



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 18/01474

Dear [REDACTED]

Freedom of information request: 19/01474

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 14 January 2019, in which you sought access to:

*“all documents particularly correspondence relating to the proposed use of the ACT rail corridor for freight purposes between any ACT government body with the NSW government department - Transport for NSW. The location is Block 11 Section 47 Division Fyshwick. The documents I am seeking are for the period 1 October 2016 to the present and would include reference to rail use and ACT Government consent/licence granted or to be applied concerning the custodial block. I ask for -
Emails: Email attachments; Correspondence; Memos; Records of meetings; File notes; Reports; Agreements; Any issued leases or licenses; Any other communication record.”*

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

Decision on access

An Information Officer wrote to you on 12 February 2019 and notified you of the intention to refuse your request, the grounds for refusal and the consultation period available to you.

The consultation period closed on 26 February 2019.

I am advised that you have not consulted with the FOI Team, nor have you revised the scope of your request.

I have decided to refuse to deal with your application under section 43 (1) (f) of the Act because an application for the same information was made within the 12 months prior to this application and the relevant public interested factors are materially the same.

The reasons for my decision remain as set out in the notice of 12 February 2019, which I have attached to this decision for your reference.

Online publishing – disclosure log

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Your access application and my decision on your access application will be published in the disclosure log from three days after the date of 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 Your personal contact details will not be published.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/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:

http://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/40A-Reviews-Factsheet-and-Application-Form-final-A1569634.pdf

If you wish to request a review of my decision 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
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact EPSDD Customer Service on 62071923 and ask for the FOI team, or email to EPSDFOI@act.gov.au

Yours sincerely



Chloe Howorth
Information Officer
Environment, Planning and Sustainable Development Directorate

4 March 2019