



**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 2023-102

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	N/A
4. Additional information identified	Yes/No
5. Fees	N/A
6. Processing time (in working days)	18
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:** [no-reply@act.gov.au](mailto:no-reply@act.gov.au)  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Monday, 20 March 2023 11:57:32 AM

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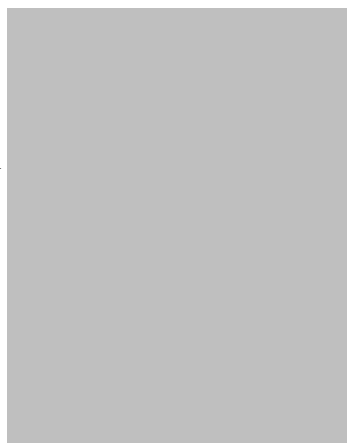
**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

### Your details

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

Title:  
First Name:  
Last Name:  
Business/Organisation  
Address:  
Suburb:  
Postcode:  
State/Territory:  
Phone/mobile:  
Email address:



### Request for information

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

Under the Freedom of Information Act 2016 I want to access the following document/s (\*required field):

I would like to request the following information and existing documents on the Canberra Olympic Pool or Civic Pool to answer the following questions. How many pool visits each year for Canberra Olympic Pool for the last 10 years? What are the possible alternative sites that the ACT Government has identified for a new Civic Pool and/or a major aquatic complex? Acton Foreshore, West Basin, Campbell, Reid, Civic? To what time is funding currently allocated to the Civic Pool? Which agency and which specific Branch is responsible for planning and developing a new pool if the Civic Pool is closed or redeveloped? Which agency and which specific Branch is responsible for managing the existing arrangements for the Civic Pool? What is the criteria for deciding whether a pool is still required for the Civic area?

I do not want to access the following documents in relation to my request::

I specifically do not care or need any information on existing pools such as Dickson, Manuka, or any other public pool in Canberra. I am only interested in information on the future of the Civic Pool or alternatives sites for a new pool or aquatic complex.

Thank you.

## Freedom of Information Coordinator



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI2023-102



## **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 20 March 2023:

*"I would like to request the following information and existing documents on the Canberra Olympic Pool or Civic Pool to answer the following questions. How many pool visits each year for Canberra Olympic Pool for the last 10 years? What are the possible alternative sites that the ACT Government has identified for a new Civic Pool and/or a major aquatic complex? Acton Foreshore, West Basin, Campbell, Reid, Civic? To what time is funding currently allocated to the Civic Pool? Which agency and which specific Branch is responsible for planning and developing a new pool if the Civic Pool is closed or redeveloped? Which agency and which specific Branch is responsible for managing the existing arrangements for the Civic Pool? What is the criteria for deciding whether a pool is still required for the Civic area?"*

**Please note** your request was partially transferred to Environment, Planning and Sustainable Development Directorate (EPSDD) as they also hold information related to this request. EPSDD will respond to you separately.

### **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 with section 40 of the Act and following the need for third party consultation under Section 38 of the Act, CMTEDD is required to provide a decision on your access application by 19 April 2023.

### **Decision on access**

An information search of CMTEDD records was conducted based on information provided by you. While traditional documents were not found, data was identified and has been

provided in the responses following my statement of reasons provided in accordance with section 54(2) of the Act.

### **Statement of reasons**

#### **Material considered**

In reaching my access decisions, I have taken the following into account:

- the Act,
- the content of the information that falls within the scope of your request.

#### Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

##### Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it [public interest] appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

##### Factors favouring disclosure in the public interest:

*(a) disclosure of the information could reasonably be expected to do any of the following:*

*(ii) contribute to positive and informed debate on important issues or matters of public interest.*

*(iii) inform the community of the government’s operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.*

I have put substantial weight on the above factors favouring disclosure. I note that the information requested relates to traffic arrangements which are issues that are of interest to the community. The release of this information can reasonably be expected to provide information that will inform the community and increase their understanding of government operations.

I did not identify any factors favouring nondisclosure and have decided to release this information to you in full.

## Information released

### ***How many pool visits each year for Canberra Olympic Pool for the last 10 years?***

Year	Total
2022/23	117295 *
2021/22	147474 +
2020/21	238716
2019/20	91220 ^
2018/19	117626
2017/18	133477
2016/17	108209
2015/16	106675
2014/15	114345
2013/14	124824
2012/13	145043
Average	131355

#### **Notes:**

\* 2022/23 – year to date data July 2022-March 2023

+ 2021/22 – Pool was closed 12 August to 15 October 2021 (COVID)

^ 2019/20 – Pool was closed 23 March to 28 June 2020 (COVID)

Attendance numbers between July 2020 to September 2022 are higher due to Gungahlin Pool rectification project, excepting Covid shutdown periods. The average attendance is 131,355 using available data, however the adjusted average is 107,499 when impacted years are removed.

#### ***To what time is funding currently allocated to the Civic Pool?***

The ACT Government provides operational funding for the Canberra Olympic Pool annually as part of the ACT Government Budget. The operational (controlled recurrent payments) and capital funding for 2022-23 is reflected on page 54 and 59 of the Chief Minister, Treasury and Economic Development Directorate 2022-23 Budget Statements.

#### ***Which agency and which specific Branch is responsible for managing the existing arrangements for the Civic Pool:***

ACT Property Group (ACTPG), in the Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

#### ***What are the possible alternative sites that the ACT Government has identified for a new Civic Pool and/or a major aquatic complex? Acton Foreshore, West Basin, Campbell, Reid, Civic?***

CMTEDD does not hold this information.

***Which agency and which specific Branch is responsible for planning and developing a new pool if the Civic Pool is closed or redeveloped?***

CMTEDD does not hold this information.

***What is the criteria for deciding whether a pool is still required for the Civic area?***

CMTEDD does not hold this information.

**Charges**

Pursuant to the *Freedom of Information (Fees) Determination 2017* (No 2) processing charges are not applicable for this request because the total number of pages to be released to you does not exceed the charging threshold of 50 pages.

**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 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-2023>

**Ombudsman Review**

All decisions made under the Act are reviewable 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 on the 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:

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:

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 'K Stuart', written in a cursive style.

Katharine Stuart

Information Officer

Chief Minister, Treasury and Economic Development Directorate

14 April 2023