



ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923
Reference: 24/034207

Dear [REDACTED]

Decision on Freedom of Information Access Application 24/034207

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 28 March 2024.

Specifically, you are seeking:

"...any reports or studies commissioned by the ACT Government which assess the viability and benefits of extending light rail to Mawson."

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

With your agreement, a decision on your access application must be made on or by 17 June 2024.

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 **refuse** access to two documents containing information within scope of your application.

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, 38 and Schedule 1
- the content of the documents that fall within the scope of your request
- the views of third party consulted.

Public Interest Considerations

My reasons for deciding not to grant access to certain documents are as follows:

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

Schedule 1 of the Act recognises a range of information that is taken to be contrary to the public interest to disclose unless the information identifies:

- corruption; or
- the commission of an offence by a public official; or
- that the scope of a law enforcement investigation has exceeded the limits imposed by law.

Relevant to documents 2 and 3, is schedule 1, section 1.6 'Cabinet information'. Subsection 1.6(1)(a) applies to information that 'has been submitted, or that a Minister proposes to submit, to Cabinet for its consideration and that was brought into existence for that purpose'.

To apply, I must be satisfied that these terms are met, and that the information is not purely factual. Factual information may be taken to be contrary to the public interest under this provision if its disclosure would involve disclosure of a deliberation or decision of Cabinet and the fact of the deliberation or decision has not been officially published.

The information within the documents identified was created for the purpose of assisting Government to make a decision about which potential routes would proceed to feasibility and business case stage. This information was submitted to Cabinet to inform their deliberations.

Charges

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, 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/accountability-and-oversight/freedom-of-information/foi-complaints-and-reviews>

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



Ben Green
Information Officer
Executive Group Manager, Planning and Urban Policy
Environment, Planning and Sustainable Development Directorate

17 June 2024