



ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923
Reference: 24/128214



Dear 

Decision on Freedom of Information Access Application 24/128214

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the Act) received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 25 November 2024.

Specifically, you are seeking:

“For the purpose of this request the coroners report I refer to is this report:

https://www.parliament.act.gov.au/data/assets/pdf_file/0007/2412862/ACT-Coroners-Report-Drownings-in-ACT-Rivers.pdf

(1) Any document setting out a cost-benefit analysis, scoping study, scoping report, consideration of practicality, feasibility study/report, implementation pathway or similar relating to the recommendations of the coroner’s report, including the installation of water safety equipment and emergency call devices at public swimming locations in the ACT. For the purposes of this request we are seeking documents generated within the last 2 years.

(2) Any document setting out a cost-benefit analysis, scoping study, scoping report, consideration of practicality, feasibility study/report, implementation pathway or similar relating to the installation of water safety equipment and emergency call devices at public swimming locations in the ACT. For the purposes of this request we are seeking documents generated within the last 2 years.

(3) Any correspondence with the Royal Life Saving Society (RLS) arising from the recommendation of the coroner that the ACT Government engage in discussions with RLS regarding the practicality of installing rescue equipment in freshwater swimming sites. For the purposes of this request we are seeking documents generated within the last 2 years.

(4) A copy of any risk assessment including risk mitigation plan or similar regarding public swimming at the following sites:

-cotter bend

-tharwa sandwash

-kambah pool

-casuarina sands

For the purpose of this request we seek documents generated over the last 5 years.”

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 of the Act. On 5 February 2025, I wrote to you regarding access to 28 documents identified as in scope of your application.

Following this decision, one additional document was identified as within scope of your application. In accordance with section 36 of the Act, EPSDD may make a further decision under section 35 of the Act in relation to this additional government information.

Decision on Access

I have included as **Attachment A** to this decision the document schedule. The schedule provides a description of the document that falls within the scope of your application and the access decision.

For the reasons set out below, I have decided to grant partial access to the one document relevant to your application.

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

- The FOI Act, particularly sections 6, 17, 36, 50 and Schedule 2
- The content of the document that falls within the scope of your request
- The *Human Rights Act 2004*

Public Interest Considerations

My reasons for deciding not to grant access to components of this documents are as follows:

Information Disclosure – Schedule 2 of the Act

The Act recognises the right of every person to obtain access, under its provisions, to government information (see section 7, the Act). As an Information Officer, I am required to allow access to information subject to the Act, unless, on balance, disclosure would be contrary to the public interest.

In assessing the public interest, I must apply the test outlined under section 17 of the Act which requires consideration of factors favouring disclosure, any favouring nondisclosure and the balance of those factors when considered cumulatively.

Factors Favouring Disclosure

In applying the public interest test, I have determined that disclosure of the information could reasonably be expected to do the following:

- Schedule 2, 2.1(a)(i) – promote open discussion of public affairs and enhance the government’s accountability.
- Schedule 2, 2.1(a)(ii) – contribute to positive and informed debate on important issues or matters of public interest.
- Schedule 2, 2.1(a)(xi) – reveal environmental or health risks or measures relating to public health and safety.

Factors favouring Nondisclosure

In applying the public interest test, I have determined that disclosure of the information could reasonably be expected to do the following:

- Schedule 2, 2.2(a)(ii) – prejudice the protection of an individual’s right to privacy or any other right under the *Human Rights Act 2004*.

Personal Information

The document relevant to your application contains personal information of an individual (personal mobile number). I have considered how the public interest would be advanced by releasing this information in part or in whole. It is my view that the information if disclosed, could reasonably be expected to prejudice the protection of an individual’s right to privacy under section 12 of the *Human Rights Act 2004*. On balance, and the information available to me, I am satisfied that the disclosure of this personal information is not in the public interest.

To provide you with the information that I have determined to be in the public interest to release, copies of some documents have been prepared with personal information redacted in accordance with section 50 and the Objects of the Act.

Charges

No charges are applicable to this application.

Online Publication

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Your original access application, this decision and the document released will be published in the EPSDD disclosure log no earlier than three days after you receive this decision. Your personal contact details will not be published.

You may view the EPSDD disclosure log at

<https://www.environment.act.gov.au/about-us/access-government-information/disclosure-log>

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 the disclosure log, or a longer period allowed by the Ombudsman. For more information and the application form for Ombudsman review, please visit:

<https://www.ombudsman.act.gov.au/accountability-and-oversight/freedom-of-information/foi-complaints-and-reviews>

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:

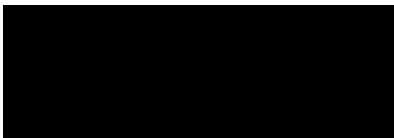
ACT Civil and Administrative Tribunal
15 Constitution Avenue
GPO Box 370
CANBERRA CITY ACT 2601
Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Further Information

If you have any queries concerning the Agency's processing of your request, or would like further information, please email EPSDFOI@act.gov.au or call (02) 6207 1923 and ask for the EPSDD Information Governance team.

Yours sincerely



Michaela Watts
Information Officer
Executive Branch Manager, ACT Parks and Conservation Service
Environment, Planning and Sustainable Development Directorate

18 March 2025