



FREEDOM OF INFORMATION REQUEST – DECISION NOTICE

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

“The Jerrabomberra Shed building condition report delivered in June 2021 and related correspondence.”

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 11 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 three documents
- grant part access to eight 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 Your personal contact details will not be published.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

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



Jason Jones
Information Officer
22 June 2022

Attachment A – Reasons for decision

1. Material considered

In reaching my decision, I considered:

- your revised access application
- the documents containing the information that fall within the scope of your access application
- consultations with JACS officers
- consultation with third parties
- *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 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 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.B 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;*
 - (ii) *contribute to positive and informed debate on important issues or matters of public interest;*
 - (viii) *reveal the reason for a government decision and nay 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;*

(xiii) *prejudice the competitive commercial activities of an agency.*

I have decided to grant partial access to eight documents under section 50 of the Act with redactions applied as follows:

- Minor redactions have been applied to the mobile numbers of ESA staff and email addresses of Jerrabomberra Volunteer Rural Fire Brigade members to protect their right to privacy under the *Human Rights Act 2004*.
- Redactions have been applied to repair cost estimates provided by ACOR Consultants. The release of this information could reasonably be expected to prejudice ESA's competitive commercial activities as it may diminish the agency's bargaining power or ability to negotiate competitive commercial terms.

I have decided to grant full access to three documents under section 48 of the Act as there are no factors identified that favour non-disclosure of this information.

3. Summary of my decision

In conclusion, I have decided to:

- grant full access to three documents
- grant part access to eight documents