



NSW RURAL FIRE SERVICE



[Redacted]

Your reference: N/A
Our reference: R17/673

16 June 2017

Dear [Redacted]

Notice of Decision – Government Information (Public Access) Act 2009 (GIPA Act)

I am writing in relation to your recent application to access information held by the NSW Rural Fire Service regarding the following:

“All information about the following 2 incidents, including all information about the investigations about, and the findings about the causes of the fires pertaining to these 2 incidents.

- 1) Fire at Bowen Boe Stud Piggery at 64 Joadja Rd near Berrima NSW on 9th April 2015.
- 2) Wonga Piggery fire at Windridge Farms, Moppity Rd, YOUNG NSW on 17th June 2015”

On 23 March 2017, a Notice of Decision was issued with respect to a number of documents.

Enclosed is a Notice of Decision which outlines my determination in relation to additional documents found to fall within the scope of your application.

In summary, a total of three additional documents were identified as falling within the scope of your application. I have decided to release all documents to you in part. The documents are enclosed with this letter.

The documents will be released with deletions of the personal information of third parties. I understand that you have an interest in obtaining the information you have requested. While I have taken this consideration into account, the interest of maintaining the privacy of these third parties outweighs the interest that you have in the information.

If you do not agree with this determination, you may wish to exercise your rights of review. These rights and the steps you may take to exercise them are detailed in the attached fact sheet published by the Information and Privacy Commission.

If you have any questions about this process, you are welcome to contact me on (02) 8741 5110.

Yours sincerely

Harinniya Bhogal

**Manager, Legal and Government Information
Right to Information Officer**

- Encl:
1. Notice of Decision, Schedule of Documents and copies of documents
 2. IPC Fact Sheet – *Your review rights under the GIPA Act*

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
15 Carter Street
LIDCOMBE NSW 2141

www.rfs.nsw.gov.au

T (02) 8741 5110
F (02) 8741 5118
E legal@rfs.nsw.gov.au

Government Information (Public Access) Act 2009



NOTICE OF DECISION

Applicant:	[REDACTED]
File Ref:	R17/673;
Decision maker:	Harinniya Bhogal Manager, Legal and Government Information
Date of decision:	16 June 2017

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1. Summary of access application

On 24 February 2017, the NSW Rural Fire Service (NSW RFS) received your access application under the *Government Information (Public Access) Act 2009* (GIPA Act). You asked for information regarding:

“All information about the following 2 incidents, including all information about the investigations about, and the findings about the causes of the fires pertaining to these 2 incidents.

1) fire at Bowen Boe Stud Piggery at 64 Joadja Rd near Berrima NSW on 9th April 2015.

2) Wonga Piggery fire at Windridge Farms, Moppity Rd, YOUNG NSW on 17th June 2015”

On 23 March 2017, a Notice of Decision responding to your access application was issued. In total eleven documents were released to you, ten documents in part and one document in full.

Since issuing the Notice of Decision on 23 March 2017, additional documents have been identified as falling within the scope of your access application.

2. Decision

I am authorised by the principal officer, for the purposes of section 9(3) of the GIPA Act, to decide your access application.

Under section 58(1)(a) of the GIPA Act, you are provided access in part to documents 1, 2 and 3, as there is an overriding public interest against the disclosure of personal information, which has been redacted from these documents.

This Notice of Decision outlines the reasons for this decision and any important questions of fact underlying those reasons. The general nature and format of the records is outlined in the Schedule of Documents.

You can ask for a review of this decision. For details about how to do so, see part 8 of this Notice.

3. Searches for information

Under the GIPA Act, an agency must conduct reasonable searches for the government information requested. Additional searches of NSW RFS records were carried out by NSW RFS officers at the NSW RFS Southern Highlands District office and NSW RFS Region East office, NSW RFS Headquarters Records Unit, NSW RFS Fire Investigation Unit and of the HPRM database to identify all additional government information falling within the scope of your request.

The documents are fully described and listed in the Schedule of Documents attached to this Notice of Decision.

4. The public interest test

Under section 9(1) of the GIPA Act, you have a legally enforceable right to access the information requested, unless there is an overriding public interest against disclosure.

Further, under section 5 of the GIPA Act, there is a presumption in favour of disclosing government information unless there is an overriding public interest against disclosure.

To decide whether or not there is an overriding public interest against disclosure of the information requested, the public interest test, as set out in section 13 of the GIPA Act, was applied, by:

- (a) identifying any public interest considerations in favour of disclosure;
- (b) identifying any relevant public interest considerations against disclosure; and
- (c) deciding where the balance between them lies.

4.1 Public interest considerations in favour of disclosure

Under section 12(1) of the GIPA Act, there is a general public interest in favour of disclosing government information. The note at section 12(2) of the GIPA Act sets out some examples of other public interest considerations in favour of disclosure. However, an agency is not limited to those considerations in deciding your application.

The following considerations in favour of disclosure apply to the information falling within the scope of this application:

- there is a presumption in favour of the disclosure of government information under section 5, and
- there is a general public interest in favour of the disclosure of government information under section 12(1) of the GIPA Act.
- disclosure of the information could reasonably be expected to inform the public about the operations of agencies and, in particular their policies and practices for dealing with members of the public, under section 12 (2)(b) of the GIPA Act.

4.2 Personal factors of the application

Personal factors of your application are also taken into account in accordance with section 55 of the GIPA Act. It is considered there are no personal factors relevant in applying the public interest test.

4.3 Public interest considerations against disclosure

When applying the public interest test, the public interest considerations against disclosure that can be taken into account are limited to those set out in the table to section 14 of the GIPA Act.

It is considered that disclosure of information contained in some of the documents could reasonably be expected to:

- reveal an individual's personal information – section 14(3) Table 3(a)

Section 14(3) Table 3(a) – reveal an individual's personal information

The additional documents falling within the scope of the application contain the personal information of third parties as defined at clause 4 of schedule 4 of the GIPA Act. Personal information contained in these documents includes the names and contact details of NSW RFS volunteers and members of the public. This information has not previously been publicly disclosed.

Accordingly, the consideration against disclosure at section 14(3) Table 3(a) applies to some of the information contained in documents 1, 2 and 3.

4.4 Consultation

The information requested includes information relating to the business interests of another organization. Therefore under section 54 of the GIPA Act, consultation with this organization was required, prior to releasing the information. There were no objections to the release of the information.

Some of the documents captured within the scope of this request also contain personal information of third parties. However, it was not reasonably practicable to consult with the third parties as the NSW RFS does not hold their contact details.

4.5 Balancing the public interest test

The relevant public interest considerations in favour of and against disclosure of the information you requested have been considered.

Personal details of NSW RFS volunteers are provided to the Service under the provision that, other than for purposes directly relevant to operations, this information would remain confidential. It is important that confidentiality is not breached.

Releasing this information may harm the Service's relationship with volunteers and negatively impact on the recruitment and retention of members. In light of this, the consideration against revealing volunteers' personal information is weightier than the public interest considerations in favour of disclosure. Accordingly, there is an overriding public interest against disclosure of this information.

Similar considerations apply to the personal information of members of the public. It is important that the NSW Rural Fire Service does not breach confidentiality by disclosing personal information.

After balancing the interests in favour of disclosure and non-disclosure, it is decided to release documents 1, 2 and 3 in part with deletions of personal information.

5. Access

In accordance with section 72(1)(b) of the GIPA Act, enclosed is a copy of the records containing the information.

6. Processing charges

Under sections 64(1) and (2) of the GIPA Act, an agency may require an applicant to pay charges at a rate of \$30.00 per hour, for the time spent processing an access application. Further charges are waived.

7. Disclosure log

If information released under a formal access application may be of interest to other members of the public, an agency must record details about the application in its Disclosure Log (sections 25 and 26 of the GIPA Act).

The information requested is not considered to be of interest to other members of the public. Accordingly, the details of this access application will not be listed in the agency Disclosure Log.

8. Review rights

If you disagree with any of the decisions in this Notice that are reviewable, you may seek a review under Part 5 of the GIPA Act. Before you do so, you are encouraged to contact the NSW RFS to discuss your concerns. Contact details are provided below.

There are three avenues for review:

- > internal review by a senior NSW RFS officer,
- > external review by the Information Commissioner, and
- > external review by the NSW Civil and Administrative Tribunal (NCAT).

You have 20 working days from the date of this Notice to apply for an internal review. If you would prefer to have the decision reviewed externally, you have 40 working days from the date of this Notice to apply for a review by the Information Commissioner or NCAT.

Notice of Decision

For your information, enclosed with this Notice is a fact sheet published by the Information and Privacy Commission NSW (IPC) which details your review rights under the GIPA Act.

You will also find useful general information and answers to frequently asked questions by contacting the IPC on 1800 IPC NSW (1800 472 679) or visiting the IPC website: www.ipc.nsw.gov.au

9. Further information

If you have any questions about this Notice or would like any further information on your rights of review, please contact me by telephone on (02) 8741 5110.



Harinniya Bhogal
Manager, Legal and Government Information

Schedule

No.	Description of record that contains the information	Format of record	Location of record in agency	Released or withheld	Relevant public interest consideration(s) against disclosure
1.	Local Land Services, Riverina Sitrep: 1.0 Date of issue: 17 June 2015	Printed document	Regional Services	Release in part	Section 14(a) – Table, 3(a) Reveal an individual's personal information
2.	Email dated 10 April 2015	Printed document	Regional services	Release in part	Section 14(a) – Table, 3(a) Reveal an individual's personal information
3.	Letter dated 27 April 2015	Printed document	Health Safety and Welfare	Release in part	Section 14(a) – Table, 3(a) Reveal an individual's personal information?

1



Sitrep no. 1.0

Date of issue 17-6-15

Time period covered by the Sitrep (optional if not issue daily or similar)

1.0 Situation to date (what has happened)

- LLS contact at 0650 via the DPI EAD Hotline
- Reported Fire at Piggery at Young, on property Wonga, owned and operated by Windridge Farms Pty Ltd, [REDACTED]
- Fire started in Western end of Weaner Shed holding 4000 weaners
- RFS and SES on site
- LLS attended at 8.05 following clearance from RFS

2.0 Actions to date (what has been done)

- LLS Vet and Biosecurity Officer attended IP
- 1500 mobile live weaners moved to adjacent shed
- Of those 1500, 60-70 weaners being assessed by LLS Vet on site
- Weaner shed 3 bays totally destroyed
- 17 weaners euthanized by LLS Vets, 16 euthanised by owners (33 euthanised in total)
- Expected 2,467 weaners destroyed by fire, numbers to be confirmed

3.0 Actions to be completed (what will be done)

- Discuss with landholder disposal options including deep burial
- Seek advice from EPA on burial site options and advice
- Access restrictions at front gate to be managed
- Manage media response
- Inform Ministers office

4.0 Issue(s)

- Fire is out and the shed is 2/3 destroyed
- RFS still on site, SES staff have left the site.
- Fire Investigation Forensics now in control of IP to determine cause of fire
- LLS staff have left IP following weaner assessment completion. Regular contact with [REDACTED] established for follow up of burial and reassessment of any pigs in coming days
- Awaiting advice from NSW Police regarding re-entering IP to complete burial options. EPA has been contacted by [REDACTED]

NOTE:

- Prime News at front gate, access denied by owners and RFS.
- Media have sent information on Twitter feeds on the incident.

Prepared by: Ray Willis

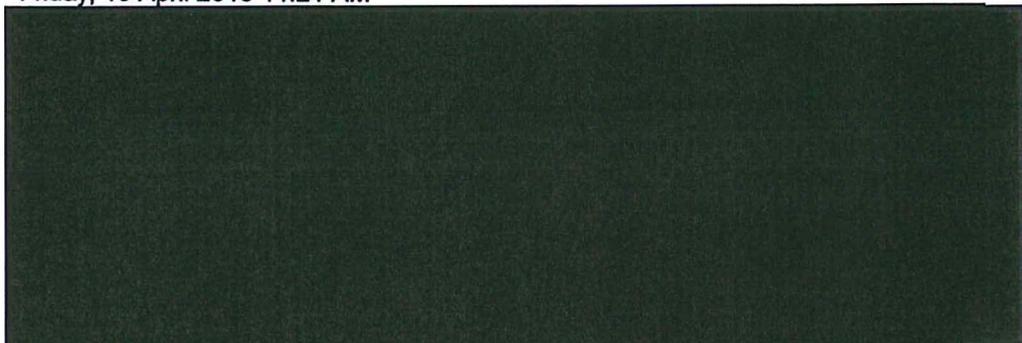
Approved by: Ray Willis, MBES, Riverina

Date: 17/6/15

2

Irene Gialouris

From: Andrew Pearson
Sent: Friday, 10 April 2015 11:21 AM
To:



Cc: Amanda Garske
Subject: Boen Boe Piggery Fire - Joadja

Brigade Captains, SDCs and Group Officers

I would like to pass on our sincere appreciation for the efforts of everyone who was involved with the fire at the Joadja Piggery yesterday. Whilst the fire was devastating for the piggery, many sheds and other assets were saved due to the efforts of the RFS and the main damage was confined to the one large shed. Some of the animals were lost during the fire however many were saved from a horrible death.

Many brigades are now left with PPE/PPC that may need replacement, hoses hat may also need replacing and dirty tankers.

We are happy to replace PPE/PPC (jacket, pants, boots, gloves) and are also able to replace hoses (without a signed request form) for members/brigades who attended the fire. If you would like this to occur, please place the gear/hoses in a garbage bag and bring it to the Fire Control Centre where we can dispose of it correctly as contaminated waste. **Please do not throw any contaminated waste in household garbage bins.**

Washing of tankers – If you would like to use the wash bay, its free during the day and can be made available after hours if required. Just let me know.

Support for members, Support is available through the RFS peer support team by contacting 1800 049 933. This is a confidential service that can be arranged individually or for a group of members.

Thanks again for all of your efforts,



Andrew Pearson | District Officer | Southern Highlands Team
NSW RURAL FIRE SERVICE
Cnr Priestley and Etheridge Sts, Mittagong | PO Box 337 Mittagong NSW 2575
P 02 4868 5500 M 0467 740 959 E andrew.pearson@rfs.nsw.gov.au
www.rfs.nsw.gov.au | www.facebook.com/nswrfs | www.twitter.com/nswrfs
PREPARE. ACT. SURVIVE.



NSW RURAL FIRE SERVICE



Our reference: Joadja Rd: Piggery

Date: 27/04/2015

Dear [REDACTED]

POTENTIAL EXPOSURE TO PIG WASTES

I write in relation to the NSW Rural Fire Services arrangements for the management of people who may have potentially been exposed to pig wastes, resultant from activities conducted.

Our records indicate your attendance at the Joadja Road Piggery, 1078 Joadja Rd, Joadja, NSW 2575, on 9 April 2015.

Whilst there are a minimal number of diseases which can be transferred from pigs to humans, the RFS takes potential exposure seriously.

We have requested a generic Injury and Illness Form be completed with full details and a list of all members present to be provided to the HSW Section.

I understand that the District will replace any contaminated PPC.

From a health perspective if over the coming two months you display any illness effects which you believe are unusual then please see your general practitioner and inform him/her of your potential exposure. Whilst this may be totally unrelated it does give your doctor additional information which may be required.

If your general practitioner relates any illness to this event then follow the normal procedures for reporting and completion of documentation. As we will maintain the generic information with your name on file we will readily be able to associate the event with any potential future issues.

If you have any questions in relation to this incident, please contact the Health, Safety & Welfare section of the NSW Rural Fire Service between business hours.

- > Phone: 02 8741 5221;
- > Fax: 02 8741 5228
- > Email: Safety@rfs.nsw.gov.au

Kind regards,

Sheryl Navin

Sheryl Navin

Supervisor Health Safety & Welfare

Health, Safety & Welfare - NSW Rural Fire Service

Postal address

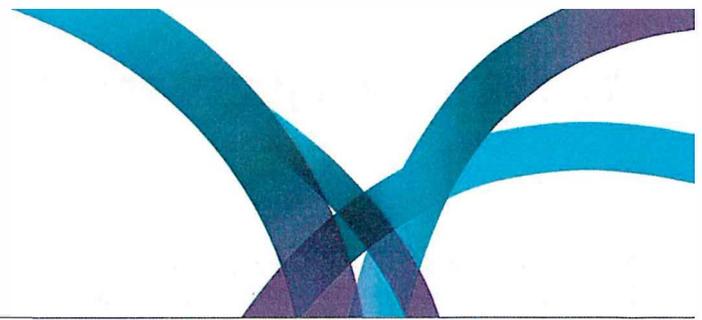
Health, Safety & Welfare
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

Health, Safety & Welfare
NSW Rural Fire Service
15 Carter Street
LIDCOMBE NSW 2141

T (02) 8741 5221
F (02) 8741 5228
E Safety@rfs.nsw.gov.au
www.rfs.nsw.gov.au





Your review rights under the GIPA Act

Fact sheet

June 2014

The right to information system in NSW aims to foster responsible and representative government that is open, fair and effective.

You have the right to request a review of certain decisions made by government agencies about the release of information under the *Government Information (Public Access) Act 2009* (GIPA Act):

- a) a decision that an application is not a valid access application
- b) a decision to transfer an access application to another agency, as an agency-initiated transfer
- c) a decision to refuse to deal with an access application (including such a decision that is deemed to have been made)
- d) a decision to provide access or to refuse to provide access to information in response to an access application
- e) a decision that government information is not held by the agency
- f) a decision that information applied for is already available to the applicant
- g) a decision to refuse to confirm or deny that information is held by the agency
- h) a decision to defer the provision of access to information in response to an access application
- i) a decision to provide access to information in a particular way in response to an access application (or a decision not to provide access in the way requested by the applicant)
- j) a decision to impose a processing charge or to require an advance deposit,
- k) a decision to refuse a reduction in a processing charge
- l) a decision to refuse to deal further with an access application because an applicant has failed to pay an advance deposit within the time required for payment
- m) a decision to include information in a disclosure log despite an objection by the authorised objector (or a decision that the authorised objector was not entitled to object).

You generally have three review options.

1. Internal review

You have **20 working days** after the notice of a decision has been posted to you to ask for an internal review by the agency that made the decision.

If a Minister or their personal staff, or the principal officer of an agency made the decision, you cannot ask for an internal review, but you can ask for an external review (see below).

The review must be carried out by an officer who is no less senior than the person who made the original decision. The review decision must be made as if it was a fresh application.

There is a \$40 fee for an internal review application. No fee applies for an internal review if the decision is a 'deemed refusal' because the agency did not process your application in time or the internal review is conducted because the Information Commissioner has recommended the agency reconsider its decision under section 93 of the GIPA Act. In this case, you cannot be charged any review fee.

The agency must acknowledge your application within **five** working days of receiving it. The agency must decide the internal review within **15** working days (this can be extended by **10** working days if the agency has to consult with a third party, or by agreement with you).

2. External review by the Information Commissioner

If you disagree with any of the decisions listed above, you can ask for a review by the Information Commissioner.

If you are the person applying for access to information, you do **not** have to have an internal review of the decision before asking the Information Commissioner to review it.

If you are not the access applicant, you must seek an internal review before applying for review by the Information Commissioner. However, if an internal review cannot be sought (if a Minister or their personal staff, or the principal officer of an agency made the decision), you can seek a review by the Information Commissioner.

You have **40 working days** from being notified of the decision to ask for a review by the Information Commissioner.

You have **40 working days** from being notified of the decision to ask for a review by the Information Commissioner.

On reviewing the decision, the Information Commissioner can make recommendations about the decision to the agency.

Note: You cannot ask the Information Commissioner to review a decision that has already been reviewed by the NSW Civil and Administrative Tribunal (NCAT).

3. External review by the NSW Civil and Administrative Tribunal (NCAT)

If you disagree with any of the decisions listed above, you can ask for a review by NCAT. You do not have to have the decision reviewed internally, or by the Information Commissioner before applying for review by NCAT.

You have **40 working days** from being notified of the decision to apply to NCAT for review. However, if you have applied for review by the Information Commissioner, you have **20 working days** from being notified of the Information Commissioner's review outcome to apply to NCAT.

For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679

Email: ipcinfo@ipc.nsw.gov.au

Website: www.ipc.nsw.gov.au