



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: (02) 6207 1923  
Reference: 22/92559

## Decision on Freedom of Information Access Application 22/92559

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (Act) received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 15 July 2022, in which you sought access to documents relating to annual reports and budgets of the invasive weeds program.

Specifically, you are seeking:

- *"...the annual reports of the Invasive Weeds Program for 2019-2022 and the budget for this program. There is a chart showing the increases and decreases for this area over time. I would also like these budget figures listed for the last 5 years. This information was available on the website for the program but was removed recently",* and
- *"...the budget figures to be broken down by contributions to the invasive weeds program from different sources."*

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

You have granted two extensions, and the ACT Ombudsman has approved a further extension under s42 of the Act. EPSDD must make a decision on your application on or by 12 September 2022.

### Searches Conducted

Comprehensive searches were conducted and four documents containing information within the scope of your application were identified. This includes a spreadsheet that contains budget information for 2018 to 2022, a draft environmental weed control budget trendline and an annual report on invasive plants for 2021-2022.

I note that you have seen other annual reports on the EPSDD website. These reports were generated with a web-based tool using publicly available data from the EPSDD Operations Dashboards at <https://www.environment.act.gov.au/parks-conservation/plants-and-animals/biosecurity/invasive-plants>. The information was inadvertently made available in report format and was subsequently removed from the website, as you have noted. I am advised that the information does not exist in document format outside of those datasets. Once the report format is removed, the information no longer exists in that format.

All the information contained in the earlier annual reports is available in the budget spreadsheet being released to you, and the “Invasive plant control maps and progress reports” on the Operations Dashboards at <https://www.environment.act.gov.au/parks-conservation/plants-and-animals/biosecurity/invasive-plants>. The budget spreadsheet includes funding sources and funding trends over time.

Please note that the report being released to you was initially made available without review and approval and therefore may contain incorrect information.

### **Decision on Access**

I have included as **Attachment A** to this decision the schedule of relevant documents. The schedule provides a description of the four documents that fall within the scope of your application and the access decision for each of those documents.

I have decided to grant full access to the four documents relevant to your application. Material outside the scope of your access application has been redacted.

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, 41, and Schedule 2
- the content of the documents that fall within the scope of your request
- information publicly available.

### **Public Interest Considerations**

My reasons for deciding to grant access to certain documents and 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.

### **Charges**

In accordance with the *Freedom of Information (Fees) Determination 2018* no charges are applicable to this application, the number of pages to be released is below the minimum 50 page threshold.

### **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



Information Officer  
Executive Group Manager, Environment, Heritage and Water

12 September 2022