



ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923
Reference: 22/95646

Dear [REDACTED]

Decision on Freedom of Information Access Application 22/95646

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 25 July 2022, in which you sought access to documents relating to 2022 kangaroo cull data.

Specifically, you are seeking:

*“What was the total number of kangaroos killed in each of these Nature Reserves in 2022?
In each reserve:*

What was the total number of female kangaroos killed?

Red Hill Nature Reserve:

Mulligans Flat Woodland Sanctuary:

Mount Ainslie Nature Reserve:

Mount Majura Nature Reserve:

Goorooyaroo Nature Reserve:

West Jerrabomberra Grasslands Reserve:

Isaacs Ridge Nature Reserve:

Mount Mugga Mugga Nature Reserve:

Callum Brae Nature Reserve:

What was the total number of male kangaroos killed?

Red Hill Nature Reserve:

Mulligans Flat Woodland Sanctuary:

Mount Ainslie Nature Reserve:

Mount Majura Nature Reserve:

Goorooyaroo Nature Reserve:

West Jerrabomberra Grasslands Reserve:

Isaacs Ridge Nature Reserve:

Mount Mugga Mugga Nature Reserve:

Callum Brae Nature Reserve:

Were at foot joeys included in the total count of kangaroos killed?

How many in-pouch joeys were killed this year?

Were any other macropods, that were not eastern grey kangaroos, killed during this year's cull? (Wallabies, wallaroos)

How many kangaroos required an additional shot to achieve death?"

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 19 August 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 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 the document.

I have decided to grant full access to the document relevant to your application. However, despite my decision, I have not yet provided you with a copy of the relevant document. This is because I have decided to defer access to the information requested under section 49 of the FOI Act. I have done this because the report is due to be released publicly in the near future.

Access to the requested information will be provided by 31 October 2022. You will be sent a copy of the relevant document by this date. My access decisions are 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, 49 and 50
- the content of the documents that fall within the scope of your request
- information publicly available

Public Interest Considerations

My reasons for deciding not to grant access to certain documents and components of these documents are as follows:

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.

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

Factors favouring Nondisclosure

In applying the public interest test, I have determined that there is no reason to refused access to part or all of the document.

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

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



Bren Burkevics
Information Officer
A/g Executive Group Manager, Environment, Heritage and Water
Environment, Planning and Sustainable Development Directorate

18 August 2022