



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 17/11169

Dear [REDACTED]

Freedom of Information Request – Kangaroo culls ACT nature park reserves 2013-2016 monitoring outcomes

I refer to your application under section 14 of the *Freedom of Information Act 1989* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 8 May 2017, in which you requested the following documents:

"I seek documents held or created by the directorate related to the monitoring and evaluation of the annual kangaroo cull and outcomes for flora and fauna in the Canberra nature park, including sustainable kangaroo population numbers. Specifically, I would like copies of internal and external documents including correspondence, reports and briefs on (and limited to) monitoring and evaluation outcome of the culls conducted from 2013 to 2016. Specifically also I seek documents that demonstrate or summarise outcomes for these years beyond a measurement of biomass ---- ie grass height. Secondly I ask for documentation internal and/or external (not a reference to the TAMS website public information program) that details the scientific evidence for the 1 kangaroo/ha goal of the cull."

On 24 July 2017, I informed you of the decision to release the first part of the documents related to your request and that assessment of the remaining records and data was underway. These records and data have now been located and assessed. One additional document has been identified as suitable for release. We appreciate your patience during the processing of this additional part of the request.

I am an officer authorised to make a decision in respect of a request for information, under section 22 of the Act.

In addition to documents released as part of your request, I would like to take this opportunity to indicate information published by the Directorate that may be of interest to you. Information about kangaroo research is available at the EPSDD website:

<http://www.environment.act.gov.au/cpr/conservation-research/research>, and the Eastern Grey Kangaroo Controlled Native Species Management Plan is available at the Legislation Register: <http://www.legislation.act.gov.au/di/2017-37/current/pdf/2017-37.pdf>.

Schedule detailing decisions

Please refer to the attached schedule that lists decisions regarding access to all documents which have been identified as relevant to your request. The schedule uses the terms 'Exempt' or 'Partial release'. Where an exemption is made, a reference will be made on the schedule to the relevant section or combinations of sections of legislation that apply to the decision.

Decision

The Directorate has identified a further two documents in its possession that meet the scope of your request, as identified in the schedule attached to this letter.

Under the Act, documents may be exempt and I have decided to exempt and partially exempt documents under sections 36 (Internal working documents) and 37 (Documents affecting enforcement of the law and protection of public safety).

Access to documents not to apply to certain documents:

Internal working documents

Section 36 of the Act provides:

1. *Subject to this section, a document is an exempt document if its disclosure under this Act—*
 - a. *would disclose matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency or Minister or of the Territory; and*
 - b. *would be contrary to the public interest.*

Section 36 allows the exemption of internal working documents when disclosure under the Act would not be in the public interest.

I consider the documents to be internal working documents that are in draft format and may include opinion and the deliberative processes of this agency. I have determined that it would be contrary to the public interest to fully release these documents because they may have operational or public safety consequences. Information contained in the documents has the potential to indicate where rural culling is likely to occur. This information may facilitate interference with the cull, which would be contrary to the public interest.

Documents affecting enforcement of the law and protection of public safety

Section 37 of the Act provides:

1. *A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to—*
 - a. *prejudice the conduct of an investigation of a breach, or possible breach, of the law, or a failure, or possible failure, to comply with a law relating to taxation or prejudice the enforcement or proper administration of the law in a particular instance; or*
 - b. *disclose, or enable a person to ascertain, the existence or identity of a confidential source of information in relation to the enforcement or administration of the law; or*
 - c. *endanger the life or physical safety of any person.*

Section 37 of the Act allows the exemption of documents that could endanger the life or physical safety of any person.

I consider the documents have the potential to endanger the physical safety of persons.

Information contained in the documents has the potential to indicate where rural culling is likely to occur. This information has the potential to facilitate interference with the cull, which would reasonably be expected to have operational and public safety implications including endangering the physical safety of persons.

Partial Release of Documents

Section 21 provides that a copy of a document may be created with exempt matter deleted where such a document would be reasonably practicable to create and would not be misleading. One of the documents is appropriate for release under this section as the exempt and non-exempt matter

contained in the spreadsheet can be easily separated. However, the other documents is not appropriate for partial release under s 21 of the Act. Because of the nature of the document (spreadsheet containing calculations, equations and graphs) the exempt matter cannot simply be disentangled from the non-exempt matter. If the exempt matter was deleted then that would affect the other parts of the document rendering it inaccurate.

Review rights

My decision is reviewable under section 59 of the Act. If you wish to seek a review you may write to:

The Director-General
Environment, Planning and Sustainable Development Directorate
GPO Box 158
CANBERRA ACT 2601

Email: EPDFOI@act.gov.au

You have 28 days from the date of this letter to seek a review of my decision or such other period as the Director-General permits.

Online FOI Publication Policy

Please be aware that under the ACT Government's "*Online FOI Publication Policy*" (the Policy), information released to you under this Freedom of Information Application may be released on the internet.

Personal information or business affairs information will not be made available under the policy. If you think the content of your request would contain such information, please inform our contact officer immediately.

A copy of the policy, with details about what information may be published on the internet, is available online at:

http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online

If you have any queries in relation to this matter please contact EPSDD's Customer Service Centre on (02) 6207 1923 and ask for the Information Management Team.

Yours sincerely



Ian Walker
Executive Director
Environment
 March 2018