

Ref FOI18-84



Dear

Freedom of Information (FOI) request

I refer to my correspondence of 12 December 2018 in response to your application to access information under the *Freedom of Information Act 2016* (the Act).

Decision on access

I can inform you that the review conducted by the ACT Ombudsman regarding the release of the final seven deferred documents is now completed.

I have decided to grant partial access to the seven documents. The information redacted in the documents I consider to be information that would, on balance, be contrary to the public interest to disclosure under the test set out in section 17 of the Act.

I have included as <u>Attachment A</u> to this decision the Schedule of documents. The documents released to you are provided at <u>Attachment B</u> to this letter.

In reaching my access decision, I have taken the Act and the content of the documents that fall within the scope of your request into account.

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure. In accordance with Schedule 2.2(a)(ii) of the Act, the redacted information is personal information about an individual and is therefore considered to be contrary to public interest as it could prejudice the protection of an individual's right to privacy.

Online publishing – disclosure log

Under section 28 of the Act, ACT Health maintains an online record of access applications called a disclosure log. Your original access application. My decision of 15 August 2018 and documents released to you were published on the disclosure log on 20 August 2018. My decision of 12 December 2018 and documents released to you were published on the disclosure log also. This decision and the documents released to you will be published in the disclosure log not less than three days but not more than 10 days after date of decision. Your personal contact details will not be published.

You may view the ACT Health disclosure log at http://www.health.act.gov.au/public-information/consumers/freedom-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 ACT Health disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision 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 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 do not hesitate to contact the FOI Coordinator on 5124 9831 or email HealthFOI@act.gov.au.

Yours sincerely

Conrad Bark

Executive Branch Manager Health Protection Service

July 2019

FREEDOM OF INFORMATION REQUEST SCHEDULE

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log

| NAME | WHAT ARE THE PARAMETERS OF THE REQUEST | File No |
|------|---|----------|
| | Any and all correspondence held or created by the health directorate between the health directorate and/or the chief health officer with the NSW and federal counterparts in relation to PFAS and/ or PFOS and/ or contamination of any water source or body of water in the Wreck Bay community. I seek correspondence between June 27, 2018 and September 12, 2018. | FOI18-84 |

| Ref | No of | Description | Date | Release | Reason for non- | Open Access |
|-----|--------|--|--------------|-----------------|------------------------------|----------------|
| No | Folios | | | Status | release or deferral | release status |
| 1 | 1 - 12 | Email from GHD to various recipients – Attachment: Factual Letter 19 | 29 June 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |



| 2 | 13- 24 | Email from GHD to various recipients – Attachment: Factual Letter 20 | 29 June 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
|----|--------|---|--------------|-----------------|------------------------------|-----|
| 3 | 25 | Email from Dave GHD to various recipients. | 29 June 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 4 | 26-34 | Email from GHD to various recipients – Attachment: Factual Letter 18 | 29 June 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 5 | 35 | Email from GHD to various recipients. | 29 June 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 6 | 36-42 | Email from GHD to various recipients – Attachment: Factual Letter 21 | 29 June 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 7 | 43 | Email from GHD to various recipients – refers to Factual Letter 21 at Folio 6 | 29 June 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 8 | 44 | Email recall from GHD to various recipients | 2 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 9 | 45 | Email exchange between Defence and others. Refers to data included in Attachment at Folio 4 | 2 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 10 | 46 | Email between Defence and ACT Government. Refers to data in Attachment at Folio 1 | 2 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 11 | 47-49 | Email between Defence and ACT Government – | 2 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |



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| | | Attachment: data associated with Factual Letter 20 | | | | |
| 12 | 50 | Email between Defence and ACT Government. Refers to data in Attachment at Folio 6 | 2 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 13 | 51-52 | Email exchange between Defence, Infrastructure and others | 2 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 14 | 53-54 | Email exchange between Defence, Infrastructure and others | 2 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 15 | 55-56 | Email from GHD to ACT Health. Refers to Factual Letter 18 at Folio 4 | 3 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 16 | 57-58 | Email from GHD to ACT Health. Refers to Factual Letter 19 at Folio 1 | 3 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 17 | 59-60 | Email from GHD to ACT Health. Refers to Factual Letter 20 at Folio 2 | 3 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 18 | 61-83 | Email from GHD to various recipients – Attachments: May & June Monthly Report, Meeting Agenda & Meeting Minutes of 15 June 2018 | 16 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 19 | 84-86 | Email from EPA to ACT Health various recipients – | 17 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |



| | | Attachment: Currambene Fishing and Dietary Advise | | | | |
|----|---------|---|----------------|-----------------|------------------------------|-----|
| 20 | 87-93 | Email from GHD to various recipients – Attachment: JBRF-PGC Meeting Minutes 16 July 2018 | 25 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 21 | 94-107 | Email from EPA to ACT Health recipients – Attachment: Jervis Bay Precautionary Advice | 25 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 22 | 108 | Email from EPA to Andrew Pengilley | 26 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 23 | 109-110 | Emails between ACT Government employees | 30 July 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 24 | 111-112 | Letter from ACT Health A/g Chief Health Officer to Department of Infrastructure and Regional Development and Cities via CMTED | 31 July 2018 | Full release | | Yes |
| 25 | 113-116 | Emails between Defence, Infrastructure and others | 9 August 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 26 | 117-118 | Emails between Conrad Barr and EPA | 15 August 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 27 | 119-125 | Email form EPA to Andrew Pengilley – Attachment: Sample Size Simulator Paper | 16 August 2018 | Partial release | Schedule 2, section 2.2 (ii) | |
| 28 | 126 | Email from Laura McNeil to Infrastructure | 16 August 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |



| 29 | 127-136 | Email from EPA to various recipients – Attachment: REP | 16 August 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
|----|---------|---|----------------|-----------------|------------------------------|-----|
| | | July 2018 Monthly Report & JBRF PCG Meeting 17 Agenda | | | | |
| 30 | 137-139 | Email from Infrastructure to various recipients – Attachment: JBT Meeting Agenda | 16 August 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 31 | 140 | Email cancelled meeting agenda | 17 August 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 32 | 141-142 | Email from Infrastructure to ACT Health | 15 August 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 33 | 143 | Email meeting notification | 17 August 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 34 | 144-145 | Emails between Defence, EPA, Infrastructure and ACT Health | 20 August 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 35 | 146-147 | Email from GHD to ACT Health | 20 August 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |
| 36 | 148-149 | Email meeting notification | 21 August 2018 | Partial release | Schedule 2, section 2.2 (ii) | Yes |

Total No of Docs

36

Stedman, Andrew (Health)

From: Sent: Friday, 29 June 2018 5:58 PM To: @defence.gov.au; @defence.gov.au; @defence.gov.au; @environment.gov.au @spotless.com.au: @defence.gov.au @defence.gov.au: @defence.gov.au @defenc<u>e.gov.a</u>u; @defence.gov.au; @defence.gov.au; @aecom.com; @aecom.com; @infrastructure.gov.au Clapham David; @epa.nsw.gov.au @health.nsw.gov.au; Stedman, Andrew (Health): Hudson, Lyndell (Health) @shoalhaven.nsw.gov.au; @infrastructure.gov.au; @shoalhaven.nsw.gov.au Subject: Factual Letter 19 - PFAS Results for Flat rock and Captains Lagoon Attachments: 2126171_LET_factual letter 19_ June 2018.pdf

Dear JBRF PCG,

Please find attached Factual Letter 19 - Biota sampling from flat rock creek and Captains lagoon areas.

Please note the figure quality has been reduced for email transfer, with higher quality figures available on request.

Regards,

GHD

@ghd.com

evel 2, 57 Graham Street (PO Box 621) Nowra NSW 2541 Australia | http://www.ghd.com/ Water | Energy & Resources | Environment | Property & Buildings | Transportation

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29 June 2018

JBRF & HMAS Creswell

PFAS Investigation and Management Branch

Department of Defence

2126171_LET_factual letter 19

Dear Darron

JBRF & HMAS Creswell- Environmental investigation: Preliminary sampling results Aquatic and terrestrial ecology sampling results from the areas associated with Flat rock Creek and Captains Lagoon (processed by 28 June 2018)

1 Introduction

GHD Pty Ltd (GHD), on behalf of the Department of Defence (Defence), is undertaking the Environmental Investigation in and around Jervis Bay Range Facility (JBRF) and HMAS Creswell, within the Jervis Bay Territory (JBT) (the Site). This report includes data that has been collected and processed as at 28 June 2018, from aquatic and terrestrial sampling programs from the Jervis Bay tributaries of Flat Rock Creek and Captains lagoon.

It should be noted that these data are provided for information purposes only and that the use of these data should take into account factors that have been used to develop the conceptual site model (as presented in GHD's Sampling, Analysis and Quality Plan).

GHD will continue to provide results from further sampling, following the processing of the data.

2 Purpose

The purpose of the provision of preliminary data is to allow Defence and other stakeholders, including NSW and ACT Governments to view the data prior to its use in the technical reports for the Environmental Investigations.

3 Laboratory Analysis

Upon collection, the samples were sent under Chain of Custody (CoC) conditions to the following National Association of Testing Authorities (NATA) accredited laboratories:

- ALS Environmental, 277-289 Woodpark Road Smithfield, NSW, 2164
- National Measurement Institute (NMI), 105 Delhi Road, North Ryde, NSW 2113

4 Preliminary Results Tables

The preliminary results are provided in the attached tables.

The data is not for public distribution.

5 Closure

GHD trusts the above information is suitable for Defence requirements.

Yours Sincerely GHD Pty Ltd



Enclosures:

Table 1: Aquatic and Terrestrial Biota Results - Flat Rock Creek

Table 2: Aquatic and Terrestrial Biota Results - Captains Lagoon

Figure 1: Biota Sample Locations

Figure 2A: Concentrations of PFHxS + PFOS (Sum) - Terrestrial Invertebrates

Figure 2B: Concentrations of PFHxS + PFOS (Sum) - Terrestrial Plants

Figure 2C: Concentrations of PFHxS + PFOS (Sum) – Terrestrial Vertebrates

Figure 3A: Concentrations of PFHxS + PFOS (Sum) - Aquatic Invertebrates

Figure 3B: Concentrations of PFHxS + PFOS (Sum) - Aquatic Plants

Figure 3C: Concentrations of PFHxS + PFOS (Sum) - Aquatic Vertebrates

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| Biota Sample Locations Figure 1 | Figure 1 | Eigure 1

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Special Sampling Location

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Marier Species Sampling Location

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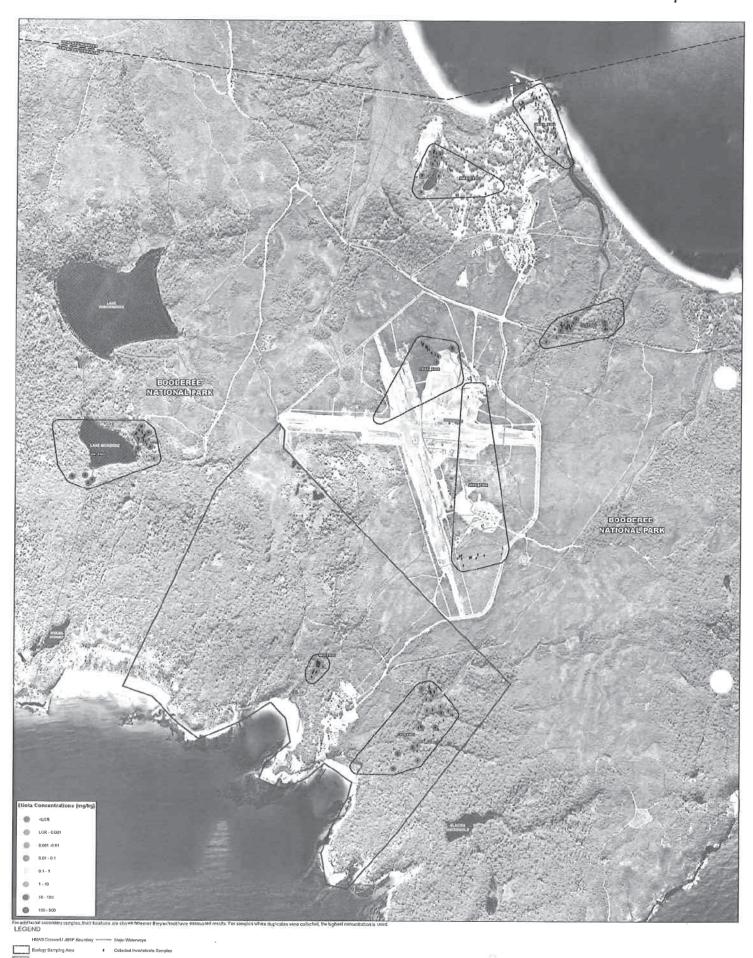
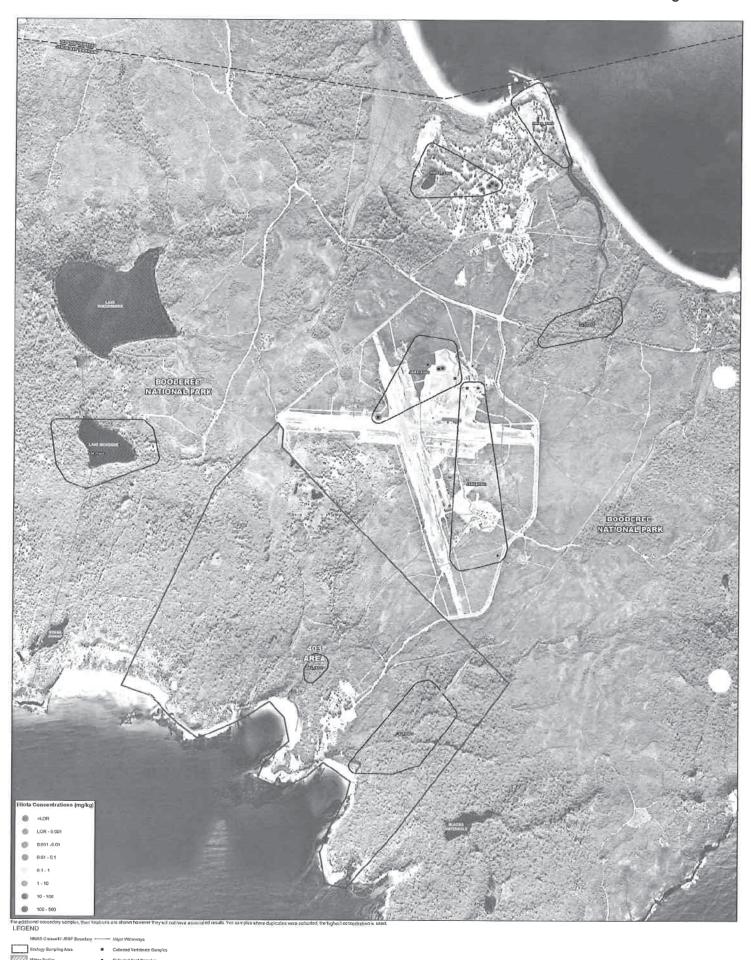




Figure 2B

Job Number | 21-26171 Revision | A | Date | 29 Jun 2018



Department of Defence
HMAS Creswell and Jervis Bay Range Facility
Rev
Terrestrial Biota Concentrations of
PFHXS + PFOS (Sum) - Vertebrates
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Figure 3B



Department of Defence
HMAS Creswell and Jervis Bay Range Facility
Freshwater and Estuarine Biota Concentrations of PHXS + PFOS (Sum) - Vertebrates
Figure 3C

vert 15, 133 Cacklareagh Street Sydney NSW 2000 T 61 2 929 7100 F 61 2 9239 7199 E sydmail@ghd.com.au Wwww.ghd.com.au

nearmap

Stedman, Andrew (Health)

@ghd.com> From: Sent: Friday, 29 June 2018 6:08 PM To: @defence.gov.au; <u>ฏd</u>efence.gov.aเ @environment.gov.au @spotless.com.au: @defence.gov.au @defence gov Odefence gov a @defence.gov.au: @defence.gov.au: @defence.gov.au; @aecom.com; @aecom.com; @infrastructure.gov.au @epa.nsw.gov.au <u>ଉhe</u>alth.nsw.gov.au; Stedman, Andrew (Health): Hudson, Lyndell <u>തടhoal</u>haven.nsw.gov.au; (Health); @infrastructure.gov.au; @shoalhaven.nsw.gov.au

Subject: Attachments: Factual Letter 20 - PFAS Results for Mary Creek and Summercloud Creek 2126171_LET_factual letter 20_ June 2018.pdf

Follow Up Flag:

Follow up Flagged

Flag Status:

Dear JBRF PCG,

Please find attached Factual Letter 19 – Biota sampling from Mary Creek and Summercloud Creek

Please note the figure quality has been reduced for email transfer, with higher quality figures available on request.

Regards,

areas.

GHD

@ghd.com

Level 2, 57 Graham Street (PO Box 621) Nowra NSW 2541 Australia | http://www.gnd.com/ Water | Energy & Resources | Environment | Property & Buildings | Transportation

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29 June 2018

2126171_LET_factual letter 20

JBRF & HMAS Creswell
 PFAS investigation and Management Branch
 Department of Defence

Dear Darron

JBRF & HMAS Creswell- Environmental investigation: Preliminary sampling results Aquatic and terrestrial ecology sampling results from the areas of Mary Creek and Summercloud Creek (processed by 28 June 2018)

1 Introduction

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- National Measurement Institute (NMI), 105 Delhi Road, North Ryde, NSW 2113

3 Preliminary Results Tables

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The data is not for public distribution.

4 Closure

GHD trusts the above information is suitable for Defence requirements.

Yours Sincerely GHD Pty Ltd



Enclosures:

Table 1: Aquatic and Terrestrial Biota Results - Mary Creek

Table 2: Aquatic and Terrestrial Biota Results - Summercloud Creek

Figure 1: Biota Sample Locations

Figure 2A: Concentrations of PFHxS + PFOS (Sum) - Terrestrial Invertebrates

Figure 2B: Concentrations of PFHxS + PFOS (Sum) - Terrestrial Plants

Figure 2C: Concentrations of PFHxS + PFOS (Sum) - Terrestrial Vertebrates

Figure 3A: Concentrations of PFHxS + PFOS (Sum) - Aquatic Invertebrates

Figure 3B: Concentrations of PFHxS + PFOS (Sum) - Aquatic Plants

Figure 3C: Concentrations of PFHxS + PFOS (Sum) - Aquatic Vertebrates

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 Job Number
 21-26171

 Revision
 A

 Date
 27 Apr 2018

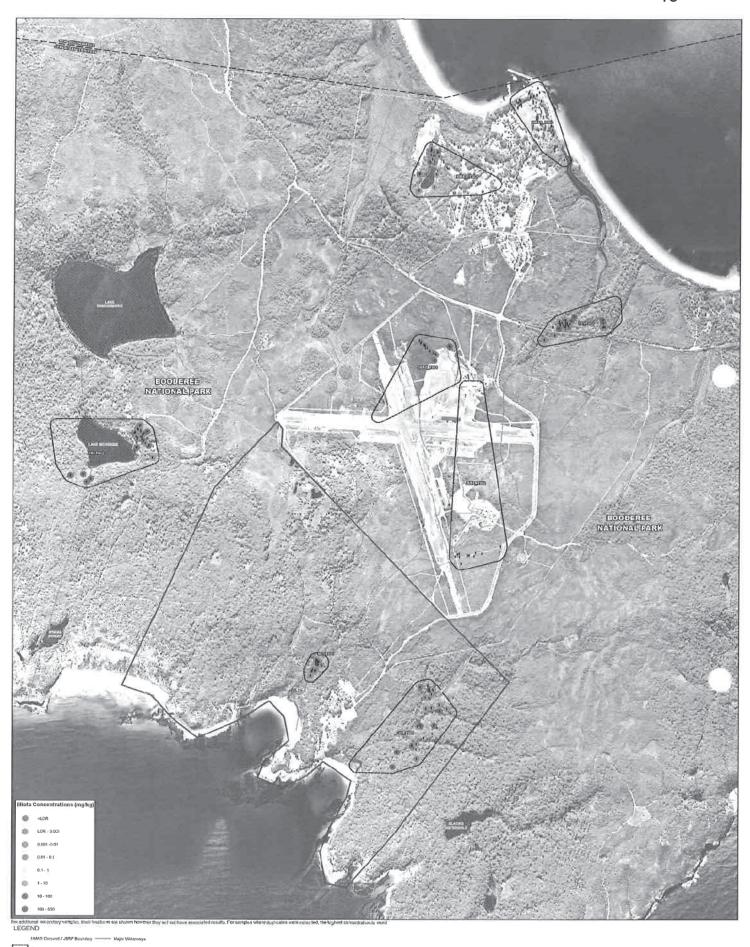


Department of Defence

Biota Sample Locations Figure 1
Level 15, 133 Castlereagh Street Sydney NSW 2000 T 61 2 8239 7109 F 61 2 9239 7199 E sydnail@ghd.com.au W www.ghd.com.au

Map Projection: Transverse Mercator Horizontal Datum: GDA 1994 Grid: GDA 1994 MGA Zone 56

Paper Size A3 690 1,380 345 690





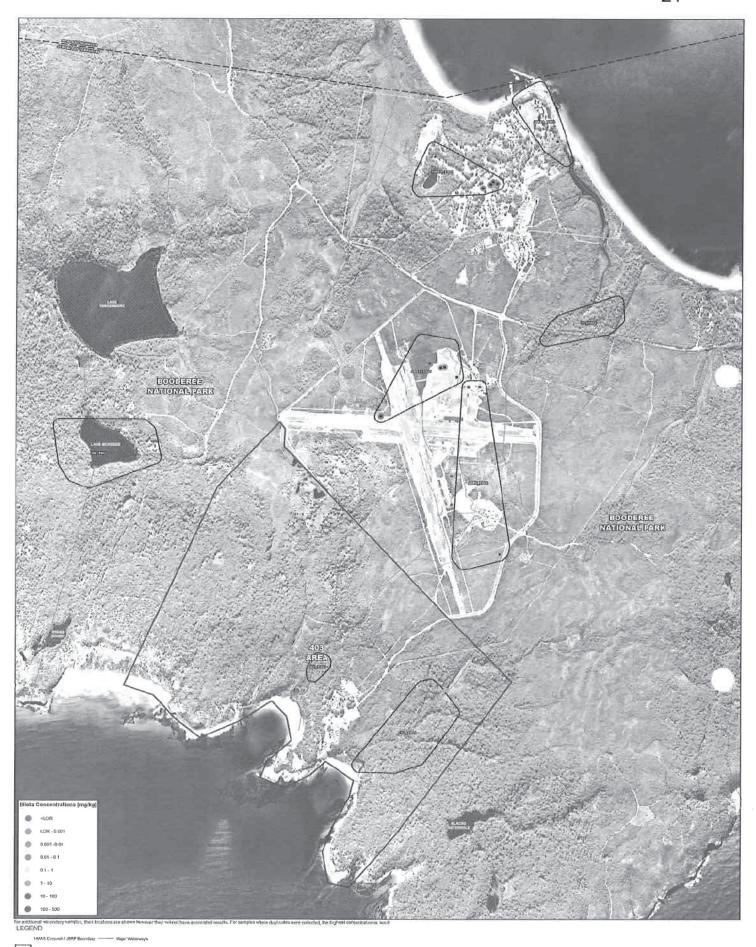


Department of Defence HMAS Creswell and Jervis Bay Range Facility

Job Number | 21-26171 Revision | A Date | 29 Jun 2018

Figure 2A







near**map**

Department of Defence HMAS Creswell and Jervis Bay Range Facility

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