



ACT
Government

Transport Canberra and
City Services

FREEDOM OF INFORMATION COVERSHEET

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI reference: TCCSFOI 21-011

Information to be published	Status
1. Access application	Published
2. Decision notice and schedule	Published
3. Documents	Published
4. Additional information identified	n/a
5. Fees	n/a
6. Processing time (in working days)	19 days
7. Decision made by Ombudsman	n/a
8. Additional information identified by Ombudsman	n/a
9. Decision made by ACAT	n/a
10. Additional information identified by ACAT	n/a

From: [Leonard, Matt](#) on behalf of [CMTEDD FOI](#)
To: [TCCS_FreedomOfInformation](#)
Subject: FW: Freedom of Information request
Date: Tuesday, 2 February 2021 11:40:11 AM

Hi teamsters,

I believe this request is best served by TCCS. Please acknowledge acceptance of transfer of the request.

Cheers

Matt Leonard | Senior Freedom of Information Coordinator | Information Access Team

Ph: 02 6207 3417

Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 2, Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: [REDACTED].com [REDACTED].com>

Sent: Sunday, 31 January 2021 5:41 PM

To: CMTEDD FOI <CMTEDDFOI@act.gov.au>

Subject: Freedom of Information request

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title: Mr
First Name: [REDACTED]
Last Name: [REDACTED]
Business/Organisation:
Address: [REDACTED]
Suburb: [REDACTED]
Postcode: [REDACTED]
State/Territory: [REDACTED]
Phone/mobile: [REDACTED]
Email address: [REDACTED].com

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

- 1) the contracted or quoted figure in AUD spent on fencing / fencing upgrades at the Eddison Park playground between 2018/19 - 2019/20 .
- 2) the amount spent or paid by ACT government for fencing upgrades at Eddison Park playground between 2018/19 - 2019/20.
- 3) the total figure in AUD spent by the ACT government on landscaping , planting and gardening services - specifically in relation to the ACT Gungahlin to City light rail between 2018/19 - 2019/2020 financial years inclusive .

I do not want to access
the following
documents in relation
to my request::

Thank you.
Freedom of Information Coordinator



ACT
Government

Transport Canberra and
City Services

[REDACTED]
[REDACTED].com

Dear [REDACTED]

Freedom of information request: Reference 21-011

I refer to your access application made under the *Freedom of Information Act 2016* (the FOI Act) received by Transport Canberra and City Services directorate (TCCS) on 2 February 2021 in which you sought access to copies of the:

- 1) *the contracted or quoted figure in AUD spent on fencing / fencing upgrades at the Eddison Park playground between 2018/19 - 2019/20 .*
- 2) *the amount spent or paid by ACT government for fencing upgrades at Eddison Park playground between 2018/19 - 2019/20.*
- 3) *the total figure in AUD spent by the ACT government on landscaping , planting and gardening services - specifically in relation to the ACT Gungahlin to City light rail between 2018/19 - 2019/2020 financial years inclusive.*

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

TCCS is required to provide you with a decision by 2 March 2021.

Decision on access

Part 1 and 2

The City Presentation team, a subunit under Transport Canberra and City Services, has undertaken a search and identified three documents that fall within the scope of part 1 and 2 of your access application. These are outlined in the schedule of document included at [Attachment A](#).

I have decided to grant part access to all three documents. I have refused access under section 35(1)(c) of the FOI Act to some of the information in the documents. This is because it is contrary to the public interest to release.

My access decision is detailed further in the following statement of reasons.

Statement of Reasons

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

- The FOI Act
- Schedule 2 of the FOI Act

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)(iv) - ensure effective oversight of expenditure of public funds; and
- Section 2.1 (a)(viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring non-disclosure (Schedule 2.2)

- Section 2.2 (a)(xi) – prejudice trade secrets, business affairs or research of an agency or persons.

As an Information Officer, I must decide where, on balance, public interest lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

I consider that it is in the public interest to release most of this information. I have also placed weight on the FOI Act, which favours disclosure of information unless it is found to be contrary to the public interest.

I have considered the commercial information contained in the documents. The documents consist of commercial information from a third-party contractor in relation to a quotes and invoices for works at Eddison Park playground. I have decided that the breakdown of costs for works holds commercial value which if disclosed could be used by competitors and prejudice business affairs. It is a fine balance to seek transparency in information release and protect against information being used to the commercial disadvantage of a third-party contractor.

Furthermore, disclosure of this information could be expected to prejudice the future supply of information to TCCS for this purpose. Receiving information from contractors who specialise in this field requires a level of trust that the information will be used as indicated and that individuals will not be exposed to adverse outcomes if the information is not protected. In this case, the release of any commercial information at this time would be damaging for the reasons I have discussed and outweighs the release in this instance. However, I have decided that the total contract amounts are in the public interest to release.

Part 3

No documents have been identified for part 3 of your access application.

On 17 May 2016, the government of the Australian Capital Territory (Territory) entered into an Agreement with Canberra Metro PC Pty Ltd (Canberra Metro) for the

design, construction and financing of a 12-kilometre light rail service from Gungahlin to the City. The cost of the landscaping of the light rail corridor was included in the construction cost of the light rail. A copy of the Agreement is publicly available.

The Agreement also extends to operation and maintenance of the light rail system over a 20-year period. The Territory makes regular monthly payments to Canberra Metro over 20 years. These payments cover Canberra Metro's construction, operational, maintenance, life cycle and financing costs. Landscaping maintenance would be included within this payment, however, details about the specific costs utilised for this function are not held by TCCS.

Charges

No fee applies as the number of pages being released is in the fee-free threshold.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents will be published in the TCCS disclosure log from 3 days after the date of this decision.

Your personal contact details will not be published. You may view the TCCS' disclosure log at http://www.tccs.act.gov.au/about-us/freedom_of_information.

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 an Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in TCCS' 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 on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore Street
GPO Box 370
CANBERRA CITY ACT 2601
Telephone: (02) 6207 1740
www.acat.act.gov.au

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact the TCCS FOI team on (02) 6207 2987 or email to tccs.foi@act.gov.au.

Yours sincerely



Cheryl Hughes
Information Officer

1 March 2021



QUOTE

ACT Government 36
 Transport, Canberra and City Services
 GPO Box 158
 Canberra ACT 2601

Date
 21 Oct 2019

Expiry
 20 Nov 2019

Quote Number
 QU-0213

ABN
 68 799 217 233

Clancy Contracting
 132 Yass St
 GUNNING NSW 2581

Eddison Park Playground Fencing

Description	Quantity	Unit Price	GST	Amount AUD
DBYD Search			10%	
Supply and installation of approx. 150m of 900mm netting fence with 3 x plain carry wires and 1 x top plain wire. This fence will have hardwood strainers with 250mm diameter; it will have hardwood split post every 4m. This quotation includes the supply and installation of 1 x 2400mm wide mower access gate and 4 x 1200mm wide personal access gates.			10%	
			INCLUDES GST 10%	1,359.09
			TOTAL AUD	14,950.00

Terms

Net 30 Days

This quotation relies on our quotation conditions. Our quotation conditions can be found in the online version of the email. Acceptance of this quotation implies acceptance of our quotation conditions.



TAX INVOICE

ACT Government 36
 Transport, Canberra and City Services
 GPO Box 158
 Canberra ACT 2601

Invoice Date
 2 Apr 2020

Invoice Number
 INV-0336

Reference
 QU-0261

ABN
 68 799 217 233

Clancy Contracting
 132 Yass St
 GUNNING NSW 2581

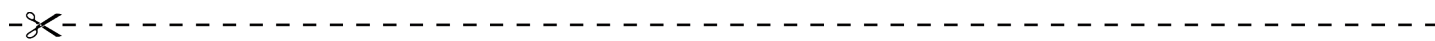
Description	Quantity	Unit Price	GST	Amount AUD
DBYD Search. If DBYD search shows underground assets Clancy Contracting will organise a professional asset locator. The cost of the asset locator is the responsibility of the client.	█	█	10%	█
Asset Location - 26.02.2020	█	█	10%	█
Supply and installation of approx. 125m of 900mm netting fence with 3 x plain carry wires and 1 x top plain wire. This fence will have 10 hardwood strainers with 250mm diameter. Each strainer will have 2 hardwood stay posts. The fence will have hardwood split post every 4m.	█	█	10%	█
Supply and installation of 1 x Double Gates with 2.4m wide opening. These gates will be swung from hardwood strainers with 250mm diameter. Each gate strainer will have 1 x hardwood stay post.	█	█	10%	█
Supply and installation of 4 x 1500mm wide single gates. These gates will be swung from hardwood strainers with 250mm diameter. Each gate strainer will have 1 x hardwood stay post.	█	█	10%	█
Hire and use of 1 x concrete saw to install 4 x hardwood strainers into existing concrete paths..	█	█	10%	█
Supply and spread 5 cubic m of eucalyptus mulch.	█	█	10%	█
Supply and install black metal strap around top of strainer post and paint top of strainer with Cabots Decking Oil. █/strainer.	█	█	10%	█
		INCLUDES GST 10%		2,071.73
		TOTAL AUD		22,789.00

Due Date: 30 May 2020
EFT Payments can be made to

Clancy Contracting

BSB: [REDACTED]

Account No: [REDACTED]



PAYMENT ADVICE

To: Clancy Contracting
132 Yass St
GUNNING NSW 2581

Customer	ACT Government 36
Invoice Number	INV-0336
Amount Due	22,789.00
Due Date	30 May 2020

Amount Enclosed _____

Enter the amount you are paying above



TAX INVOICE

ACT Government 30
 Attention: Lawrence DePasquale
 City Presentation, City Services
 Transport Canberra & City Services Directorate
 GPO Box 158
 Canberra ACT 2601

Invoice Date
 24 Jun 2020

Invoice Number
 INV-0421

Reference
 QU-0330. PO No.:
 CLD2531

ABN
 68 799 217 233

Clancy Contracting
 132 Yass St
 GUNNING NSW 2581

Description	Quantity	Unit Price	GST	Amount AUD
Eddison Park Fence & Gate Repair. Purchase Order: CLD2531				
Supply 3 x self closing hinges for existing gates.	█	█	10%	█
Supply 3 x 'D' Striker Latches for existing gates.	█	█	10%	█
Supply paling infill to match existing fence.	█	█	10%	█
8 hours labour for fencing team of 2 with fencing plant.	█	█	10%	█
			INCLUDES GST 10%	188.52
			TOTAL AUD	2,073.60

Due Date: 30 Jul 2020

EFT Payments can be made to

Clancy Contracting

BSB: █
 Account No: █



PAYMENT ADVICE

To: Clancy Contracting
132 Yass St
GUNNING NSW 2581

Customer	ACT Government 30
Invoice Number	INV-0421
Amount Due	2,073.60
Due Date	30 Jul 2020

Amount Enclosed _____

Enter the amount you are paying above

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.tccs.act.gov.au/about-us/freedom_of_information/disclosure-log

File number		WHAT ARE THE PARAMETERS OF THE REQUEST				
FOI – 21-011		Total figure for fencing of Eddison Park playground and Landscaping and maintenance work for the light rail corridor				
Ref No	No of Folios	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1	Quote # QU0213	21 October 2019	Partial access	Section 2.2 (a)(xi) – prejudice trade secrets, business affairs or research of an agency or persons.	Documents to be published.
2	2-3	Invoice - 0336	2 April 2020	Partial access	Section 2.2 (a)(xi) – prejudice trade secrets, business affairs or research of an agency or persons.	
3	4-5	Invoice - 0421	24 June 2020	Partial access	Section 2.2 (a)(xi) – prejudice trade secrets, business affairs or research of an agency or persons.	