



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: (02) 6207 1923  
Reference: 22/144625

By Email: [REDACTED]

Dear [REDACTED],

### **Decision on Freedom of Information Access Application 22/144625**

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 1 November 2022, in which you sought access to documents relating to the Gungahlin Community Centre Plans.

Specifically, you are seeking:

*"...copy of the draft plan of the Gungahlin Community Centre"*

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 make a decision on your application on or by 29 November 2022.

### **Searches Conducted**

Comprehensive searches were conducted and one document containing information within the scope of your application was identified.

### **Decision on Access**

I have included as **Attachment A** to this decision the schedule of the relevant document. The schedule provides a description of the document that falls within the scope of your application and the access decision for the document.

I have decided to refuse access to the document in scope of your application.

My access decision is detailed further in the following statement of reasons.

### **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 document that falls within the scope of your request

### **Public Interest Considerations**

My reasons for deciding not to grant access to the document 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 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.

#### *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)(xvi) – prejudice a deliberative process of government.

#### *Deliberative Process of Government*

The draft document identified has been prepared to inform Government of potential options for the development of a Community Centre in Gungahlin. This is yet to be considered by Government.

I have deliberated on how release of this information would reveal reasons for government considerations and how principles of transparency and accountability would be served. It is my view that this information is subject to an active ongoing deliberative process and contains information that is being prepared for evaluating matters relating to the potential development of a Community Centre in Gungahlin. The premature release of this information may impede the effective completion, and prejudice the integrity, of these processes, a factor under Schedule 2.2(a)(xvi) of the Act and therefore, is contrary to the public interest to release.

The deliberative process may also be prejudiced by the release of the document at this point in time as it may cause undue disruption and provide a lack of clarity regarding future intent of Government, and the reallocation of resources to deal with further public debate or pressure.

#### **Charges**

This application has not incurred any charges.

#### **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/\\_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  
Level 4, 1 Moore St  
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



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

29 November 2022