



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: (02) 6207 1923  
Reference: 22/27838

### **Decision on Freedom of Information Access Application 22/27838**

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 17 March 2022, in which you sought access to documents relating to the *Ten Year Master Plan for Trunk Cycling and Walking Path Infrastructure 2004-14*.

Specifically, you are seeking:

*“Brown Consulting 2004, Ten Year Master Plan for Trunk Cycling and Walking Path Infrastructure 2004-14, ACTPLA and RoadsACT, Canberra.”*

EPSDD requested an extension to the initial due date and, consequently, must decide on your application on or by 29 April 2022.

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 of the Act.

#### **Searches Conducted**

Comprehensive searches were conducted, resulting in the identification of one document containing information that fell within the scope of your application. I have included as **Attachment A** to this decision a schedule of the relevant document, which provides both a description of it and my access decision.

#### **Decision on Access**

I have decided to grant full access to the document identified as relevant to your application and recorded at **Attachment A**. My access decision is detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

#### **Material Considered**

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

- the FOI Act, particularly sections 6, 17, Schedule 2
- the content of the document that falls within the scope of your request

## **Public Interest Considerations**

### **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.

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
- Schedule 2, 2.1(a)(viii) – reveal the reason for a government decision and any background or contextual information that informed the decision

I am satisfied that there were no factors identified that favoured nondisclosure of the information in the document identified as falling within the scope of the request.

Accordingly, I am satisfied the balance of relevant considerations set by the Act favour disclosure and that disclosure of the information identified would not be contrary to the public interest.

### **Charges**

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

### **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](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](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  
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](mailto:EPSDFOI@act.gov.au).

Yours sincerely



Carolyn O'Neill  
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Executive Group Manager, Planning and Urban Policy  
Environment, Planning and Sustainable Development Directorate  
29 April 2022