



**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 2023-220

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)	20
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:** [no-reply@act.gov.au](mailto:no-reply@act.gov.au)  
**To:** [CMTEDD FOI](#)  
**Subject:** CMTEDDFOI 2023-220 - Freedom of Information request  
**Date:** Tuesday, 27 June 2023 11:26:11 AM

---

**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. [Learn why this is important](#)

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

### Your details

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

Title:

First Name:

Last Name:

Business/Organisation:

Address:

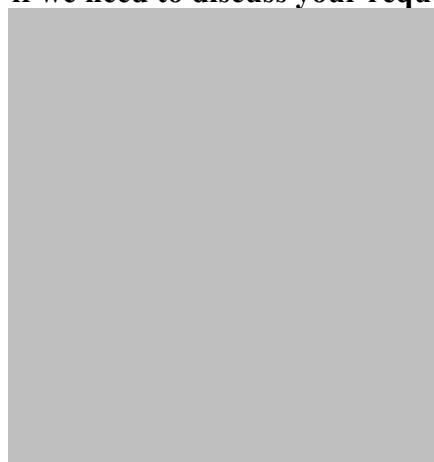
Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:



### Request for information

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

Under the Freedom of Information Act 2016 I want to access the following document/s (\*required field):

The complaint made by the Minister about un approved wood heaters in Dunlop ACT 2615

I do not want to access the following documents in relation to my request::

Thank you.  
Freedom of Information Coordinator



## 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 **27 June 2023**. Specifically, you sought access to the following information:

*“...A copy of the complaint made by the Minister about un approved wood heaters in Dunlop ACT 2615.”*

### Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

### Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision within 30 working days. Following your agreement to a 20 working day extension, and an additional 15 working days to allow for third party consultation, the decision is due by **26 September 2023**.

### Decision on access

Searches were completed for relevant information one documents were identified that falls within scope of your request. I have decided to grant **partial access** to this document. The document being released to you is provided as **Attachment A** to this letter.

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

### Material Considered

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

- the Act;
- the content of the documents that fall within the scope of your request;
- *Information Privacy Act 2014*;
- The views of a third party;
- the *Human Rights Act 2004*.

## 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, and
- 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.

I did not identify any Schedule 1 provisions as relevant to this request.

### 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:*
- (ii) *contribute to positive and informed debate on important issues or matters of public interest.*

I note that some of the information you have requested could contribute to informed debate on important matters of public interest. I am satisfied that this factor favouring disclosure carry some weight. However, this factor is to be balanced against the factors favouring nondisclosure.

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

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

Having reviewed the documents, I consider the protection of an individual's right to privacy is a significant factor. Protection of personal information for an individual when engaging with government during a complaints process, in my opinion, outweighs the benefit which may be derived from releasing the personal information of an individual involved in this matter. Additionally, I have decided that release of this information could prejudice their right to privacy under the *Human Rights Act 2004*.

Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individual involved.

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 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 sent 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

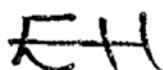
Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
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 the CMTEDD FOI 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

15 September 2023

Private Note - Tess Matthews

Monday, 19 June 2023, 11:38 am

Title: Customer Entry (Auto Note)

Content:

This is an auto note of the original customer submission.

**Subject:**

Ministerial - Building/Planning - RRRT – Wood Heater –

**Category:**

Complaints and Feedback > Building and planning

**AC Description (forms):**

Dear Ministers, I have been contacted by some Dunlop residents who claim there are slow combustion wood heaters in their suburb despite an ACT Government regulation that Dunlop is wood smoke free. It is their understanding that Dunlop was declared wood smoke free about 20-years ago, meaning that it is illegal for Dunlop residents to install a wood heater in their property. Yet from the information they have provided this appears NOT to be the case. Please see attached document. This begs the following questions, 1. What is the ACT Government doing to enforce regulations banning the installation of wood heaters in Dunlop and other wood smoke free suburbs? 2. What will be done in regard to the Dunlop properties that appear to have installed wood heaters despite the ACT Government regulation that it is supposed to be a wood smoke free suburb? 3. Have the Dunlop properties that appear to have installed wood heaters been granted an exemption and if so why? 4. Have wood heaters been installed in other woodsmoke free suburbs in Canberra and if so how many and why? 5. What recourse do Dunlop residents have after moving to the suburb, for health or aesthetic reasons, and on the assurance from the ACT Government that it was wood smoke free? 6. What is the wood heating industry doing to comply with the ACT Government's ban on the installation of wood heaters in Dunlop and other wood smoke free suburbs in Canberra? Kind Regards

Sch 2.2(a)(ii)

**Plain Description:**

**Location Data:**

Address: Sch 2.2(a)(ii)

Latitude: Sch 2.2(a)(ii)

Longitud