



ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923
Reference: 23/075780

Dear [REDACTED]

Decision on Freedom of Information Access Application 23/075780

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 19 July 2023.

Specifically, you are seeking:

"...a copy of the following:

- 1. all Work Health and Safety reports relating to Boral's Mugga One and Mugga Two Quarries;*
- 2. any document and/or reports relating to the presence of silica dust at Boral's Mugga One and Mugga Two Quarries;*
- 3. any environmental records and/or reports issued by the EPSDD in relation to Boral's Mugga One and Mugga Two Quarries;*
- 4. all WorkSafe ACT and/or other Governmental Body reports and/or records relating to the levels of dust present and exposure monitoring records at Boral's Mugga One and Mugga Two Quarries, including but not limited to:*
 - (a) reports on the levels of dust at Boral's Mugga One and Mugga Two Quarries; and*
 - (b) reports on the dust exposure levels at Boral's Mugga One and Mugga Two Quarries."*

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

In accordance with section 40(1) of the Act a decision on your application must be made on or by 30 August 2023.

I note that you have made a similar access application to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD). CMTEDD will respond to you directly regarding any information they may hold, and due to this your application was not transferred.

Searches Conducted

Comprehensive searches were conducted by EPSDD officers for information relevant to your application. The searches were conducted using the information you provided and included addition searches of the Electronic Document and Records Management System (EDRMS) used by EPSDD. However, no relevant documentation containing information relevant to your application was identified.

Section 34(1) of the Act requires the agency to take reasonable steps to identify information that falls within scope of the access application. I am satisfied that reasonable steps were taken to identify any information within scope of the application.

Decision on Access

Searches conducted have not identified any information specific to the scope of your application. I am satisfied that a thorough process was completed in an effort to locate the information you are seeking. I have therefore decided, under section 35(1)(b) of the Act, that the information is not held by EPSDD.

Charges

In accordance with the *Freedom of Information (Fees) Determination 2018* 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 and this decision will be published in the EPSDD disclosure log no earlier than three working 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/_data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf

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 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



Bren Burkevics

Information Officer

Executive Group Manager, Environment, Heritage and Water

22 August 2023