

4 June 2024

Mr. Vica Bailey
Parliament House
HOBART TAS 7001

Attention: Dan Braun

By email only: Dan.Broun@parliament.tas.gov.au

Dear Vica,

**APPLICATION FOR ASSESSED DISCLOSURE DATED 8 APRIL 2024
FLOOD MODELLING - REFINED**

I refer to your Application for Assessed Disclosure pursuant to the *Right to Information Act 2009* (Tas) (**the Act**) regarding flood modelling and correspondence with named third parties in the event of the failure of Scotts Peak and/or Edgar dams.

I am authorised to make decisions on behalf of Hydro Tasmania in respect of applications for information under the Act, being a delegated officer of the principal officer, appointed by an instrument of delegation in accordance with section 24 of the Act.

1. YOUR REQUEST

I note that your request was received by this office on 8 April 2024 and that negotiations took place between us to refine the request regarding date range and scope to avoid voluminosity.

I confirm that you have refined your request to the following:

- 1A.** Hydro Tasmania has been asked to supply the 2016 modelling of potential flood impacts to downstream communities and the Tasmanian World Heritage Area should the Edgar and/or Scotts Peak Dam fail.
- 1B.** Hydro Tasmania has been requested to supply all correspondence from 2017 onwards relating to the above, between Hydro Tasmania's Executive and its Senior Engineers to the Huon Valley Council, the Derwent Valley Council, the Tasmanian Parks and Wildlife Service and the Minister for Energy.

2. DETERMINATION OF REQUEST

In accordance with the refined request, a search of the information held by Hydro Tasmania to locate records relevant to your request has been undertaken.

16 records have been located that are responsive to your request. Such records are set out below:

Request 1A

Note: In response to request 1A our engineers have supplied maps from May 2014 which were utilised in the Huon River Flood Evacuation Plan (record 1B - 1), as well as hydrographs from 2021. We have included these as proactive disclosures for your assistance. See the Huon River Flood Evacuation Plan for the final 2016 flood modelling for both dam break and natural flood scenarios.

1. Huon River Dambreak Inundation Mapping – Edgar dam – Earthquake Failure – Sheet 1 of 2 – May 2014;
2. Huon River Dambreak Inundation Mapping – Edgar dam – Earthquake Failure – Sheet 2 of 2 – May 2014;
3. Huon River Dambreak Inundation Mapping – Edgar & Scotts Peak Dam – Earthquake Failure – Sheet 1 of 2 – May 2014;
4. Huon River Dambreak Inundation Mapping – Edgar & Scotts Peak Dam – Earthquake Failure – Sheet 2 of 2 – May 2014;
5. Huon River Dambreak Inundation Mapping – Edgar & Scotts Peak Dam – Earthquake Failure – Sheet 1 of 2 – May 2014;
6. Huon River Dambreak Inundation Mapping – Edgar & Scotts Peak Dam – Earthquake Failure – Sheet 2 of 2 – May 2014;
7. Huon River Dambreak Inundation Mapping – Edgar Dam – Earthquake Failure Advancing Hydrographs – June 2021;
8. Huon River Dambreak Inundation Mapping – Edgar Dam – Earthquake Failure Retreating Hydrographs – June 2021;
9. Huon River Dambreak Inundation Mapping – Edgars & Scotts Peak Dam – Earthquake Failure Advancing Hydrographs – June 2021;
10. Huon River Dambreak Inundation Mapping – Edgars & Scotts Peak Dam – Earthquake Failure Retreating Hydrographs – June 2021;
11. Huon River Dambreak Inundation Mapping – Scotts Peak Dam – Earthquake Failure Advancing Hydrographs – June 2021;
12. Huon River Dambreak Inundation Mapping – Scotts Peak Dam – Earthquake Failure Retreating Hydrographs – June 2021.

Request 1B

1. Huon River Flood Evacuation Plan – 1 August 2016;
2. Email from Hydro Tasmania to Huon Valley Council and Entura dated 21 June 2018 (note that attachment to email is record **1B – 1**);
3. External Emergency Preparedness Scenario 2020 – approved March 2021;
4. Email from Hydro Tasmania to Huon Valley Council dated 6 June 2019 (including excel attachment).

2.1 RECORDS THAT HAVE BEEN RELEASED IN FULL

Records numbered **1A; 1 to 12**, and **1B; 2** have been released in full and are attached.

2.2 RECORDS THAT HAVE BEEN RELEASED IN PART

Record 1B – 1 – Huon River Flood Evacuation Plan – 1 August 2016

Record **1B - 1** is a report prepared for the Huon Valley Council titled, “Huon River Flood Evacuation Plan”, dated 1 August 2016. I have reviewed the record and have determined that it is owned by the Huon Valley Council. It falls within the scope of the request, and it is apparent from a reading of the report that it and other records belonging to the Council and referred to on page 1 should be read together.

It states:

“This document is to be read in conjunction with the:

- *Current version of the Huon Valley Emergency Management Plan (Issue 6, 2015).*
- *Current version of Flash Flooding and River Flooding Standard Operating Procedures August 2014 to be updated by the Huon Valley Council.*
- *Animal evacuation Standard Operating Procedures (under preparation).”*

I have written to the Huon Valley Council and advised it that the record has been sought by you. I have received a response and it has advised that it has no objection from the Council to its release.

I have determined that all of the report should be disclosed to you except for the spreadsheet in Appendix E. The spreadsheet contains the address of every property in the district that would be affected by a flood, and a recommended action ranging from “no action,” “monitoring,” “sandbagging” or “evacuate.”

Applicable section of the Act

Section 36 of the Act is relevant to this record as it contains basic personal information belonging to residents of the Huon Valley which, in my view may reasonably be expected to be of concern to a person if it were to be released widely.

Reasons

I have considered this material and am of the view that it would be contrary to the public interest for Hydro Tasmania to disclose the spreadsheet at Appendix E publicly. The spreadsheet was produced for the sole purpose of informing Huon Valley Council and appropriate emergency personnel of homes under threat in the case of an emergency flood event occurring. The information is personal information pursuant to the *Privacy Act 1988* (Cth) and *Personal Information Protection Act 2004* (Tas) and is to be used for a particular purpose by the Huon Valley Council to share with emergency organisations in the event of an emergency. In my view, this information should not be shared more widely. To do so could cause unnecessary harm to homeowners about events that are highly unlikely to occur.

I do however hold the view that any member of the public has the right to apply for the information held regarding that person's own property. However, to allow anybody but that person to access the spreadsheet and share it could cause harm to the individual resident. For example, third parties, were they to have a copy of the list, could approach residents whose properties are marked as "evacuate," and cause alarm and undue stress to those people unnecessarily. The circulation of the list in the wider community could also lead to general scaremongering which is not in the community's best interest.

Secondly, the information in the spreadsheet is 8 years old. It also references other Huon Valley Council records that are out of date now, or not yet created. I assume it does not now represent all the many homes that have been built in the region since 2016. If the list was widely circulated people may wrongly think that it represents the area today, and wrongly think that their home is in or out of a flood zone. To me, this could be clarified on an individual basis should a homeowner in the region seek clarity about the status of their own property.

For these reasons, the spreadsheet at Appendix E is exempt from disclosure as I have decided pursuant to section 36(2) (c) of the Act that the wider disclosure of such information would be of reasonable concern to the people whose residence have been listed in the record. I have also determined pursuant to s 36(2)(d), that given the number of homeowners affected, it is not practicable for me to notify each person individually about the terms of the request.

Matters taken into account.

I have identified the various matters which I have also considered pursuant to section 33 of the Act as follows:

- I am of the view that disclosure of the exempt material would not enhance scrutiny of government decision making or administrative processes.
- The disclosure of the exempt material could cause unnecessary harm to the public in the region.
- The disclosure of these records would not promote the economic, ecological, or environmental development of the State. Nor would their disclosure promote the administration of justice, including affording procedural fairness and the enforcement of the law.
- The information is not recent and may no longer be accurate given extensive building development in the region since 2016.
- The information could cause harm to a group of individuals living in the area if widely circulated. It should only be made available to the individual homeowner upon request.

I have determined after considering all relevant matters as set out in Schedule 1 of the Act, that it is contrary to the public interest to disclose the spreadsheet at Appendix E.

In making my decision, I have considered the matters set out in Schedule 2 of the Act to be irrelevant to my decision.

Record 1B – 3 - External Emergency Preparedness Scenario 2020 – approved March 2021

Record **1B – 3** is a record created by Entura (part of Hydro Tasmania) titled “External Emergency Preparedness Scenario” and approved March 2021.

It was solely prepared for the use at a combined meeting of Hydro Tasmania, the Huon Valley Council, SES, the Tasmanian Fire Service, the Bureau of Meteorology, the Kingborough Council, Parks and Wildlife Services, TasNetworks and Tasmania Police on 3 December 2020, where a workshop took place to mock test a scenario regarding a dam break event on the Huon region.

I have reviewed the record and have determined that parts of it contain internal deliberative information that is not in the public interest to release. Such parts amount to opinions, advice and recommendations prepared by officers of government and of Hydro Tasmania in the course of and for the purpose of the deliberative processes of a public authority and its government.

Applicable section of the Act

Section 35 of the Act is relevant to this record as it contains internal deliberative information that consists of opinions, advice and recommendations prepared by officers of government and of Hydro Tasmania in the course of and for the purpose of the deliberative processes of a public authority and its government.

Reasons

The record contains speculation and conjecture about an unlikely event that has not occurred.

The records are contrary to the public interest to release as they could cause unnecessary harm should they be circulated more widely. Their disclosure would not inform the public about reasons for a decision. Some of the commentary contained in the records could be construed as misleading or inaccurate and could cause harm to a group of individuals living in the Huon region. The record also includes supposition and theory rather than fact. The workshop was a hypothetical scenario and as such some of the record is wrong and inaccurate as the hypothesized events never occurred. For all these reasons, I have determined that the record contains some exempt information which shall not be released. As such, it has been redacted. The sections that I have determined do not contain exempt information remain visible and all the factual information contained in the record will be released.

Matters taken into account

I have identified the various matters which I have also considered pursuant to section 33 of the Act as follows:

- The disclosure would not inform a person as to the reasons for a decision nor would it inform the public about the rules and practices of government dealing with the public. Nor would it enhance scrutiny of government administrative processes.
- The disclosure would not promote the administration of justice, including affording procedural fairness and the enforcement of the law nor would it promote the economic development of the State.
- The disclosure of the exempt material could cause unnecessary harm to the public in the region.
- The disclosure of these records would not promote the economic, ecological, or environmental development of the State. Nor would their disclosure promote the administration of justice, including affording procedural fairness and the enforcement of the law.
- The information could cause harm to a group of individuals living in the area if released.

- The information is deliberative in nature and may be inaccurate.

I have determined after considering all relevant matters as set out in Schedule 1 of the Act, that it is contrary to the public interest to disclose these records.

In making my decision, I have considered the matters set out in Schedule 2 of the Act to be irrelevant to my decision.

Record 1B – 4 – Email from Hydro Tasmania to Huon Valley Council dated 6 June 2019 including excel attachment.

Record **1B – 4** is an email from Hydro Tasmania to Huon Valley Council dated 6 June 2019 that includes an excel spreadsheet attachment.

The spreadsheet contains the address of every property in the district that would be affected by a flood, and a recommended action ranging from “no action,” “monitoring,” “sandbagging” or “evacuate.” I have determined that this record should not be released for the same reasons as those set out in relation to Record **1B - 1**.

Applicable section of the Act

Section 36 of the Act is relevant to this record as it contains basic personal information belonging to residents of the Huon Valley.

Reasons

I rely upon the same Reasons and Matters taken into account as set out for Record **1B – 1** above.

Please note that at the request of the business included in the annexures to this letter is a record containing contextual information regarding the subject matter of the RTI.

3. RIGHTS OF REVIEW

Internal review

You are entitled under section 43 of the Act to apply for an internal review of my decision. Any request for such a review should be made in writing within twenty (20) working days of receiving this letter and addressed to:

Mr. Ian Brooksbank
Chief Executive Officer
Hydro Tasmania Pty Ltd,
Elizabeth Street, Hobart 7000

Application for external review

Please note that you may apply to the Ombudsman for a review pursuant to section 44 of the Act, if you have made an application for internal review under section 43(1), (2), or (3) in relation to the decision, a decision has been made and you have been advised in relation to that review, or 15 working days have elapsed since the application for review was made.

An application pursuant to section 44 must be made to the Ombudsman within 20 working days of an event referred to in section 44(1)(b).

Other applications for review

A person who has applied for information under section 13 of the Act may also apply to the Ombudsman for a review of a decision in certain other circumstances, which are set out in sections 45 and 46 of the Act.

Please contact me should you have any further questions on the information provided. This request is now considered closed.

Yours faithfully



Kate Bradshaw

Delegated Officer pursuant to the
Right to Information Act 2009 (Tas)

Email: kate.bradshaw@hydro.com.au