



ACT
Government

Chief Minister and Treasury

Our ref: 9/12-13

Dear

I refer to my decision letter to you, dated 2 April 2013, in relation to your Freedom of Information Request in which you were seeking access to all documents held by the Chief Minister and Treasury Directorate (the Directorate) in relation to the following information on the property at \

- A copy of the consultants' brief
- Contractors Scope of workings and testing
- Information for works carried out through the ACT Government/ Urban Services City Operations Branch Asbestos Program

Decision Maker

I am authorised under section 22 of the *Freedom of Information Act 1989* (the Act) to make decisions on access to documents held by the Directorate.

As indicated in my decision letter of 2 April 2013, the documents that are relevant to your request are managed by the Office of Industrial Relations; these documents are stored offsite in the archives with ACT Records Services.

We have searched numerous archived files in effort to provide to you a comprehensive scope of the works carried out at your property. Searches by address resulted in the location of the airborne fibre monitoring results - released to you with my initial decision. These documents identified the contractor and time span for works carried out at your property which enabled us to locate the conditions and procedures which applied to the work undertaken at \ during late 1992.

The documents identified include the contract under which the works on your property were carried out. This includes specifications on the removal program, repairs of damage and rectification.

All relevant documents identified are listed on the attached schedules with a summary of my decision in relation to each and copies of the documents which I have released in full are attached to their respective schedules.

Under section 41(1) of the Act, I have exempted the release of the name of the former resident/owner of your property in respect of their personal privacy.

Exemption claimed

Documents affecting personal privacy

Section 41 of the Act provides:

- (1) *A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*
- (2) *Subject to subsection (3), subsection (1) does not apply to a request by a person for access to a document only because of the inclusion in the document of matter relating to that person.*
- (3) *Where—*
 - (a) *a request is made to an agency or Minister for access to a document of the agency, or an official document of the Minister, that contains information of a medical or psychiatric nature concerning the person making the request; and*
 - (b) *it appears to the principal officer of the agency, or to the Minister, as the case may be, that the disclosure of the information to that person might be prejudicial to the physical or mental health or wellbeing of that person;*

the principal officer or Minister may direct that access to the document, so far as it contains that information, that would otherwise be given to that person is not to be given to that person but is to be given instead to a doctor to be nominated by that person.

Your right of review

Internal Review

You are entitled, under section 59(1) of the Act, to request a review of my decision. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate.

You have 28 days after receiving notice of my decision to ask for a review, or a further period as allowed by the Director-General.

Your request should be addressed to:

Director-General
Chief Minister and Treasury Directorate
GPO Box 158
CANBERRA ACT 2601

Complaints to the Ombudsman

Under section 54 of the Act, you may complain to the Ombudsman about administrative matters relating to the processing of your FOI request. There is no fee for making a complaint. The Ombudsman may conduct an independent investigation into your complaint. You can contact the Ombudsman either by telephone on 1300 362 072 or by writing to:

The Ombudsman
GPO Box 442

CANBERRA ACT 2601

Online FOI Policy

Please be aware that under the ACT Government's Online FOI Publication Policy information released to you in response to your Freedom of Information request may be released on the Internet.

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 FOI Coordinator immediately on 620 50238.

A copy of the policy, with details about what information may be published on the internet, is available online at:

http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf

Should you have any queries regarding this matter please contact me on 620 76003.

Yours sincerely


Heidi Robinson
Acting Director
Office of Industrial Relations

24 May 2013