the public interest.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the document is not in the public interest to release, I

have chosen to provide a copy of the document with this specific information deleted in accordance with section 50 of the Act. Noting the pro-disclosure intent of the Act, I am satisfied that deleting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by EPSDD within the scope of your application.

Charges

Pursuant to the *Freedom of Information (Fees) Determination 2018*, processing charges are not applicable to your application, as the total number of pages to be released to you is below the charging threshold of 50 pages.

Online Publication

Under section 28 of the Act, 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/_data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf

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
Level 4, 1 Moore St
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 Directorate's processing of your request, or would like further information, please contact EPSDD Customer Service on (02) 6207 1923 and ask for the FOI team, or email to EPSDFOI@act.gov.au.

Yours sincerely



Ben Green

Information Officer
Executive Group Manager, Development and Implementation
Environment, Planning and Sustainable Development Directorate

18 June 2021