



ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923
Reference: 23/066177

Dear [REDACTED]

Decision on Freedom of Information Access Application 23/066177

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 22 June 2023, in which you sought access to documents relating to wild dog management in Namadgi National Park.

Specifically, you are seeking:

- *“Any data that can describe the exact location and intensity of wild dog trapping from January 2021 until now. This may include maps, GPS tracking data from the pest animal controller vehicle, or any other data which can demonstrate exactly where control works have taken place. Please note that control works may have been provided by contractors, as well as employed staff.*
- *Any data that can describe the exact location and intensity of wild dog baiting from January 2021 until now. This may include maps, GPS tracking data from the pest animal controller vehicle, or any other data which can demonstrate exactly where control works have taken place. Please note that control works may have been provided by contractors, as well as employed staff.*
- *Copies of any correspondence that could prove that a request for aerial baiting was undertaken by the Biosecurity and Rural Services team, from January 2021 until now. This may include correspondence between the BRS team and Environmental Protection Agency (EPA) eg: email request, formal application, meeting record, phone call record, any document that could prove aerial baiting has been requested.*
- *Records of any reports, submissions or briefings (emails, letters, reports etc) submitted to Legislative Assembly from Namadgi, with regards to 1080 poison, and / or wild dogs. Such reports may have been presented by the Biosecurity and Rural Services Team in early 2023.*
- *Copies of any meeting records (phone, email, internet, briefings, updates) relating to wild dog management issues / concerns in Shannons Flat. This may include concerns raised by [REDACTED], the Shannons Flat - Bredbo - Michelago and Dry Plains Wild Dog Management Group, and / or Aaminaby -Yaouk Wild Dog Management Group.*
- *Copies of any communication between Namadgi and NSW Local Land Services, relating to wild dog management from January 2021 until now. This information may contain keywords such as cross border proposal, nil tenure or cost sharing.*

- *Any data that may demonstrate the total number of livestock lost to Namadgi wild dogs from January 2021 until now. Any data held by Namadgi about livestock losses around their full perimeter (ie: not limited to Shannons Flat)."*

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 due date was extended to allow for third party consultation. As such, EPSDD must decide your application on or by 24 August 2023.

Searches Conducted

Comprehensive searches were conducted and 36 documents containing information within the scope of your application were identified. With your agreement, SMS messages between yourself and the Directorate were excluded.

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 15 documents relevant to your application.

I have decided to grant partial access to 21 documents and, in accordance with section 50 of the Act, provide you with copies of documents with deletions applied to contrary to the public interest information.

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, 50 and Schedule 2
- the content of the documents that fall within the scope of your request
- the *Human Rights Act 2004*
- the views of third parties consulted.

Public Interest Considerations

My reasons for deciding not to grant access to certain components of these documents 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.
- 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 disclosure of the information could reasonably be expected to do the following:

- Schedule 2, 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

Documents relevant to your application contain personal information of individuals such as mobile phone numbers and names of lease holders. I have considered how the public interest would be advanced by releasing this information in part or in whole. It is my view that the information if disclosed, could reasonably be expected to prejudice the protection of an individual’s right to privacy under section 12 of the *Human Rights Act 2004*. On balance, and the information available to me, I am satisfied that the disclosure of this personal information is not in the public interest.

To provide you with the information that I have determined to be in the public interest to release, copies of some documents have been prepared with personal information redacted in accordance with section 50 and the Objects of the Act.

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

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

8 August 2023