



ACT
Government

Suburban Land
Agency

[REDACTED]
By Email: [REDACTED]

Dear [REDACTED]

Decision on Freedom of Information Access Application 24/031973

I refer to your application on behalf of [REDACTED] made under section 30 of the *Freedom of Information Act 2016* (the Act) received by the Suburban Land Agency (SLA) on 25 March 2024, in which you sought access to documents relating to the SLA budget initiative and cash flow position.

Specifically, you are seeking:

1. *All Budget Review 2023-24, Question Time and media briefings relating to the Suburban Land agency "increasing housing access, choice and affordability – Supporting accelerated land release" \$50,000,000 budget initiative.*
2. *All communication within the SLA communications and media team, the EPSDD media team and the Ministers office regarding the Canberra Times story published on the 18/3/24 titled "cover up": agency's funding boost same as last year's shortfall."*
3. *All communication, briefings, presentations and documents between the finance team and the Chief Financial Officer and Chief Information Officer, the chief executive Officer and the Ministers office regarding the 2022-23 audited financial reports pages 95 and 117, specifically around*
 - a. *the net cash outflows of \$50,050,000,*
 - b. *the \$76.7 million shortfall in "development costs" against the budgeted total and*
 - c. *the \$163 million shortfall in "revenue from contracts with customers" against the budgeted total.*

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

In accordance with section 40 of the Act, and as third party consultation was undertaken, in addition to an agreed upon extension of time, a decision on your access application must be made on or by 7 June 2024.

Searches Conducted

Comprehensive searches were conducted and 20 documents containing information within the scope of your application were identified.

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:

- grant **full** access to 14 documents relevant to your application and
- grant **partial** access to six documents and, in accordance with section 50 of the Act, provide you with copies of documents with deletions applied to contrary to the public interest information.

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, 50 and Schedule 2
- the content of the documents that fall within the scope of your request
- the *Human Rights Act 2004*
- the views of a third party consulted
- information publicly available.

Public Interest Considerations

My reasons for deciding not to grant access to components of certain 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 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.

- Schedule 2, 2.1(a)(iv) – ensure effective oversight of expenditure of public funds.

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*.

Personal Information

Documents relevant to your application contain personal information of individuals. 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 the 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 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 some documents have been prepared with personal information redacted in accordance with section 50 and the Objects of the Act.

Charges

No charges are applicable for this application.

Online Publication

Under section 28 of the Act, on behalf of the SLA, 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 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 Agency's processing of your request, or would like further information, please contact EPSDFOI@act.gov.au or (02) 6207 1923 and ask for the Information Governance team.

Yours sincerely



Joey Lee

Information Officer
Chief Value Officer
Suburban Land Agency
06 June 2024