



ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923
Reference: 22/167269

Dear [REDACTED]

Freedom of Information 22/167269

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 22 December 2022, in which you sought access to documents relating to the Standing Committee on Planning, Transport, and City Services' inquiry into the Planning Bill 2022.

The refined scope of your request specifically sought:

All documents generated by and/or shared between any of the Chief Minister, Minister Rattenbury, Ms Clay MLA, and/or their staff relating to the Standing Committee on Planning, Transport, and City Services' inquiry into Planning Bill 2022, between 1 September 2022 – 22 December 2022."

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 is required to provide a decision on your access application in accordance with section 41 of the Act, by 12 April 2023.

Decision on Access

Searches were completed for relevant documents and one document was identified as *government information* which falls within the scope of your application.

Under section 14 of the Act, *government information* –

(a) means information held by an agency or Minister; but

(b) does not include information—

(i) relating to a Minister's personal or political activities; or

(ii) created or received by a Minister in the Minister's capacity as a member of the Legislative Assembly.

The document within scope of your application, was made available to you under an access application processed by Chief Minister Treasury and Economic Development Directorate (CMTEDD) and is publicly available via their disclosure log:

https://www.cmtedd.act.gov.au/data/assets/pdf_file/0009/2179179/2022-408.pdf

Under section 43(1)(d) of the Act a respondent agency may refuse to deal with an access application wholly or in part if the government information is already available to the applicant. Section 45 sets out the circumstances in which government information is already available to the applicant. Those circumstances include where the government information

has previously been given to the applicant under the Act (section 45(e)). As you already have access to the one document within the scope of your request, I have decided, under section 43(1)(d) of the Act, that it is not necessary for the directorate to deal with your access application.

Material Considered

In reaching my access decision, I have taken the following into account:

- the Act, particularly sections 6, 14, 43 and 45.
- the content of the document that fell within the scope of your request.

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 and my decision to you in response to your access application will be published in the EPSDD disclosure log 3 days after the date of decision. Your personal contact details will not be published.

You may view the EPSDD's 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 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 Urban Policy

Environment, Planning and Sustainable Development Directorate

12 April 2023