



Dear [REDACTED]

**Decision on Freedom of Information Access Application 25/0219983**

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 3 June 2025.

Specifically, you are seeking:

*“Ministerial Brief Titles from 14 February 2025 to 3 June 2025 provided by EPSDD to all applicable Ministers.”*

On 1 July 2025, the City and Environment Directorate (CED) was established, bringing together services previously delivered by Access Canberra, the Environment, Planning and Sustainable Development Directorate (EPSDD), Transport Canberra and City Services (TCCS), and the Better Regulation Taskforce.

Section 101 of the FOI Act provides that an access application made to an abolished agency is taken to have been made to the agency that acquired the abolished agency’s functions. Therefore, a decision has been made on your application by CED.

In accordance with section 40 of the Act, a decision on your access application must be made on or by 1 April 2025.

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 considering your application, I have taken the following into account:

- the FOI Act, particularly sections 6, 17, 50, Schedules 1 and 2
- the content of the documents that fall within the scope of your request

**Decision on Access**

Comprehensive searches were conducted of the Directorate’s records management system and 248 brief titles were identified that fall within the scope of your application. Two documents listing the titles of the relevant Ministerial Briefs and Question Time Briefs were generated from these search results, which are listed in the schedule of documents at **Attachment A**.

As an Information Officer under the Act, it is my decision to:

- grant **full** access to one of these documents; and
- grant **partial** access to one of these documents.

The documents released to you are provided at **Attachment B**. My reasons for deciding not to grant full access to one of the documents are as follows.

### **Statement of reasons**

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 disclosure would be contrary to the public interest.

### ***Information deemed to be contrary to the public interest – Schedule 1***

Two subject lines contain information which if disclosed would identify information that is proposed to be submitted to Cabinet for its consideration, disclosure of this information is taken to be contrary to the public interest under Schedule 1, 1.6 of the Act.

One subject line contains information which if disclosed would identify information that could prejudice the investigation of a contravention or possible contravention of the law in a particular case. Disclosure of this information is taken to be contrary to the public interest under Schedule 1, 1.14(1)(a) of the Act.

This information being withheld does not identify corruption or the commission of an offence by a public official or that the scope of a law enforcement investigation has exceeded the limits imposed by law.

### ***Assessing the public interest – Schedule 2***

In assessing the public interest under Schedule 2, I must apply the test outlined under section 17 of the Act. This test requires consideration of factors favouring disclosure, any favouring nondisclosure and the balancing 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.

I consider that disclosing the contents of the information sought could contribute to open discussion and informed debate on the matters contained in the subject lines. I am satisfied there may be a public interest, however, I weigh these factors lightly as release of single subject lines alone may not reasonably contribute to informed debate. I am satisfied that these factors favouring disclosure carry some weight.

### *Factors Favouring Nondisclosure*

However, I have also determined that disclosure of some of the titles could reasonably be expected to:

- Schedule 2, 2.2(a)(ii) – prejudice the protection of an individual’s right to privacy under section 12 of the Human Rights Act 2004.
- Schedule 2, 2.2(a)(xvi) – prejudice a deliberative process of government.

The name of a member of the public appears in one ministerial brief title. It is reasonable that this type of information is not disclosed. This title references correspondence between a Minister and a non-ACT Government member of the public and the release of their name could or would reasonably be considered to prejudice their right to privacy under the *Human Rights Act 2004*.

Five titles contain information relating to direct sales, options and outcomes that are currently underway. I have considered how the public interest would be advanced by releasing this information in part or in whole. The disclosure of this information could reasonably be expected to promote open discussion and contribute to positive and informed debates on public affairs. However, as the information relates to the ongoing and yet to be finalised deliberative processes of government, I consider the deliberative process of greater weight requiring the government to maintain integrity when making informed decisions. Disclosure of this information could reasonably be expected to prejudice a deliberative process of government as the decisions remains under assessment and have not yet been determined. On balance, and the information available to me, I am satisfied that the disclosure of this information is not in the public interest, at this time.

### *Balancing Relevant Factors*

Applying section 17 as intended, I am satisfied that the detriment caused by the release of the personal, business and commercial information outweighs any anticipated benefit provided by its disclosure. In this instance, my decision is that the prevailing weight favours nondisclosure and that this information should be redacted from the document in accordance with section 50 and the Objects of the Act.

### **Charges**

No charges are applicable to this application.

### **Online Publication**

Under section 28 of the Act, your original access application, this decision and documents released will be published in the disclosure log. This will occur between three to ten working days after you receive this decision. Your personal contact details will not be published.

You may view the 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](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  
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 email [EPSDFOI@act.gov.au](mailto:EPSDFOI@act.gov.au) or call 13 22 81 and ask for the Information Governance team.

Yours sincerely

Signed electronically

Craig Weller  
Information Officer  
Executive Branch Manager, Planning and Sustainable Development  
City and Environment Directorate

16 July 2025