



ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923
Reference: 23/024795

Dear [REDACTED]

Decision on Freedom of Information Access Application 23/024795

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 2 March 2023, in which you sought access to documents relating to national biosecurity stocktake investment between 2014 and 2018.

Specifically, you are seeking:

1. *Information gathered, compiled, or prepared by the Environment, Planning and Sustainable Development Directorate (EPSDD) for the purpose of the National Stocktake of Biosecurity Investment, for the periods*
 - a. *July 2013-June 2014;*
 - b. *July 2014-June 2015;*
 - c. *July 2015-June 2016;*
 - d. *July 2016-June 2017.*
2. *Information provided to the Australian Government for the purpose of each of the National Stocktakes of Biosecurity Investment identified in sub-paragraphs (a), (b), (c) and (d) above.*
3. *Information gathered, compiled, or prepared by the EPSDD for the purpose of the National Environmental Biosecurity Stocktake 2018.*
4. *Information provided to the Australian Government for the purpose of the National Environmental Biosecurity Stocktake 2018.*
5. *If the information in (2) and/or (4) was provided to another Australian Capital Territory Government agency for the purpose of being provided to the Australian Government, the information provided to the relevant Australian Capital Territory Government agency.*

Deemed decision

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

The initial due date for our response was 31 March 2023, and you had granted an extension to 18 April 2023.

EPSDD has not responded to your application within timeframes as defined in section 40 of the Act. Under section 39(1)(a) of the Act, a decision not made in time is taken to be a refusal to give access.

As advised in our email of 19 April 2023, we will notify the ACT Ombudsman of this deemed decision. We appreciate your patience while we have continued to deal with your application as allowed under section 39(3).

Searches Conducted

Section 34(1) of the Act requires the respondent to take reasonable steps to identify information that falls within the scope of the access application. I am satisfied that reasonable steps were taken to identify information within scope of the application. Two documents containing information within the scope of your application were identified.

Decision on Access

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.

I have decided to grant full access to two documents relevant to your application. Some information that is not in scope of your application has been removed.

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, and Schedule 2
- the content of the documents that fall within the scope of your application
- your views regarding the public interest.

Thank you for providing additional contextual information about the stocktakes.

Public Interest Considerations

My reasons for deciding to grant access to these documents are as follows:

Information Disclosure – Contrary to the Public Interest under Schedule 1 of the Act

There were no factors identified that are contrary to the public interest under Schedule 1 of the Act.

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

No factors were identified favouring non-disclosure.

Charges

No charges are applicable to this application as the number of pages released to you is less than 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
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 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
Executive Group Manager, Environment, Heritage and Water

18 July 2023