



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: (02) 6207 1923  
Reference: 23/096619



Dear 

### **Decision on Freedom of Information Access Application 23/096619**

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 14 September 2023.

Specifically, you are seeking:

*"...documents generated or received by the ACT Government that discuss in any way the banning or phasing out of wood fired pizza ovens, barbecues, smokers, charcoal spits, hangi's, gas or charcoal powered patio heaters, backyard outdoor fire pits or any other charcoal, gas bottle and wood fired cooking or heating appliance.*

*The scope would exclude any documents that relate solely to the government policy to phase out gas connections to residences.*

*These documents would include but are not limited to:*

- Ministerial briefs
- Minutes
- Draft documents
- Email chains
- Policy proposals"

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 decide your application on or by 27 October 2023. Your application has been partially transferred to the Chief Minister, Treasury and Economic Development Directorate who will provide a separate response.

### **Searches Conducted**

Comprehensive searches were conducted by EPSDD Portfolio officers for information relevant to your application. However, no documentation containing information relevant to your application was identified.

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

### **Decision on Access**

Searches conducted have not identified any information specific to the scope of your application. I am satisfied that a thorough process was completed to locate the information you are seeking. I have therefore decided, under section 35(1)(b) of the Act the information is not held by EPSDD.

### **Charges**

In accordance with the *Freedom of Information (Fees) Determination 2018* no charges are applicable to this application.

### **Online Publication**

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Your original access application and this decision 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  
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](mailto:EPSDFOI@act.gov.au).

Yours sincerely



Information Officer  
Executive Group Manager, Environment, Heritage and Water Group

20 October 2023