



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Disclosure Log Publication Coversheet

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

Application Details	
Ref. No.	CMTEDDFOI 2024-247
Date of Application	7 August 2024
Date of Decision	10 October 2024
Processing time (in working days)	45
Fees	Waived
Decision on Access	Partial Release
<b>Information Requested (summary)</b>	Information about soccer (football) funding agreements, and documents related to the funding agreements.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

**From:** [REDACTED]  
**To:** [CMTEDD.FOI](#)  
**Subject:** CMTEDDFOI 2024/247 ABC News FOI request  
**Date:** Wednesday, 7 August 2024 3:41:18 PM

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You don't often get email from [REDACTED]. [Learn why this is important](#)


**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi FOI team,

Below is a freedom of information request regarding the Minister for Sport and the Sport and Recreation Directorate.

- Correspondence between: Capital Football and the Minister for Sport and her office, Capital Football and the ACT Government, and Capital Football and the ACT Sport and Recreation Directorate
- Regarding the financial management of Capital Football and Canberra United, including the offer from ACT Government for additional funding, and
- That details the conditions on that funding and any MOUs/agreements around funding leading up to, during and after the most recent A-league season.
- Regarding the management of Capital Football, including staff and board appointments, correspondence regarding board meetings, and conflicts of interest of board members.
- From Jan 1, 2024 until the date of this request.

Please contact me if you require anything further from us.





## FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

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 7 August 2024.

Specifically, you have sought access to the following information:

- *‘Correspondence between: Capital Football and the Minister for Sport and her office, Capital Football and the ACT Government, and Capital Football and the ACT Sport and Recreation Directorate*
- *Regarding the financial management of Capital Football and Canberra United, including the offer from ACT Government for additional funding, and*
- *That details the conditions on that funding and any MOUs/agreements around funding leading up to, during and after the most recent A-league season.*
- *Regarding the management of Capital Football, including staff and board appointments, correspondence regarding board meetings, and conflicts of interest of board members.*
- *From Jan 1, 2024 until the date of this request.’*

On 13 August 2024 you were contacted seeking further information to clarify your scope of requested information pursuant to section 31(4) of the Act and informed that your application was on hold until we received a response.

On 16 August 2024, you confirmed your agreement to this scope:

*‘Correspondence, inclusive of attachments, regarding the financial management of Capital Football and Canberra United, including the offer from the ACT Government for additional funding (refer link <https://www.act.gov.au/our-canberra/latest-news/2023/july/a-boost-for-the-future-of-football-in-canberra>).*

*This includes any correspondence from 1 January 2024 to 7 August 2024, between two or more of the following:*

- *Minister for Sport and her office*
- *Capital Football*
- *ACT Government, and*
- *ACT Sport and Recreation*

*relating to any or all of the following:*

- *details of the conditions on the granting of the funding and any MOUs/agreements around funding leading up to, during and after the most recent A-league season.*
- *the management of Capital Football, including staff and board appointments,*

- *correspondence regarding board meetings, and conflicts of interest of board members'*

## **Authority**

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

Your request was also dealt with under section 58(2)(c)(i). Documents were provided to CMTEDD by the Office for the Minister for Sport and Recreation and I am the decision-maker for those documents within scope of the request.

## **Timeframes**

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application within 30 days. On 16 August 2024 you were sent an acknowledgment email advising you a response on your application was due by 18 September 2024.

As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the Act. On 17 September 2024, you were advised that the decision on your application was due by 10 October 2024.

## **Decision on access**

Searches of CMTEDD records have identified 65 documents within the scope of your request.

I have decided to grant **full access** to 13 documents.

I have decided to grant **partial access** to 52 documents.

Searches located documents within scope of your request that included correspondence such as emails, letters sent by emails, text messages, instant messages (from Webex), agreement documents, and reports and briefs.

The records identified as relevant to your application are listed in the schedule enclosed at **Attachment A**. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

Noting your response to the clarification request, searches for records were undertaken by other ACT Government directorates. Other Directorates confirmed that they did not hold records within scope of your request (i.e. there were no records located with other Directorates. The following directorates confirmed they did not hold any records within scope of your request: Community Services Directorate (CSD), ACT Education, Major Projects Canberra (MPC), Environment, Planning and Sustainable Development Directorate (EPSD), ACT Health, Transport Canberra and City Services (TCCS), and Community Safety Directorate (JACS).

I note that search requests were sent to the Minister for Sport and Recreation. Information was provided to CMTEDD by the Minister's office and a decision on the release of that material has been made under section 58(2)(c)(i) of the ACT.

I am satisfied that adequate searches were undertaken to locate records within scope of your request.

## Duplicates

While the information held within CMTEDD are copies of original documents, duplicate information has been removed and is not included in the documents total. Where a duplicate document could not be removed in its entirety, I have made redactions to 'duplicates', such as duplicate copies in email chains, noting the information being released may show some duplicates where information was held by more than one office or one business unit. For example, duplicate letters or duplicate emails

## Release of documents

The information being released to you is provided at **Attachment B**.

## Statement of Reasons

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request
- *Human Rights Act 2004*
- third party consultation
- ACT Government Freedom of Information guidelines

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** of the Act.

## Exemptions claimed

### **Schedule 1: Information taken to be contrary to the public interest.**

I did not identify any schedule 1 exemptions, and this has therefore not been a factor for consideration in my decision.

### **Public Interest Test**

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

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when 'used in a statute, the term [public interest] derives its content from "the subject matter and the scope and purpose" of the enactment in which it appears'. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

### **Schedule 2: Factors to be considered when deciding the public interest.**

Taking into consideration the information contained in the documents 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 (Section 2.1)**

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability.*
- *Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*
- *Section 2.1(a)(iii) - inform the community of the government's operations, including the policies, guidelines and codes of conduct followed followed by the government in its dealings with members of the community.*
- *Section 2.1(a)(iv) - ensure effective oversight of expenditure of public funds.*

Information located within scope of your request concerns public funding of sport, which I consider that there is likely to be public interest and releasing the information would reveal contextual and background information related to decisions made by the ACT Government when making decisions on providing funding to interest groups within the ACT community to fund these sporting activities. I have given significant weight to the accountability of act Government and being transparent in its dealings with the community, to ensure the accountability of the oversight of expenditure for public funds.

I am satisfied that these factors favouring disclosure carry some weight. However, these factors are to be balanced against the factors favouring nondisclosure.

**Factors favouring non disclosure (Section 2.2)**

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*
- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*
- *Section 2.2(a)(xii) - prejudice an agency's ability to obtain confidential information.*
- *Section 2.2(a)(xiii) - prejudice the competitive commercial activities of an agency.*
- *Section 2.2(a)(xvi) - prejudice a deliberative process of government.*

Material located within your requested scope includes correspondence by Ministers when undertaking activities related to performing their public function in office. I have taken into consideration the above factors when making decision on the release of information and whether the release of any or part of the information is contrary to the public interest information.

Having reviewed the information, I consider that the protection of an individual's right to privacy, is a significant factor. Release of information concerning individuals working within the ACT Public Service is generally not considered to prejudice the protection of an individual's right to privacy. However, where mobile phone numbers may be used for home and work purposes, this information is redacted, as it could or would reasonably be expected to prejudice an individual's right to privacy under the *Human Rights Act 2004*.

I have also considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business

affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person.

Businesses undertaking development activities in the ACT may expect that any sensitive business information they provide to the Government will be held in confidence. However, businesses that provide information to government do so with the knowledge that government held information may be subject to an access application made under Freedom of Information legislation. Those who do business with government must also recognise that governments have to balance the commercial interests of businesses with the principles of openness and transparency, and that the weight of the public interest in protecting business information will depend on a variety of factors, including how commercially sensitive the information is, its age, its current relevance and the extent to which it has entered the public domain.

A deliberative process in government has been defined as a 'thinking processes - the process of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.'

In the correspondence and briefs related to decisions made on funding, and the conditions to be included in agreements, the third parties supplied the information on the express understanding (or at the very least, under the reasonable expectation) that their identity would remain confidential.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

## **Charges**

Processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107(2)(b) of the Act.

## **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.

## **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 provided to you, 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 at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

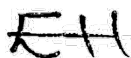
### **ACT Civil and Administrative Tribunal (ACAT) Review**

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  
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 the Information Access Team 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

10 October 2024



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

### WHAT ARE THE PARAMETERS OF THE REQUEST

Reference No.

Revised scope:

CMTEDDFOI 2024-247

*Correspondence, inclusive of attachments, regarding the financial management of Capital Football and Canberra United, including the offer from the ACT Government for additional funding (refer link <https://www.act.gov.au/our-canberra/latest-news/2023/july/a-boost-for-the-future-of-football-in-canberra>).*

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- *the management of Capital Football, including staff and board appointments,*
- *correspondence regarding board meetings, and conflicts of interest of board members*

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
<b>Binder 1-Documents held By Minister Berry's Office</b>						
1	1	Email – Urgent Letters re APL	22/03/2024	Partial release	Sch 2, s 2.2(a)(xiii)	Yes
2	2	Email – Correspondence from Minister Berry	22/03/2024	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
3	3	Email – Correspondence from Minister Berry	22/03/2024	Partial release	Sch 2, s 2.2(a)(xi)	Yes
4	4	Letter - Correspondence from Minister Berry - APL	undated	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
5	5	Attachment – Canberra United 2024-25 – Funding Uplift	undated	Full release		Yes

6	6-7	Email chain – RE: Correspondence from Minister Berry	22/03/2024-15/04/2022	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
7	8	Email - FW: Correspondence from Minister Berry	09/04/2024	Full release		Yes
8	9-10	Attachment – Draft talking points	09/04/2024	Full release		Yes
9	11-14	Brief of 26/03/2024 – Canberra United – 2024-25 A-League Women season	10/04/2024	Full release		Yes
10	15	Correspondence - Minister Berry to Samantha Farrow	11/04/2024	Partial release	Sch 2, s 2.2(a)(xi)	Yes
11	16	“Attachment A” – Duplicate of Folio 5 – Canberra United 2024-25 season – Funding Uplift	undated	Full release		Yes
12	17-18	Correspondence – Samantha Farrow to Minister Berry	12/04/2024	Partial release	Sch 2, s 2.2(a)(ii) Out of scope	Yes
13	19-20	Correspondence - Minister Berry to Samantha Farrow	17/04/2024	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi) Out of scope	Yes
14	21	Email – Signed brief and letter	17/04/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes
15	22-26	Brief of 16/04/2024	17/04/2024	Full release		Yes
16	27-30	Copies of text messages – Minister Berry’s Office and CMTEDD staff	16/04/2024-21/06/2024	Full release		Yes
17	31	Email – Contracts for CU Players	02/05/2024	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
18	32	Letter - Minister Berry to Samantha Farrow	17/05/2024	Partial release	Sch 2, s 2.2(a)(xi)	Yes
19	33	Email – Correspondence from Minister Berry	17/05/2024	Partial release	Sch 2, s 2.2(a)(xi)	Yes
20	34	Email chain – FW: Funding letter for Canberra United	03/05/2023-09/04/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes
21	35	Attachment to document 35 – Letter – Former CEO of Capital Football	03/05/2023	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
22	36	Email chain – FW: Minister Berry letter to Samantha Farrow	11/04/2024	Partial release	Sch 2, s 2.2(a)(xi)	Yes
23	37	Email – Letter from Minister Berry	17/04/2024	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes

24	38-40	Letter – Samantha Farrow to Minister Berry	20/05/2024	Partial release	Sch 2, s 2.2(a)(xi) Sch 2, s 2.2(a)(xii) Out of scope	Yes
25	41	Email chain – Call w/Sam Farrow	02/05/2024	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi) Sch 2, s 2.2(a)(xii)	Yes
26	42-46	Email chain – Canberra United Transition Proposal	09/05/2024	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
27	47-48	Email chain	17/05/2024- 20/05/2024	Partial release	Sch 2, s 2.2(a)(xi)	Yes
28	49	Email chain	16/04/2024	Full release		Yes
29	50	Internal messages	17/05/2024	Full release		Yes
30	51	Internal messages	09/05/2024	Full release		Yes
31	52	Email – Signed brief and letter	17/04/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes
32	131	Internal messages	16/05/2024- 17/05/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes
33	132	Internal messages	19/05/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes



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Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
<b>Binder 2 - Additional Documents</b>						
1	1-2	Copies of text messages	22/03/2024	Full release		Yes
2	3-7	Email chain – FOR APPROVAL: DUE ASAP – Questions on Capital Football for ABC Story	28/03/2024-08/04/2024	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
3	8-13	Copies of text messages	Various-2024	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
4	14-17	Email chain – Meeting with Minister Berry	16/04/2024-17/04/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes
5	18-21	Email chain – Canberra United Management Proposal	08/05/2024-09/05/2024	Partial release	Duplicate Sch 2, s 2.2(a)(xi) Sch 2, s 2.2(a)(xii)	Yes

6	22-26	Email chain – Re: Canberra United Management Proposal	18/04/2024-20/04/2024	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
7	27-31	Email chain – : Canberra United Management Proposal	18/04/2024-19/04/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes
8	32-33	Email chain – CF Financials	20/03/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes
9	34	Email chain – CU funding options	16/04/2024	Full release		Yes
10	35-36	Email chain – CU support payment	16/04/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes
11	37-38	Copies of text messages	18/03/2024 and 09/04/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes
12	39	Email chain	17/04/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes
13	40	Email	17/04/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes
<b>Binder 3 - Additional Documents</b>						
14	1-154	Agreement document	21/06/2024	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
15	15	Email chain – Contracts for CU Players	02/05/2024	Partial release	Sch 2, s 2.2(a)(xi)	Yes
16	16-20	Deed of Variation	21/06/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes
17	21	Email chain – Funding Letter for Canberra United	03/05/2024-09/04/2024	Full release	Duplicate	Yes
18	22	Email chain – Contracts for CU Players	02/05/2024	Partial release	Duplicate Sch 2, s 2.2(a)(ii)	Yes
19	23	Email chain – Early payment for CU Partnership Fee	26/03/2024-27/03/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes
20	24	Email chain	26/03/2024	Partial release	Duplicate Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
21	24-26	Email chain – Inclusions for Variation to CU Funding	20/05/2024-31/05/2024	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
22	27-32	Email chain – Re: Inclusions for Variation to CU Funding	17/05/2024-20/05/2024	Partial release	Duplicate Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes

23	33	Email chain – Letter to Minister	23/04/2024- 24/05/2024	Partial release	Duplicate Sch 2, s 2.2(a)(ii)	Yes
24	34	Email chain – Signed – Ministerial Brief – Berry – Capital United finding options	17/04/2024	Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
25	35	Letter – Minister Berry to Samantha Farrow	undated	Partial release	Sch 2, s 2.2(a)(ii)	Yes
26	36	Email – S & R Payment update	18/04/2024	Partial release	Sch 2, s 2.2(a)(ii)	Yes
27	37-49	Internal instant messages		Partial release	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xii)	Yes