



**ACT**  
Government

Justice and Community Safety

Our Reference: 13-0082



Dear 

### **FREEDOM OF INFORMATION REQUEST**

I write in response to the ongoing correspondence between yourself and this office regarding your request for access to the Office of Regulatory Services (ORS) documents under the *Freedom of Information Act 1989* (the Act).

In your letter, you seek access to documents regarding the Cotter Dam Enlargement Project.

In particular, you seek access to:

- "...1. Copies of any Infringement notices issued to John Holland or the Bulk Water Alliance whilst operating in the ACT;*
- 2. Copies of any Prohibition notices issued to John Holland or the Bulk Water Alliance whilst operating in the ACT; and*
- 3. Copies of any reports, documents or the like in the possession of ACT WorkSafe regarding safety issues that existed at the Cotter Dam Enlargement Project...."*

On the 20 December 2013, you confirmed with the ORS via telephone conversation that you do not require the email correspondence in relation to this matter.

I am the officer authorised under section 22 of the Act to make a decision in relation to your request.

On 23 December 2013, the ORS wrote to you informing you that the documents relevant to your request were subject to third party consultation processes in accordance with section 27 section 27A of the Act. Submissions regarding the release of these documents have since been received.

I have decided to partially release these documents to you, with exemptions, in accordance with section 36(1), 40(1), 41(1) and section 43(1) of the Act. Please see the attached schedule detailing the documents being released to you.

Section 36(1) of the Act details that information may be exempt from release if its disclosure under the Act would unreasonably release internal working documents

Section 40(1) of the Act details that information may be exempt from release if its disclosure under the Act would unreasonably release documents concerning certain operations of agencies.

Section 41(1) of the Act details that information may be exempt from release if its disclosure under the Act would unreasonably release personal information.

Section 43(1) of the Act details that information may be exempt from release if its disclosure under the Act would unreasonably affect business affairs.

Please be advised that the Final ICRC Report on the Enlarged Cotter Dam Water Security Project is publicly available:

[http://www.icrc.act.gov.au/wp-content/uploads/2013/03/Report\\_9\\_of\\_2010\\_June\\_2010.pdf](http://www.icrc.act.gov.au/wp-content/uploads/2013/03/Report_9_of_2010_June_2010.pdf)

I have also assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that the documents relevant to your request, not including your original application and this decision letter, **will** be published online. For more information about the ACT Government's Online Freedom of Information Publication Policy, visit the link below.

[http://www.cmd.act.gov.au/open\\_government/report/freedom\\_of\\_information\\_online](http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online)

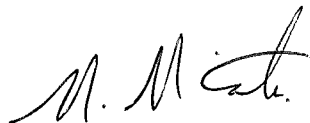
You have the right to seek a review of the outcome under section 59 of the Act within 28 days from the date of this letter, or such other period as the Director-General permits. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate. Requests for review should be submitted to the following address:

The Director-General  
ACT Justice and Community Safety Directorate  
C/- Freedom of Information Officer  
GPO Box 158  
CANBERRA ACT 2601

You also have the right to contact the Ombudsman regarding the processing of your request and you may contact the Ombudsman's Office at the following address:

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Yours sincerely



Mark McCabe  
Decision Maker  
Office of Regulatory Services

4 February 2014