



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 18/12056

Dear

Freedom of information request: 18/12056 – ACP Cladding on Health Buildings

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 15 May 2018, in which you sought access to documents containing information about cladding on hospitals.

Specifically, you are seeking:

- a) *“ACT hospitals and/or health campuses, and/or multi-purpose services that have been subject to inquiries and/or investigations by the Cladding Taskforce.*
- b) *I also seek the Taskforce’s classification of the buildings’ risk, and the exact brand and typing of the cladding found.*
- c) *I further seek hospitals, and/or health campuses, and/or multi-purpose services tasked with removal and/or mediation works by the Taskforce relating to cladding. I also request confirmation on whether these remediation works include replacing any cladding with Fairview Architectural’s [sic] Vitracore G2 panel.”*

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 of the Act.

The deadline for this request is 13 July 2018 in accordance with section 41 of the Act. Thank you for your patience during the processing of this request.

Interpretation of scope

It is recognised that you are seeking cladding information relating to the Cladding Taskforce specifically concerning investigations, inquiries, cladding classifications and specifications, and associated remediation of ACT Health buildings.

The ACT Government has an Inter-agency Building Cladding Review Group (the Review Group) rather than a Cladding Taskforce.

The Review Group is tasked with determining fire safety risks associated with the non-compliant use of external wall cladding including Aluminium Composite Panels (ACPs) and potentially combustible claddings and wall systems on privately owned buildings in the ACT,

and buildings owned or leased by the ACT Government. The Review Group has been working with ACT directorates to facilitate a review of ACT Government buildings.

Given the titling of your application as “ACP Cladding on Hospitals” and the focus of the Review Group, I have interpreted references to ‘cladding’ in your application to be for ACP.

In responding to your application, the document identification process has captured information held by, or provided to, EPSDD on cladding panels of ACT Health buildings broadly.

The subsequent document assessment process focussed on documents specifically relating to investigations, inquiries, cladding classifications and specifications, and associated remediation of ACT Health buildings. I have deemed draft versions of documents to be beyond the scope of your application as they would not provide confirmation of remediation action or identification of ACT hospitals and/or health campuses, and/or multi-purpose services subject to investigations/inquiries, or risk and cladding assessment as you are seeking through your application.

Further information about the Review Group and its functions can be found at http://www.planning.act.gov.au/topics/current_projects/building-cladding-review.

Clarification to address the points of your request.

Listed below are responses to the points of your request (referenced a-c as per your application and as listed above).

- a. None of the ACT Health buildings captured by the scope of your request have been subject to an investigation/inquiry conducted by the Review Group.
- b. An initial desktop review was undertaken by ACT Health to identify buildings with potentially combustible cladding for the purposes of initial assessment; the summary of findings from this review is enclosed with this letter.

The Review Group has not undertaken a risk review of ACT Health buildings captured by the scope of your request; however, the Review Group will work with ACT Health to prioritise remediation works in accordance with a risk assessment.

- c. The Review Group has not tasked ACT Health with the removal of the ACP cladding as it has no regulatory or decision-making powers.

In response to your application, ACT Health has confirmed that it is using Fairview Architectural’s Vitracore G2 panels as the replacement cladding for the Centenary Hospital for Women and Children.

Decision on access

Nine documents (totalling 61 pages) have been identified to be relevant to the scope of your application and assessed for release as set out below. Of these documents, I have decided to grant full access to eight documents and partial access to one. The documents released to you are enclosed with this letter.

Material considered

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

- the Act, particularly sections 17, 58, and Schedule 2;
- the content of the documents that fall within the scope of your request; and
- the information already available in the public domain.

The information that I consider to be contrary to the public interest to disclose under the test set out in section 17 of the Act, and explained by the reasons below, has been deleted from the copy provided to you; it is listed on the enclosed schedule of documents as 'partial release'.

Public Interest Assessment

My reasons for deciding not to grant access to the some of the information in item 7 of the enclosed schedule are as follows:

Contrary to the public interest information under 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 (see section 17, the Act).

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

Personal Information

I have considered the release of personal information and my view in this instance is that the identification of third parties would not serve to further open discussion, government accountability, informed debate and the provision of contextual or background information.

I am satisfied that the disclosure of this personal information could reasonably be expected to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*. This is a factor favouring nondisclosure under Schedule 2.2 (a)(ii) of the Act.

In balancing public interest considerations I am satisfied that, on the information available, disclosure of the identified personal information of members of the public may constitute a breach of privacy and is therefore contrary to the public interest.

Online publishing – disclosure log

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the EPSDD disclosure log no sooner than three days after the date of decision. Your personal contact details will not be published.

You may view EPSDD's disclosure log at <https://www.environment.act.gov.au/about/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.

If you wish to request a review of my decision, you may apply for an Ombudsman review by completing the form at:

http://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/40A-Reviews-Factsheet-and-Application-Form-final-A1569634.pdf

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/>

To obtain further information from the ACT Government, including a link to the ACT Government Information Portal for a listing of ACT directorates and contact information, please visit the Open Access Portal at <https://www.act.gov.au/open-access/about>.

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact EPSDD Customer Service on (02) 6207 1923 and ask for the FOI team, or email to EPSDFOI@act.gov.au.

Yours sincerely


Geoffrey Rutledge
Information Officer
Environment, Planning and Sustainable Development Directorate

13 July 2018