



17 May 2024

City Renewal Authority|
ACT Government
ABN 40 746 096 162
T 02 6205 1878
CityRenewal@act.gov.au

Nara Centre
Ground Floor
3 Constitution Avenue
Canberra City

GPO Box 158
Canberra City
ACT 2601

CityRenewalCBR.com.au
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Dear [REDACTED]

Decision on Freedom of Information Access Application 24/036508

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the Act) received by the City Renewal Authority (CRA) on 4 April 2024.

Specifically, you are seeking:

“The City Renewal Authority is in the process of selling Section 121 City for development.

The City Renewal Authority advises that in August 2022 the Authority’s Project Director sought advice from Housing ACT about the public housing dwellings that had been identified for Section 121 City.

The City Renewal Authority also advises that in March 2023 the Project Director sought input from the Office of Coordinator- General for Housing into the specific affordable housing requirements for Section 121 City.

Under the FOI Act 2016 I would like to request access to the following documents:

- Documents, including emails, records of phone conversations between the Project Director and Housing ACT on public housing dwellings in Section 121 City and any emails, briefs between the Project Director and other officers within the City Renewal Authority about the advice provided by Housing ACT.
- Documents, including emails, records of phone conversations between the Project Director and the Office of Coordinator- General for Housing on affordable dwellings in Section 121 City and any emails, briefs between the Project Director and other officers within the City Renewal Authority about the advice provided by the Office of Coordinator- General for Housing.”

CRA is required to decide your application on or by 17 May 2024.

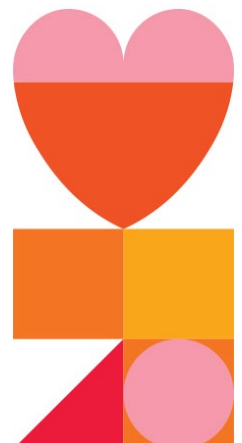
I am an Information Officer appointed under section 18 of the Act to deal with access applications made under part 5 and now write to provide notice on my decision in relation to your application.

Searches Conducted

Comprehensive searches were conducted and three documents containing information within the scope of your application were identified.

Decision on Access

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





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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:

- grant **full** access to one document relevant to your application
- grant **partial** access to one document
- **refuse** access to one document.

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, 50 and Schedule 2
- the content of the documents that fall within the scope of your request
- the *Human Rights Act 2004*.

Public Interest Considerations

My reasons for deciding not to grant access to documents or 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 factors 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.

Factors Favouring Nondisclosure

In applying the public interest test, I have determined that disclosure of the information could reasonably be expected to do the following:

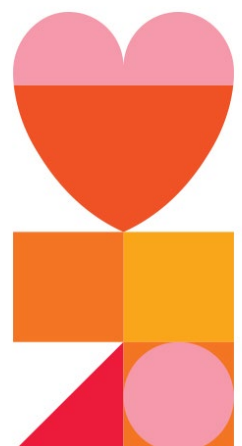
- Schedule 2, 2.2.(a)(ii) – prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.
- Schedule 2, 2.2(a)(xvi) – prejudice a deliberative process of government.

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Personal Information

Documents relevant to your application contain mobile phone numbers of ACT government employees. I have considered how the public interest would be advanced by releasing this information in part or in whole. It is my view that the information if disclosed, could reasonably be expected to prejudice to protection of an individual's right to privacy under section 12 of the *Human Rights Act 2004*. On balance, and the information available to me, I am satisfied that the disclosure of this personal information (mobile phone numbers) is not in the public interest.

To provide you with the information that I have determined to be in the public interest to release, copies of the documents have been prepared, with personal information and details of deliberative process of government redacted, in accordance with section 50 and the Objects of the Act.

Deliberative Processes of Government

One document relevant to your application includes information regarding an ongoing deliberative process of an agency. I have considered how the public interest would be advanced by releasing this information in part or in whole. It is my view that the information if disclosed, could reasonably be expected to prejudice a deliberative process of government under schedule 2, 2.2(a)(xvi). On balance, and the information available to me, I am satisfied that the disclosure of this information is not in the public interest.

Charges

No charges are applicable to this application.

Online Publication

Under section 28 of the Act, on behalf of CRA, Environment Planning and Sustainable Development Directorate (EPSDD) maintains an online record of access applications called a disclosure log. Your original access application, this decision and documents released will be published to the EPSDD disclosure log no earlier than three days after you received 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

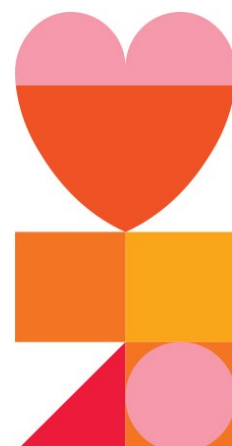
Via email: actfoi@ombudsman.gov.au

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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 EPSDFOI@act.gov.au or call (02) 6207 1923 and ask for the Information Governance team.

Yours sincerely



Regards,
Geoff Bunnett
Executive Branch Manager, Development
City Renewal Authority

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