

Anonymous

Via email: foi+request-13884-46adbc6f@righttoknow.org.au

Dear Applicant,

Freedom of Information – Notice of Decision

I refer to your application under section 30 of the [Freedom of Information Act 2016](#) (the FOI Act), received by the City and Environment Directorate (CED) on 28 October 2025. Your application was received by partial transfer from the Chief Minister, Treasury and Economic Development Directorate (CMTEDD). A decision on access to information held within CMTEDD and any other agencies holding relevant information will be provided to you separately. It is my understanding you are seeking access to the following information:

Information about decisions regarding actual or planned in-sourcing of services or functions by ACT Government that are currently, or were previously, provided by private or not for profit sectors, since 15 October 2016 (date of 2016 ACT election), specifically:

- *The name of the service/function*
- *The date of commencement (actual or planned)*
- *The number of staff brought in-house (actual or planned)*
- *The names of the affected providers of the services/functions*

I thank you for providing the below context to assist with the interpretation of your application.

I am seeking information on services that were previously provided by private or not for profit providers but are now done or will be done by the ACT Government.

Examples in the ACT would include public school cleaning, maintenance of public housing, weighbridge operators at resource management centres and school crossing supervisors, cleaning and food services at hospitals.

The timeframe would be since the 2016 ACT election.

Timeliness

In accordance with section 40 of the FOI Act a decision is due on your application by 9 December 2025.

Authority

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

Decision on access

A search for CED records has been completed and information relevant to your application was identified. This information has been compiled into two documents in a format consistent with your request. These records are listed in the schedule at **Attachment A**.

I have decided to:

- grant **full** access to 1 record.
- grant **partial** access to 1 record.

The reasons for my decision are detailed in the *statement of reasons* section below. Please note that some information has also been redacted as it falls outside of the scope of your application. The records being released to you are provided at **Attachment B** with redactions applied to any information contrary to the public interest to release.

In relation to the consideration of insourcing school crossing supervisors, I can confirm that that this was explored by CED, however there is no planned or actual insourcing at this time.

Statement of reasons

The FOI Act has a pro-disclosure bias, which requires information to be disclosed unless doing so would be contrary to the public interest. As an Information Officer, I am responsible for determining whether disclosure of the information within the scope of your application would be contrary to the public interest.

My assessment begins with Schedule 1 of the FOI Act, which outlines categories of information that are taken to be contrary to the public interest to disclose. If the information does not fall within any of these categories, I must then apply the public interest test under section 17 of the FOI Act. This test involves weighing the factors favouring disclosure against those favouring nondisclosure, as set out in Schedule 2.

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

- the FOI Act
- the information that falls within the scope of your application
- the *Human Rights Act 2004*
- the ACT Ombudsman FOI Guidelines

I confirm that I have not considered any of the factors listed in section 17(2) of the FOI Act, which outlines a list of considerations that must not be taken into account when applying the public interest test.

Schedule 1 – Information taken to be contrary to the public interest

- *No relevant factors identified*

Schedule 2 – Public interest test

Factors favouring disclosure (Schedule 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)(iv) - ensure effective oversight of expenditure of public funds*

In my review of the information falling in scope of your application I have identified that disclosure is likely to promote open discussion and enhance the government's accountability to the ACTPS Insourcing framework and relevant government announcements on insourcing decisions. I have also considered that information relating to insourcing and procurement decisions is likely to contribute to an effective oversight of expenditure of public funds. I have placed moderate weight on these factors.

Factors favouring nondisclosure (Schedule 2.2)

- *Section 2.2(a)(xvi) - prejudice a deliberative process of government.*

Within record two I have identified two planned insourcing considerations, which is a current and ongoing deliberative process. The disclosure of this information at this time is likely to prejudice the deliberative process by inhibiting consultation processes and full consideration of options. I find that potential harm to the process carries significant weight.

Balancing the factors

As detailed above, I have attributed moderate weight to the factors favouring disclosure and in limited instances identified information which relates to a current government deliberative process. In balancing the factors, I find that the disclosure of the information which is information relating to current government deliberative process is, on balance, contrary to the public interest.

Consistent with the pro-disclosure intent of the FOI Act, I am satisfied that redacting only the information that is contrary to the public interest ensures compliance with the FOI Act while still providing access to the majority of the information held by CED within the scope of your application.

Charges

Processing charges are applicable for this application because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, I have decided not to impose a fee in response to your application.

Online publishing – Disclosure Log

Under section 28 of the FOI Act, CED maintains a disclosure log, which is a public record of access applications and decisions. Your original access application and my decision will be published on the CED disclosure log. Your personal contact details will not be published.

ACT Ombudsman Review

My decision on your access application is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek ACT Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the ACT Ombudsman. If you wish to request a review of my decision, you may write to the ACT 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 FOI 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
<https://www.acat.act.gov.au/>

Please contact the CED Information Access team if you have any queries in relation to your application via 6207 2987 or CEDFOI@act.gov.au.

Yours sincerely

Craig Weller
Information Officer
City and Environment Directorate
9 December 2025