

schedule 2.2(a)(ii)

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), accepted by Infrastructure Canberra (iCBR) on 13 March 2026.

In your information access request, you sought access to:

*Pursuant to section 30 of the Freedom of Information Act 2016 (ACT) we request copies of all documents relating to the design and construction of the Light Rail Works for works within **approximately 250 metres** of the Property including but not limited to:*

4.1 contracts, deeds, scopes of work and specifications relating to the relevant Light Rail Works;

4.2 design documentation, drawings, drainage plans and stormwater management plans;

4.3 construction documents detailing construction methodologies, sequencing documents and temporary works plans;

4.4 risk assessments, environmental management plans and water management measures;

4.5 incident reports, complaints, defect notices or records of water ingress or flooding; and

4.6 correspondence (including emails) between Infrastructure Canberra and any contractor, consultant or subcontractor concerning drainage, stormwater, impermeable surfaces or water impacts.

Authority

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

Decision on access

Searches were completed in accordance with the Act, and a large volume of items were returned.

In processing the large volume of returned items, the team was preparing to schedule a clarification meeting under section 34(3) with yourselves. The purpose of the meeting was to ascertain whether we could refine your application for processing efficiency and mitigate any unnecessary extension



requests or refusals under section 441(a)(b). I note the team did not have response from you in relation to this meeting and it has not been arranged.

Following further discussions with iCBR officers, I understand the items relate to an active legal proceeding. As a result I have decided to withhold all information identified in relation to your request.

My decision is detailed further in the following Statement of Reasons.

Statement of Reasons

In making my decision on disclosing government information, I must identify all relevant factors in Schedule 2 of the Act and determine, on balance, where the public interest lies.

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

Factors favouring disclosure in the public interest (Schedule 2, Section 2.1)

Due to the active legal proceeding I have determined there are no applicable factors for release in the public interest at this stage.

Factors favouring non-disclosure in the public interest (Schedule 2, Section 2.2)

- *Section 1.1A Information in possession of a court or tribunal,*

I consider the pending legal proceedings a significant factor to withhold information identified in this request. ACT Ombudsman guidelines state decision-makers should consider possible impacts of disclosure on current legal proceedings if the release of information could interfere with the administration of justice.

Charges

I have decided to waive any charges in relation to this Freedom of Information application.

Online Publishing – Disclosure Log

Under section 28 of the Act, iCBR maintains an official online record of access applications called a Disclosure Log. Your original access application, my decision and documents released to you in response to your access application will be published on the iCBR Disclosure Log within three to ten working days after the date of the decision.

Your personal details will not be published.

You may view the iCBR Disclosure Log at: [Disclosure log - Infrastructure Canberra \(act.gov.au\)](https://www.act.gov.au/infrastructure-canberra/disclosure-log).

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 published on the iCBR Disclosure Log, 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



ACT
Government

Infrastructure Canberra

OFFICIAL

GPO Box 442
CANBERRA ACT 2601
Via email: 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(2) on an Ombudsman review, you may apply to ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore Street
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 me via email
iCBR.FOI@act.gov.au.

Please ensure you quote your reference number: **iCBRFOI2526/57**

schedule 2.2(a)(ii)

Lorcan Murphy
Information Officer
Infrastructure Canberra
11/06/2026