



DECISION ON FREEDOM OF INFORMATION ACCESS APPLICATION

I refer to your application received by the Justice and Community Safety Directorate (JACS) on 5 January 2021 in which you sought access to the following information under the *Freedom of Information Act 2016* (the Act):

1. *Report and test results from PFOS/PFOA testing at the Forrest Fire Station Precinct (the report as provided to the ACT govt)*
2. *Any reporting/briefs/records of meetings on (1) above that has been provided to any MLA, particularly Minister Gentleman and Minister Vassarotti.*
3. *Any reports/information/ministerials on contamination associated with this site - including historic material from the stations closure in the 1980s.*

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

I have identified nine documents containing information within the scope of your access application. These are outlined in the *Schedule of documents*.

I have decided to:

- grant full access to eight documents
- grant partial access to one document

Please see the reasons outlined in the 'reasons for decision' at [Attachment A](#).

To provide context to the information, we recommend interpretation be informed by the advice provided on <https://www.pfas.gov.au/>.

Further searches

In processing your request, JAC has performed searches of physical files which are stored off site in addition to reviewing electronic material. As per the advice sent to you on 22 February 2021, JACS is in the process of locating two additional files for review. Should any additional information be identified as falling within the scope of your request, a decision on the release of that information will be provided to you by 5 March 2021.

Accessing files from Archives ACT

In performing searches for information, JACS has identified records which could contain information that is relevant to the scope of your request but are not accessible under Freedom of Information access applications as per section 13 of the Act.

13 Relationship with Territory Records Act 2002

- (1) This Act does not apply to—
 - (a) a record of an agency if a person is entitled to access the record under the Territory Records Act 2002, part 3 (Agency records—access).

These files are over 20 years old and as such you can access these records as per section 26 of the *Territory Records Act 2002*.

26 Access to records

- (1) A record of an agency is open to public access under this Act on the next Canberra Day after the end of 20 years after the record, or the original of which it is a copy, came into existence.

A list of these records has been included at Attachment B. Information on accessing these records via ArchivesACT is made available at https://www.archives.act.gov.au/Request_a_record.

Online publishing – disclosure log

Under section 28 of the Act, JACS maintains an 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 in the JACS disclosure log no later than 10 days after the decision. Your personal contact details will not be published.

You may view the JACS' disclosure log at: <http://www.justice.act.gov.au/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 in the JACS 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
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

The review of decision application form is available at:

https://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf

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

Level 4, 1 Moore St

GPO Box 370

Canberra City ACT 2601

Ph: (02) 6207 1740

<http://www.acat.act.gov.au/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact JACS FOI via jacsfoi@act.gov.au or phone 6207 2167.

Yours sincerely



Danielle Krajina

Executive Branch Manager

Governance and Business Improvement

24 February 2021

Attachment A – Reasons for decision

1. Material considered

In reaching my decision, I considered:

- your original access application
- the documents containing the information that fall within the scope of your access application
- consultation with third parties about information concerning them
- consultations with JACS officers
- *Freedom of Information Act 2016*

2. Reasons for my decision

As a decision maker, I am required to determine whether the information 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
- 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 have included below the factors relevant to my decision on access.

2.1. Information contrary to public interest to disclose

I have determined that none of the documents within the scope of your request contain information that is taken to be contrary to the public interest to disclose under Schedule 1 of the Act.

2.2. Public interest test

I have assessed the information against the factors favouring disclosure and factors favouring non-disclosure in Schedule 2. On balance, I have decided that the information is in the public interest to disclose. I have included below the relevant factors for your information.

2.1 Factors favouring disclosure in the public interest

(a) disclosure of the information could reasonably be expected to do any of the following:

- (i) promote open discussion of public affairs and enhance the government's accountability;
- (xi) reveal environmental or health risks or measures relating to public health and safety.

2.2 Factors favouring nondisclosure 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*.

Minor redactions have been applied to the personal details of third parties in one document to protect their right to privacy under the *Human Rights Act 2004*.

3. Summary of my decision

In conclusion, I have decided to:

- grant full access to eight documents
- grant partial access to one document

Attachment B – Archives ACT files

Reference	File name
87/12964	General Works Section - Project No 728578 - Forrest Fire Station - Territorial 2 - Supply and Install Handbasin and Renew Ceiling
88/7473	Technical Services Branch, Maintenance, Project Number 734716, Relocate Breathing Apparatus Forrest To Fyshwick
89/7678	Urban Services Branch Building Assets Management, 743417 Forrest Fire Station - Annex, Supply & Install Air Conditioner
92/7996	Corporate Development Group, Forrest Fire Station, Section 35 Block 12 Forrest
94/8526	Heritage Museums & Galleries, Recreation & Tourism Branch Heritage Committee, Forrest Fire Station Complex
94/11619	Heritage Museums & Galleries, Forrest Fire Station Precinct Griffith
94/20591	Corporate Development Group, Estate Management, Forrest Fire Station, Section 35 Block 12 Forrest
94/238	Capital Works Branch Education Section Forrest Fire Station
94/2460	Asset Management Service Forrest Fire Station Bp000082 1993/94
71/1369	Stores & Contracts Section - Forrest Fire Station - Stocktakes (Manuka)
76/3373	Stores & Contracts Section - Forrest Fire Station Stocktake (Manuka) - Part 2
ZA73/165	Fire Station No 1 Forrest - Administration - Part 1
ZA73/166	Fire Station No 1 Forrest - Administration - Part 2
84/3186	Business Leases Branch - Forrest Fire Station - National Trust Accommodation
84/8409	Technical Services Branch - Working Party on The Forrest Fire Station
NC-85/740#01	Forrest Fire Station Refurbishment User Requirements - Part 1
NC-85/740#02	Forrest Fire Station Refurbishment User Requirements - Part 2
NC-86/01954#1	Forrest Fire Station Refurbishment Construction
NC-86/01954#2	Forrest Fire Station Refurbishment Construction
NC-80/01679	Fire Station Forrest - Future Use