



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2023-153

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	16
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:** [REDACTED]  
**To:** [CMTEDD FOI](#)  
**Subject:** FOI question  
**Date:** Saturday, 29 April 2023 7:28:12 PM

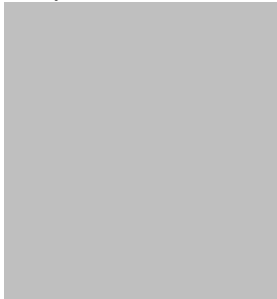
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Hi, I would like to know how many complaints have been made from residents in MacArthur, Gowrie, Fadden and Gilmore in relation to odours. I would also like to know how many of those complaints have specifically related to odours that people suspect as originating from the Mugga Lane waste management facilities, including all facilities in that location that could cause odours, such as composting by Corkhills. What would be the best way for me to request this information? I haven't decided the timeframe yet and would take advice on what is easiest and most feasible for the act government to provide.

Many thanks,





## FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 29 April 2023. Specifically, you have sought access to:

- *how many complaints have been made from residents in MacArthur, Gowrie, Fadden and Gilmore in relation to odours.*
- *how many of those complaints have specifically related to odours that people suspect as originating from the Mugga Lane waste management facilities, including all facilities in that location that could cause odours, such as composting by Corkhills.*

### Authority

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

### Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 26 May 2023.

### Decision on access

Searches were completed for relevant information maintained by CMTEDD. I have decided to grant **full access** to the available information. I have provided a schedule of the relevant information as **Attachment A**, and the corresponding material is released to you as **Attachment B**.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

### Statement of Reasons

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per Schedule 1 of the Act
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in Schedule 2

### The public interest information under schedule 2 of the Act

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

Taking into consideration the information found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

#### Factors favouring disclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (i) *promote open discussion of public affairs and enhance the government's accountability;*
  - (ii) *contribute to positive and informed debate on important issues or matters of public interest.*

I have placed substantial weight on the above factors favouring disclosure. It is reasonable to expect that information about this topic may be of interest to other residents within the Canberra community. The release of this information can reasonably be expected to provide information that will inform the community and enhance debate.

I did not identify any factor favouring nondisclosure and have decided to release this information to you in full.

#### **Charges**

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50.

#### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published. You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2023>

#### **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 CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman:

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/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Emma Hotham  
Information Officer  
Chief Minister, Treasury and Economic Development Directorate  
24 May 2023



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
<ul style="list-style-type: none"><li><i>how many complaints have been made from residents in MacArthur, Gowrie, Fadden and Gilmore in relation to odours.</i></li><li><i>how many of those complaints have specifically related to odours that people suspect as originating from the Mugga Lane waste management facilities, including all facilities in that location that could cause odours, such as composting by Corkhills.</i></li></ul>	CMTEDDFOI 2023-153

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	CMTEDD data responses	May 2023	Full	N/A	Yes
<b>Total No of Docs</b>						
1						

**ATTACHMENT B - CMTEDD FOI 2023-153**  
**CMTEDD RESPONSE**

The following results have been drawn from the Access Canberra Regulatory Compliance database in response to this request.

Year	Odour complaints suspected to be related to Mugga Lane waste management facilities				Total odour complaints suspected as related to Mugga from Fadden, Gilmore, Macarthur and Gowrie	Total odour complaints from Fadden, Gilmore, Macarthur and Gowrie
	Fadden	Gilmore	Macarthur	Gowrie		
2019	0	0	1	0	1	2
2020	0	0	0	0	0	11
2021	1	0	0	0	1	4
2022	1	6	1	0	8	59
2023	0	0	0	0	0	3
Totals	2	6	2	0	10	79