



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2020-199

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	No
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	7
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:** [REDACTED]  
**To:** [CMTEDD FOI](#)  
**Subject:** ABC News: FOI request  
**Date:** Thursday, 15 October 2020 11:52:53 AM

---

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi CMTEDD FOI team,

Under the Freedom of Information Act 2016, I request access to the following:

Documents – including audit results and site specific management plans - related to contaminated sites in the ACT subject to an independent environmental audit or subject to ongoing management.

Happy to negotiate if the scope of this request proves too broad.

If there are any barriers that may prevent you from processing this quickly and disclosing the documents, please give me a call to discuss refining the scope of my request.

Regards,






**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2020-199



via email: 

Dear 

### **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 15 October 2020 July 2020, in which you sought access to:

- Documents – including audit results and site-specific management plans - related to contaminated sites in the ACT subject to an independent environmental audit or subject to ongoing management 2010 to present.

### **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.

### **Timeframes**

In accordance of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 12 November 2020.

### **Decision on access**

I have decided to refuse to deal with your application under section 43(1)(d) and section 45(c) of the Act because the information you are seeking is publicly available.

Section 43(1)(d) states:

- (1) A respondent may refuse to deal with an access application wholly or in part only if—
  - (d) the government information is already available to the applicant (see section 45).

Section 45(c) states:

For section 43(1)(d), government information is already available to the applicant only if the information—

- (c) is available as part of a public register established under a territory law.

As detailed in an email to you dated 14 October 2020, information in relation to contaminated sites can be found here:

[https://www.accesscanberra.act.gov.au/app/services/contaminated\\_sites#/](https://www.accesscanberra.act.gov.au/app/services/contaminated_sites#/)

Audit documents that are not available on the register of contaminated sites, but you can submit a request to gain access to the reports here:

<https://form.act.gov.au/smartforms/servlet/SmartForm.html?formCode=1019>

### **Charges**

Processing charges are not applicable for this request because no pages are being released to you.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. A description of the access application and my decision will be published in the CMTEDD disclosure log after 22 October 2020. Your personal contact details will not be published. You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/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 CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, 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 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  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Dachs', is positioned above the typed name.

Philip Dachs  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate  
26 October 2020