

Schedule 2.2(a)(ii)

via email: Schedule 2.2(a)(ii)

Dear

## FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by Major Projects Canberra (MPC) on 21 July 2022, in which you sought access to:

*“Any documents pertaining to the initial modelling, scoping and costing of the ACT Combustible Cladding Concessional Scheme. This request includes but is not limited to briefings, announcements and analysis.”*

### Authority

I am an Information Officer appointed by the Chief Projects Officer under section 18 of the Act to deal with access application made under Part 5 of the Act.

### Decision on access

Searches were completed for relevant documents and three (3) documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

My decision in relation to the documents relevant to your request is summarised as follows:

- withheld access to two (2) documents, and
- One (1) document identified has previously been provided to you and is available on our disclosure log - [MPCFOI2021-09.pdf \(act.gov.au\)](#)

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 FOI 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)**

- Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability; and
- Section 2.1(a) (ii) contribute to positive and informed debate on important issues or matters of public interest.
- Section 2.1(a)(xi) - reveal environmental or health risks or measures relating to public health and safety

The release of this information may possibly help to create positive and informed discussions. I consider that disclosing the contents of the information sought could reasonably contribute to discussion of public affairs. I am satisfied that these are relevant considerations favouring disclosure in this case, and in the interests of enhancing open discussion, I afford them significant weight.

### **Factors favouring non-disclosure (Schedule 1 Information disclosure of which is taken to be contrary to the public interest)**

- Law Enforcement or Public Safety Information - 1.14 (1) (c)

This category of contrary to public interest information protects against potential threats to public safety being caused by the release of information. The ACT Fire and Rescue assessments contain the addresses and risk assessments for numerous buildings in the Australian Capital Territory which are at various stages of remediation of combustible cladding. It is reasonably expected to affect public safety to identify any buildings, which may still contain combustible cladding, and there is an undue risk it would present through endangerment of physical safety as a result of disclosure.

The release of the assessments is reasonably expected to increase threats or risk to public safety and the efforts required by law enforcement agencies to protect the Canberra community under Schedule 1.14 (1)(c) of the Act (endanger a person's life or physical safety). I have determined that the significance of the potential harm is reasonably based despite no specific threat known at present.

I have decided on balance that the risks associated with disclosing the locations of any building that may still contain combustible cladding outweigh the public interest in releasing these assessments at this time.

### **Online Publishing – Disclosure Log**

Under section 28 of the Act, MPC 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 in the MPC disclosure log three (3) to ten (10) business days after the date of the decision. Your personal contact details will not be published. You may view the MPC disclosure log at <https://www.act.gov.au/majorprojectscanberra>.

### **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 MPC 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)

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 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 you request, please contact me by telephone on (02) 6205 5288 or email [MPCFOI@act.gov.au](mailto:MPCFOI@act.gov.au).

Yours sincerely

**Schedule 2.2(a)(ii)**

Kylie Bailey  
Information Officer  
**Major Project Canberra**  
10 August 2022

## FREEDOM OF INFORMATION REQUEST SCHEDULE

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <https://www.act.gov.au/majorprojectscanberra/home>

FOI Reference Number		Request Details				
<b>MPCFOI2022/12</b>		<i>"any documents pertaining to the initial modelling, scoping and costing of the ACT Combustible Cladding Concessional Scheme . This request includes but is not limited to briefings, announcements and analysis."</i>				
Ref No.	No. of Folios	Description	Date	Status	Reason for non-release or partial release	Open Access release status
1.	-	ACT Fire and Rescue Assessment Spreadsheet	Undated	Withheld	Schedule 2.2(a)(iii) prejudice security, law enforcement or public safety	No
2.	-	CART master spreadsheet ACT Fire and Rescue assessments	Undated	Withheld	Schedule 2.2(a)(iii) prejudice security, law enforcement or public safety	No
3.	-	Ministerial Brief: Background information – Cladding rectification programs	11 November 2020	Previously Released - <a href="#">MPCFOI2021-09.pdf (act.gov.au)</a>		Yes
<b>Total Number of Documents</b>						
<b>3</b>						