ACT Government
Education

File Ref: FILE2026/11312

[redacted]

Email: [redacted]

Dear [redacted]

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the FOI Act), received by the Education Directorate (the Directorate) on 26 June 2026, in which you sought access to:

> *Records relating to the construction and value for money assessments of the gymnasium at Aunty Agnes Shea High School, from 1/1/2021 to 25/6/2026, specifically:*
>
> a. *Any budget line item, project cost plan, or cost estimate that records the design and construction cost of the gymnasium at Aunty Agnes Shea High School as a discrete or separable figure from the total school construction cost.*
> b. *Any quantity surveyor reports, cost plans, or bills of quantities prepared for the gymnasium at Aunty Agnes Shea High School.*
> c. *Any project completion report, practical completion certificate, or final account document that records the outturn cost of the gymnasium at Aunty Agnes Shea High School.*
> d. *Any briefing notes, ministerial briefs, or internal correspondence that refer to the cost of the gymnasium at Aunty Agnes Shea High School separately from the total school project cost.*
> e. *Any documents recording how the gymnasium at Aunty Agnes Shea High School was scoped, specified, or costed as a component of the broader school capital works project.*
> f. *Any document recording how the ACT Government satisfied itself that the gymnasium component represented value for money as a discrete item of public infrastructure, including any benchmarking, cost comparison, or quantity surveyor assessments conducted for that purpose.*

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

In accordance with section 40 of the FOI Act, the Directorate was required to provide a decision on your access application within 30 working days of receipt, being 7 August 2026.

On 3 August 2026, we sought your agreement to extend the processing period until 21 August 2026 due to the large volume of records identified. Thank you for agreeing to this extension.

On 18 August 2026, you were advised that third-party consultations were required in relation to records relevant to your request. In accordance with the FOI Act, the consultation process extended the statutory decision timeframe by 15 working days, resulting in a revised due date of 11 September 2026. As further time was required to complete processing, we sought your agreement to extend the timeframe further to 25 September 2026. We appreciate your patience and understanding throughout this process.

On 8 September 2026, you provided a submission on the public interest considerations relevant to your request. Thank you for your submission. Your views have been considered as part of the decision-making process.

Decision on access
Searches were completed for relevant records and 30 records were identified that fall within the scope of your request.

For point (f) of your request, no records were located. The gymnasium components are not evaluated as an individual item when reviewing tender responses and prices. The project as a whole is evaluated as 'value for money' by the tender evaluation team, as well as an independent cost planner engaged by the Territory. Value for money assessments are captured within the Tender Evaluation Reports for both projects, again noting they are not broken down to individual buildings/components.

I have included as Attachment A to this decision the schedule of relevant records. This provides a description of each record that falls within the scope of your request and the access decision for each of those records.

In summary, my decision is:

- full access to 14 records, and
- partial access to 16 records with deletions applied.

The records released to you are provided as Attachment B to this letter.

My access decisions are detailed further in the following statement of reasons.

Material considered
In reaching my access decision, I have taken the following into account:

- the FOI Act, particularly sections 16, 17, 35 and 50, and schedules 1 and 2,
- the content of the records that fall within the scope of your request,
- the *Human Rights Act 2004,*
- the *Information Privacy Act 2014,*
- your views on the public interest in disclosing the government information sought,
- the views of third parties consulted, and
- the FOI Guidelines issued under section 66 of the FOI Act by the Ombudsman.

Reasons for decision
I have considered the records that are relevant to your request in accordance with the requirements of the FOI Act.

Section 6(a) of the FOI Act provides for a right of access to government information unless access would, on balance, be contrary to the public interest. Contrary to the public interest information is defined at section 16 of the FOI Act as information that is taken to be contrary to the public interest to disclose under Schedule 1; or the disclosure of which would, on balance, be contrary to the public interest under the test set out in section 17.

Section 50 of the FOI Act provides for records to be partially released with deletions applied where they contain contrary to the public interest information that can be removed, which enables the remainder of the record to be released. This provision has been applied where appropriate.

Information taken to be contrary to the public interest to disclose
None of the records contain information that is taken to be contrary to the public interest to disclose.

Information, the disclosure of which would, on balance, be contrary to the public interest
The public interest test requires the identification of factors favouring disclosure and non-disclosure, the balancing of those factors, and a decision whether, on balance, disclosure of the information would be contrary to the public interest.

I have decided that the factors favouring disclosure, as listed at Schedule 2.1 of the FOI Act, are that disclosure of the information could reasonably be expected to:

- *promote open discussion of public affairs and enhance the government's accountability* (Schedule 2, 2.1(a)(i));

- *contribute to positive and informed debate on important issues or matters of public interest* (Schedule 2, 2.1(a)(ii)); and
- *ensure effective oversight of expenditure of public funds* (Schedule 2, 2.1(a)(iv)).

The information sought relates to the construction and value for money assessments of the gymnasium at a public school. The construction of a public school gymnasium is a publicly funded infrastructure project of interest to students, parents and the broader community. Disclosure of information relating to the construction and cost assessment of the project would increase transparency regarding how public resources have been allocated and managed. Therefore, these factors favouring disclosure are given strong weight.

I have decided that the applicable factor favouring non-disclosure, as listed at Schedule 2.2 of the FOI Act, is that disclosure of the information could reasonably be expected to:

- *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004 (Schedule 2, 2.2(a)(ii))*

The consideration of the right to privacy of individuals and their right to have their personal information protected activates provisions of the *Human Rights Act 2004* and the *Information Privacy Act 2014.* Section 12(a) of the Human Rights Act provides that everyone has the right '*not to have his or her privacy, family, home or correspondence interfered with unlawfully or arbitrarily*'. Ombudsman review decisions addressing this matter have stated that this "can essentially be viewed as the right of an individual to preserve their personal sphere from interference by others". In addition, the Territory Privacy Principles contained in the *Information Privacy Act 2014*, set out the expectation that, in ordinary circumstances, individuals are required to give consent before their personal information, which includes information that could lead to them being identified, is disclosed. Consequently, I have decided that the right to privacy of individuals in relation to their personal information as a factor favouring non-disclosure has significant weight.

- *prejudice trade secrets, business affairs or research of an agency or person (Schedule 2, 2.2(a)(xi))*

Entities with a business relationship with government will have some expectations that aspects of their dealings may be publicly disclosed. However, businesses would also expect that government would protect their sensitive information and, unless legally required, not disclose the information arbitrarily without having regard to potential impacts on the business. Therefore, I give significant weight to the protection of business information that would be prejudicial to the business if it were disclosed.

I have considered the factors favouring disclosure and the factors favouring non-disclosure.

As the factors favouring non-disclosure have been given significant weight and the factors favouring disclosure have strong weight, information within the records has been redacted where it has been deemed contrary to the public interest to disclose.

In addition, information outside of the scope of your request has been redacted.

Additional information
A small number of records released to you fall outside of the timeframe specified in your request. These records have been included because they provide important context regarding the scoping, specification and design of the gymnasium.

Charges
Processing charges are not applicable for this request because the subject is of interest to members of the community for a variety of reasons.

Online publishing – disclosure log
Under section 28 of the FOI Act, the Directorate maintains an online record of access applications called a disclosure log. Information about your request, my decision and records released to you in response to your access application will be published in the Directorate's disclosure log between three and 10 working days after a decision on access has been provided to you. Your personal information will not be published.

You may view the Directorate's disclosure log at www.act.gov.au/open/foi-disclosure-logs/education-foi-disclosure-logs.

Review of decision
Ombudsman review
My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day my decision is provided to you, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

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
Allara House, 15 Constitution Ave
GPO Box 370
Canberra City ACT 2601

Telephone: (02) 6207 1740
http://www.acat.act.gov.au/

If you have any questions concerning the Directorate's processing of your request, please contact the Directorate's FOI team on 02 6205 0720 or email EducationFOI@act.gov.au.

Yours sincerely

Paula Murray
Information Officer

25 September 2026