



ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923

Reference: 22/32546



Dear 

Decision on Freedom of Information Access Application 22/32546

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 29 March 2022.

Specifically, you are seeking:

"...copy of the ACT Housing Attitudes and Intentions Survey 2016 prepared by Winton Consulting."

As third-party consultation was undertaken in relation to your application, EPSDD must make a decision on access by 20 May 2022. I am writing to you in my capacity as an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Searches conducted

In response to your application comprehensive searches were conducted and one document containing information within the scope of your application was identified, which has been listed in the schedule at **Attachment A**. This schedule provides a description of the document that falls within the scope of your application and the access decision for it.

Decision on access

I have decided to grant full access to the document identified as relevant to your application. My access decisions are detailed further in the following statement of reasons and the document released to you is provided as **Attachment B** to this letter.

Material considered and third-party consultation

In reaching my access decision, I have taken the following into account:

- the FOI Act, particularly sections 6, 17 and Schedule 2
- the content of the document that falls within the scope of your request
- information publicly available and
- the views of the third party consulted

In accordance with section 38 of the Act, as information within the document may have been of concern to a third party, consultation was undertaken. The third party did not raise any objections to the release of the information in full.

Public Interest Considerations

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.

My reasons for deciding to grant access to the document are as follows:

Information Disclosure – Contrary to the Public Interest under Schedule 1 of the Act

Firstly, I am satisfied that the document falling within the scope of your application does not contain information that is taken to be contrary to the public interest to disclose as provided by Schedule 1 of the Act.

Information Disclosure – Schedule 2 of the Act

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)(viii) – reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring Nondisclosure

No factors favouring nondisclosure were identified in relation to the information within the document.

On this basis, I am not satisfied that disclosure of the information contained in the document identified as relevant to your request would, on balance, be contrary to the public interest. Accordingly, access to the information is granted in full.

Charges

In accordance with section 107(2)(e) of the Act the charges applicable to this application are waived.

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

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
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.

Yours sincerely



Carolyn O'Neill
Information Officer
Executive Group Manager, Planning and Urban Policy
Environment, Planning and Sustainable Development Directorate

20 May 2022