



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 2020-071

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	N/A
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	5
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: [JACS FOI](#)
To: [CMTEDD FOI](#)
Subject: FW: FOI - Application re incident 18 October 2019
Date: Monday, 6 April 2020 9:45:45 AM
Attachments: [FOI JACS - 18 Oct 19.docx](#)
[CAPI LICENCE 13 OCT 2023.pdf](#)

UNCLASSIFIED

Good morning team

Please see attached FOI request seeking Worksafe ACT documents.

Could you please confirm acceptance of transfer? Thank you.

Kind regards

Angelique Delahaye | Senior FOI Coordinator
Governance, Coordination and Reporting | Justice and Community Safety Directorate
☎ 6205 9975 | ✉ angelique.delahaye@act.gov.au | 📮 GPO Box 158, Canberra ACT 2601

From: [REDACTED]
Sent: Saturday, 4 April 2020 10:14 AM
To: JACS FOI <JACSFOI@act.gov.au>
Subject: FW: FOI - Application re incident 18 October 2019

From: [REDACTED]
Sent: Saturday, 4 April 2020 10:13 AM
To: 'jacsfoi@act.gov.au' <jacsfoi@act.gov.au>
Subject: FOI - Application re incident 18 October 2019

Please find attached a copy of the FOI Request regarding an incident on 18 October 2019 and a copy of my CAPI Licence. Please advise if you require further information.

Kind regards





ACT

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Justice and Community Safety

Freedom of Information – Access Application Form

PRIVACY NOTICE

The personal information you supply on this form will only be used for the purpose of processing your request. Your application must include an email or postal address to which the respondent can send notices under the Act. If all or some of this information is not collected, the Justice and Community Safety (JACS) Directorate may not be able to communicate with you, inhibiting their obligations under the Act. This could mean the request cannot be dealt with. Your personal information will not be disclosed to a third party without your consent unless statutory obligations require otherwise.

The JACS Directorate Privacy Policy contains information on how you can access or seek to correct any of your personal information that is held by the JACS Directorate, as well as the process for lodging a complaint about an alleged breach of the [Information Privacy Act 2014](#). The Privacy Policy can be found on the JACS Directorate website at <http://www.justice.act.gov.au/privacy>.

Applicant details

I wish to make an access application to Justice and Community Safety Directorate under the [Freedom of Information Act 2016](#).

Name	[REDACTED]
Address (where notices relating to this request can be sent – either postal or electronic)	[REDACTED]
Telephone Contact Residential	[REDACTED]
Telephone Contact Mobile	[REDACTED]
Email Contact	[REDACTED]

What documents are you requesting under the Act?

- **Worksafe ACT Report of information regarding the shutdown of the Laing O'Rourke ACT Courts Re-development construction site on 18 October 2019 due to concerns about silica dust in particular in the Courts Transport Unit.**
- **We are instructed by [REDACTED] on behalf of [REDACTED] Limited in relation to a worker's compensation claim made by a [REDACTED] who alleges that he was subject to silica dust particulates during his visits to the Court Transport Unit in the period that the ACT Courts redevelopment was under constructions.**



ACT
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Justice and Community Safety

Fee Waiver

If you wish to apply for a fee waiver, the Act sets out a number of provisions to do so:

- The information being requested was previously publicly available but no longer is.
- The information being requested is of special benefit to the public (Identified by the Ombudsman under section 66 of the Act).
- The applicant is a concession card holder and demonstrates a material connection with the information requested (concession cards include a current health care or pensioner card issued under the [Social Security Act 1991](#); a current pensioner concession card issued in relation to a pension under the [Veterans' Entitlements Act 1986](#) or the [Military Rehabilitation and Compensation Act 2004](#); a current gold card; or a card prescribed by regulation).
- The applicant is a not-for-profit organisation and the application relates to the activities or purposes of the organisation.
- The applicant is a member of the Legislative Assembly.

The JACS Directorate must waive any fees for providing information if the information was not publicly available and the agency makes the information publicly available before or within 3 working days after giving it to the applicant.

Fee waiver application (fill in if applicable. Otherwise leave blank)

I would like to apply for a fee waiver because (state reason/s from the list above).

[provide details and evidence of how this reason applies]

I would like

a copy of these documents sent to the above address

APPLICANTS SIGNATURE

DATE OF REQUEST

3 April 2020



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2020-071



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 6 April 2020.

Specifically, you are seeking: *“Worksafe ACT Report of information regarding the shutdown of the Laing O’Rourke ACT Courts Re-development construction site on 18 October 2019 due to concerns about silica dust in particular in the Courts Transport Unit.”*

Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 7 May 2020.

Decision on access

Searches were completed for relevant documents in relation to your request, however based on information provided to me by WorkSafe ACT, I have decided to refuse access to all information in relation to this matter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

Material considered

In reaching my access decision, I have taken the following into account, the requirements of the Act and advice received from WorkSafe ACT.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

Contrary to the public interest information under schedule 1 of the Act

WorkSafe ACT have advised that this matter is currently under active investigation and the release of information, at this stage, could prejudice the ongoing investigation of this incident.

Accordingly, I consider this information to be contrary to the public interest under schedule 1 section 1.14(1)(a) and have decided to refuse access to this information at this time.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request as no documents 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. Your original access application and my decision in response to your access application will be published in the CMTEDD disclosure log 3 days after the date of my decision. 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-2020>.

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

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.

Yours sincerely

A handwritten signature in grey 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

15 April 2020