



## FREEDOM OF INFORMATION REQUEST - DECISION NOTICE

I refer to your application received by the Justice and Community Safety Directorate (JACS) on 27 January 2021 in which you sought access to the following information under the *Freedom of Information Act 2016* (the Act):

*“Correspondence and associated documents between the ESA and the Australian National University related to the construction of an ESA site on Clunies Ross Street.”*

### 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

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

I have decided to grant partial access to six documents. Please see the reasons outlined in the ‘reasons for decision’ at [Attachment A](#).

### 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 on 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 Your personal contact details will not be published.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](mailto: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](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:

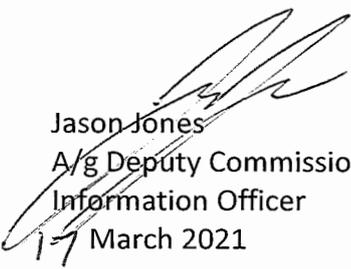
ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601

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](mailto:jacsfoi@act.gov.au) or phone 6207 2167.

Yours sincerely



Jason Jones

A/g Deputy Commissioner - Emergency Services Agency  
Information Officer

17 March 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 a third party about information concerning them
- consultations with JACS officers
- *Freedom of Information Act 2016*
- *Human Rights Act 2004*

### 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:
  - (ii) contribute to positive and informed debate on important issues or matters of public interest;
  - (viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

#### 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*.

I have decided to grant partial access to six documents under section 50 of the Act with minor redactions to details of third parties.

**3. Summary of my decision**

In conclusion, I have decided to grant you partial access to six documents.