



Dear

FREEDOM OF INFORMATION REQUEST

I refer to your application received by the Justice and Community Safety Directorate (JACS) on 22 September 2016, in which you sought access, under the *Freedom of Information Act 1989* (the FOI Act), to the following documents:

1. *For the period between, 9 August 2016 and 22 September 2016, any document, including but not limited to correspondence, background papers, minutes of meetings, reports, discussion papers and advices held by the Justice and Community Safety Directorate and in particular the ACT Emergency Services Agency or the Commissioner pertaining to:*
 - a. *A strategy to decrease the power or influence of the United Firefighters' Union ACT Branch on the members of the ACT Fire and Rescue Service; and*
 - b. *Information to be distributed to employees and public regarding the performance of the ACT Emergency Services Agency;*
including any reports and advices obtained by external legal practices.
2. *For the period between, 9 August 2016 and 22 September 2016, all accounts and fee slips, however described, from external legal practices for work performed or advices sought or reports commissioned either by, or for or on behalf of the ACT Emergency Services Agency or the Commissioner.*
3. *For the period between, 9 August 2016 and 22 September 2016, all documents including but not limited to correspondence, minutes of meetings, background papers, policy statements, plans, reports and discussion papers pertaining to responding to United Firefighters' Union ACT Branch election campaign and union policy, including but not limited to the email and links to documents attached to a broadcast email with subject matter GET THE FACTS: Building a Stronger ESA.*
4. *For the period between, 9 August 2016 and 22 September 2016, all accounts and fee slips, however described, from external public relations or media firms and consultancies for work performed or advices sought or reports commissioned either by, or for or on behalf of the ACT Emergency Services Agency or the Commissioner.*

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

Reasons for Decision

On 25 October 2016, I advised you that some of the documents relevant to your request were subject to third party consultation processes in accordance with section 27 of the FOI Act. Submissions regarding the release of these documents have since been received.

Following this consultation process, I have decided to claim partial exemption for some of the remaining information you have requested. The attached schedule outlines the documents being released and the exemptions applied.

Exemptions have been claimed in accordance with the following sections of the FOI Act:

Section 41 Documents affecting personal privacy

Section 41 provides that:

- (1) *A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person.*

Some of the documents provided to you contain personal information such as personal email addresses. I have redacted such personal information from these documents on the grounds of personal privacy. These redactions do not affect the substance of the documents.

Section 43 Documents relating to business affairs etc

Section 43 provides that:

- (1) *A document is an exempt document if its disclosure under this Act would disclose:*
- (c) Information (other than trade secrets or information to which paragraph (b) applies) concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, being information –*
 - (i) the disclosure of which would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs.*

The documents you have requested include information that, if disclosed, could reasonably be expected to cause a commercial detriment. This includes information relating to the pricing structure and methodology of a third party provider engaged by the Directorate. Information has been exempted where disclosure has the potential to unreasonably affect this party by providing competitors with access to commercially sensitive information.

The ACT Government's Online Freedom of Information Publication Policy

I have assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that where the remainder of the document after exempt matter is redacted does not result in the document having no value to the public, the documents 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

Review Rights

You have a right to seek a review of this decision under section 59 of the Act. You have 28 days from the date of this letter, or such other period as the Director-General permits, to seek a review. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate. If you wish to seek a review you should write to:

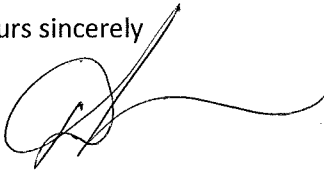
The Director-General
ACT Justice and Community Safety Directorate
C/- Freedom of Information Officer
GPO Box 158
CANBERRA ACT 2601

You also have the right to contact the Ombudsman regarding the processing of your request. If you wish to discuss this matter with the Ombudsman you should write to:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Should you have any queries in relation to your request, please feel free to contact the Freedom of Information Coordinator on (02) 6207 2167.

Yours sincerely

A handwritten signature in black ink, appearing to be 'DK', with a long horizontal flourish extending to the right.

Ms Danielle Krajina
Executive Director
Governance

22 November 2016