



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: (02) 6207 1923  
Reference: 22/33787

Dear [REDACTED]

### **Decision on Freedom of Information Access Application 22/33787**

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 30 March 2022.

Specifically, you are seeking:

*“...copy of the 2030 Charging Outlook for Zero Emissions Vehicles in the ACT report prepared by Deloitte Touche Tohmatsu in 2021.”*

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

Due to third party consultation and your agreement to an extension to the due date, EPSDD must make a decision on your application on or by 31 May 2022.

### **Searches Conducted**

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

### **Decision on Access**

I have included as **Attachment A** to this decision the document schedule. 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 the document relevant to your application.

In accordance with section 38 of the Act, a third party was consulted on release of the information. The third party objected to the release of some of the information within the document.

Access to the document is therefore deferred to allow the third party an opportunity to seek a review of this decision. You will be notified when either a review is submitted by the third party or access to the information is no longer deferred.

## **Material Considered**

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

- the FOI Act, particularly sections 6, 17, 38, 50 and Schedule 2
- the content of the document that falls within the scope of your request
- the views of the third party consulted
- information publicly available

## **Public Interest Considerations**

My reasons for deciding not to grant access to certain components of the 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 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 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, 2.2(a)(xi) – prejudice trade secrets, business affairs or research of an agency or person.

### **Prejudice Trade Secrets, Business Affairs or Research of an Agency or Person**

In their response the third party raised objections to release of some information as they considered it to be commercially valuable.

In making my decision I have considered how the release of the third party's methodology and research would have a detrimental affect on their business affairs.

Release of this information publicly would divulge detailed methodologies and research developed by the third party, to competitors in the market and would be expected to result in a loss of income.

## **Charges**

In accordance with section 107(2)(e) of the Act the charges applicable to this application 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



Daniel Harding  
Information Officer  
Executive Branch Manager, Climate Change and Energy Policy  
Environment, Planning and Sustainable Development Directorate

26 May 2022