



### DECISION ON FREEDOM OF INFORMATION ACCESS APPLICATION

I refer to your application under the [Freedom of Information Act 2016](#) (the Act), received by the Justice and Community Safety (JACS) Directorate on 28 March 2022, in which you sought access to:

*.....the Pialligo Redwood Forest Fire which started on or around 22 January 2020 in the Redwood Forest in Pialligo which destroyed and damaged property and houses. We request:*

*A complete copy of the file prepared by the ACT Emergency Services in response to the Fire including but not limited to:*

- (a) incident reports;*
- (b) causation reports;*
- (c) notebook entries;*
- (d) logs;*
- (e) witness statements;*
- (f) investigation reports;*
- (g) any documents which relate to the cause of the fire;*
- (h) any documents which relate to investigations into the cause of the fire;*
- (i) expert reports into the cause of the fire;*
- (j) media releases;*
- (k) mapping;*
- (l) drawings;*
- (m) fire ban data;*

(n) photographs;

(o) images; and

(p) footage.

2 Any documents which outline the fire ban status as at January 2020 in the lead up to and including the day of the Fire.

On 7 April 2022, you agreed to exclude video footage from the scope of this request.

A decision is due to you by 2 June 2022. Thank you for agreeing to allow additional time to process this response.

### 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 64 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 the 64 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 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 Your personal contact details will not be published.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: <https://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 on 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)

**OFFICIAL**

**Freedom of Information Access Application - Decision Letter 2022/3865**

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**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  
Information Officer  
31 May 2022

**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
- 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 within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to the 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.A Information contrary to public interest to disclose**

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

**2.B Public interest test**

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

**Factors favouring disclosure****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;*
- (ii) *contribute to positive and informed debate on important issues or matters of public interest;*
- (iii) *inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community;*

- (viii) reveal the reason for a government decision and any background or contextual information that informed the decision;*
- (xi) reveal environmental or health risks or measures relating to public health and safety.*

I place considerable weight on the above factors noting that the fires impacted the ACT community, and it is reasonable that this information is made publicly available.

I have not identified any factors that favour non-disclosure of this information.

It is noted by the ACT Ombudsman that when only out of scope information is redacted from a document, it is considered a full release. There is one such redaction on page 7 of the documents provided to you.

Based on the above, I have decided to grant full access to 64 documents under section 48 of the Act.

### **3. Summary of my decision**

In conclusion, I have decided to grant you full access to 64 documents.