



Dear [REDACTED]

Freedom of Information – Notice of Decision

I refer to your application under section 30 of the [Freedom of Information Act 2016](#) (the FOI Act), received by the City and Environment Directorate (CED) on 11 August 2025. Specifically, you are seeking access to the following information:

...ACT Government records from 2016 to present that refer to PFAS at HMAS Harman, including inter-agency correspondence, notes of meetings with the Commonwealth, and public health communications.

CED contacted various ACT Government Directorates to confirm if information within scope was also held by these directorates. It was identified that only CED held information in scope.

Timeframes

In accordance with section 40 of the FOI Act, CED is required to provide a decision on your access application within 30 working days. Under section 41 of the FOI Act, you agreed an additional amount of time to decide your application. Therefore, a decision is due on or by **20 February 2026**.

Authority

I am an Information Officer appointed by the Director-General of the City and Environment Directorate under section 18 of the FOI Act to deal with access applications made under Part 5 of the FOI Act.

Decision on access

A search for CED records has been completed and 16 records within the scope of your application have been identified. The records are listed in the schedule at **Attachment A**.

I have decided to:

- grant **full** access to 9 records
- grant **partial** access to 7 records.

The reasons for my decision are detailed in the *statement of reasons* section below. The records being released to you are provided at **Attachment B** with redactions applied to any information contrary to the public interest to release.

Statement of reasons

The FOI Act has a pro-disclosure bias, which requires information to be disclosed unless doing so would be contrary to the public interest. As an Information Officer, I am responsible for determining whether disclosure of the information within the scope of your application would be contrary to the public interest.

My assessment begins with Schedule 1 of the FOI Act, which outlines categories of information that are taken to be contrary to the public interest to disclose. If the information does not fall within any of these categories, I must then apply the public interest test under section 17 of the FOI Act. This test involves weighing the factors favouring disclosure against those favouring nondisclosure, as set out in Schedule 2.

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

- the FOI Act
- the information that falls within the scope of your application
- the views of third parties consulted
- the *Human Rights Act 2004*
- the ACT Ombudsman FOI Guidelines.

I confirm that I have not considered any of the factors listed in section 17(2) of the FOI Act, which outlines a list of considerations that must not be taken into account when applying the public interest test.

Schedule 1 – Information taken to be contrary to the public interest

- Section 1.13 - National, Territory or State security information.
- Section 1.14 - Law enforcement or public safety information.

Some information contained within records regarding the Commonwealth Defence site is information which is taken to be contrary to the public interest under schedule 1, sections 1.13(1) and 1.14(1)(h) as the disclosure of which would, or could reasonably be expected to:

- damage the security of the Commonwealth, the Territory or a State (section 1.13(1), or
- endanger the security of a building, structure or vehicle (section 1.14(h)).

I therefore refuse access to information where these factors apply.

Schedule 2 – Public interest test

Factors favouring disclosure (Schedule 2.1)

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

In reviewing the information within the scope of your application, I have decided that disclosure promotes open discussion of public affairs and enhances government's

accountability generally and may help to reveal health risks and measures relating to public health and safety. I have placed some weight on these factors.

Per-and poly-fluoroalkyl substances (PFAS) contamination at Defence sites has been subject to Parliamentary inquiry and independent review, which demonstrates the strong public interest in this subject. Disclosure is likely to contribute to informed debate on this matter of public interest. I have placed substantial weight on this factor.

Factors favouring nondisclosure (Schedule 2.2)

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*
- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*

Some of the information within scope include the names and contact details of employees of third parties. 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*. I have considered that the information has been provided to CED with the expectation that it is handled in accordance with published privacy statements and policies, and authority to access this information or evidence of identity to validate authority to release of personal information, has not been provided in the submission of your application. I consider that this information is not readily available to the public and has not otherwise been disclosed by CED. It is my view that the information if disclosed, could reasonably be expected to prejudice the protection of an individual's right to privacy.

In relation to documents 12 and 13, these documents contain a critique of a business' methodology by a competitor. The disclosure of this information could potentially cause damage to a business' reputation and impact on the competitive commercial activities of their business.

I have given significant weight to these 2 factors favouring nondisclosure.

Balancing the factors

Having applied the public interest test outlined in section 17 of the FOI Act, I have concluded that some information contained in the records is not in the public interest to disclose. Accordingly, under section 50(2) of the FOI Act some information is redacted from 7 records. I am satisfied that these redactions do not detract from the value of the information to be released and supports the factors favouring disclosure.

Deferred access

As a third party objected to disclosure of records 12-16, and my decision is to partially release some of the information, access to these records will be deferred. The third party will have the opportunity to apply for a review of my decision as allowed under section 73 of the FOI Act. You will be advised if a review is lodged with the ACT Ombudsman.

Charges

Processing charges are not applicable for this application because the fee has been waived in accordance with section 107 of the FOI Act.

Online publishing – Disclosure Log

Under section 28 of the FOI Act, CED maintains a disclosure log, which is a public record of access applications and decisions. Your original access application and my decision will be published on the CED disclosure log. Your personal contact details will not be published.

ACT Ombudsman Review

My decision on your access application is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek ACT Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the ACT Ombudsman. If you wish to request a review of my decision, you may write to the ACT 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 FOI 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
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<https://www.acat.act.gov.au/>

Please contact the CED Information Access team if you have any queries in relation to your application via 6207 2987 or CEDFOI@act.gov.au.

Yours sincerely

Craig Weller
Information Officer
City and Environment Directorate
20 February 2026