



FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: 24-145

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Published
4. Documents	Published
5. Additional information identified	Not Applicable
6. Fees	Not Applicable
7. Processing time (in working days)	25 Days
8. Decision made by Ombudsman	Not applicable
9. Additional information identified by Ombudsman	Not Applicable
10. Decision made by ACAT	Not applicable

11. Additional information identified by ACAT	Not applicable
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ACT
Government

Transport Canberra
and City Services

Freedom of Information

Access Application to Transport Canberra and City Services

About this form

This form should be used to submit an application for information held by Transport Canberra and City Services (TCCS) under the Freedom of Information Act 2016.

For an application to be valid, it must:

- Contain an email address or postal address in which notices under the FOI Act can be provided to you; and
- Include enough detail about the type of information you are requesting to enable TCCS to identify the relevant government information.

Mandatory fields are marked with a *

If your application is for access to your own personal information you must include evidence of your identity.

Where a request relates to the personal information of a person you are acting on behalf of, you are required to attach evidence of your identity and a signed consent form.

You may wish to include a statement about how the release of information is in the public interest. An opportunity to attach the statement or any other information will be provided at the end of this application.

If your application is incomplete, TCCS will take reasonable steps to assist you and give you reasonable time to amend your application.

Submission

Post

FOI and Subpoenas, Legal and Contracts
Transport Canberra and City Services Directorate
GPO Box 158
CANBERRA ACT 2601

Email

tccs.foi@act.gov.au

Your details:

Title

Name

Address

Phone

Email

Preferred method of contact: Phone Email Post

TCCS.FOI@act.gov.au | phone: (02) 620 72987 | www.act.gov.au

Requested information*

Additional information can be attached

I am requesting access to the following government information under the Freedom of Information Act 2016:

*What training goes into 'disability'
& assisting eligible DSP card holders
the aged & wheelchair access?
Who determines that training & that
consumer access*

*Any & All information
available Thankyou,
including what is
'policy' Thankyou*

Preferred method to receive information*:

- Email Post

Statement on the public interest (Optional)

Waiver of fees

- I hold a valid concession card
 I am a member of the ACT Legislative Assembly
 This application is being submitted on behalf of a not-for-profit organisation
 The information that is the subject of the request is of special benefit to the public
 The information being requested was previously available to the public but no longer is

*Copy of
Concession
provided
22/03/24*

Privacy Notice

All personal information you provide will be handled in accordance with the *Information Privacy Act 2014* and the TCCS Privacy Policy. In accordance with the *Freedom of Information Act 2016*, your application may be shared with other ACT Government Directorates where it is believed that they may hold information relevant to your request. You will be notified if another ACT Government Directorate is likely to respond to all or part of your application.

TCCS Disclosure Log

Please be aware that under the *Freedom of Information Act 2016* all information released to you will be published online, except where the request relates to your personal information. Your personal information will be removed prior to documents being published online.

Public Interest

In deciding on an application to access government information, an Information Officer must decide if the disclosure is in the public interest. While the Freedom of Information Act 2016 promotes disclosure, there are certain circumstances the disclosure of government information is contrary to the public interest. These circumstances are:

- Any instance where the type of information is listed in schedule 1; or
- Where the Information officer has carried out a public interest test against factors listed in schedule 2, and the information is found on balance to be contrary to the public interest.

Accessibility

Should you require assistance to complete this application or have any suggestions to improve the accessibility of this form, please contact the TCCS Freedom of Information team on (02) 62072987.



Dear 

Freedom of Information Request - Reference 24-145

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) by post on 14 October 2024. It is my understanding that you are seeking access to the following government information under the *Freedom of Information Act* 2016 (FOI Act):

- “What training goes into disability and assisting eligible DSP card holders, the aged and wheelchair access;
- Who determines that training and that consumer access; and
- Any or all information available, including what is policy.”

I note that you have submitted a second application that has been given reference number TCCS FOI 24-146. A separate decision will be provided to you.

Timeframes

In accordance with section 40 of the FOI Act, TCCS is required to decide on your application by 25 November 2024.

Authority

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 FOI Act.

Decision on access

In accordance with the FOI Act, a search for the information that you are seeking has been completed and three operational policy papers have been identified.

In addition to these policies, Transport Canberra has provided the following for your information:

As part of the Bus Driver Training program, all new bus drivers are provided with three operational policies. In addition to the policies, a stand-alone module on transporting passengers with disabilities is undertaken. Following the presentation, all trainees must complete an assessment to measure their knowledge, with a practical component subsequently marked off during operational runs.

The presentation covers the following;

- Awareness of passengers
- Disabilities take many shapes – each person has different needs
- The guiding principles of the Disability Discrimination Act (DDA) and how that relates to their role
- Specific drivers duties (e.g. lowering the bus, deploying the ramp, assisting passengers to board and alight if required etc)
- Service animals and guide dogs
- Types of disabilities and varying types of disabilities.

Guest speakers from Guide Dogs Australia also attend each training course and discuss with the participants the needs of vision impaired passengers.

Upon reviewing the information identified within the policies and applying the public interest test under section 17 of the FOI Act, I have decided to provide you with full access to the information. I have applied redactions to some information in record 2, as the information falls outside of the scope of your request. The reasons for my decision are detailed below in the statement of reasons. I have included a schedule of the documents at [Attachment A](#). The documents are enclosed at [Attachment B](#)

Statement of Reasons

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

- the Act;
- the content of the documents that fall within the scope of your request; and
- the Humans Rights Act 2004.

In making my decision on disclosing the relevant government information, I must identify all relevant factors in schedule 1, which contains a list of information types that are deemed to be contrary to the public interest. Where schedule 1 does not apply to some or all of the information within relevant records, I must consider the public interest test set out in section 17 of the FOI Act, whereby factors favouring disclosure (schedule 2, section 1) and factors favouring non-disclosure (schedule 2, section) are weighed to determine on balance, where the public interest lies. In making my decision, I also confirm that I have not considered any of the factors listed in section 17(2) of the FOI Act which contains a list of factors which must not be taken into consideration.

Schedule 1:

- No relevant factors identified.

Public Interest test:

Factors favouring disclosure in the public interest (Schedule 2.1)

- Schedule 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability;
- Schedule 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest;
- Schedule 2.1(a)(iii) - inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community;
- Schedule 2.1(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)

- Not applicable.

In reviewing the information within scope of your application, I have identified information that promotes and informs members of the public about our policies.

I have also considered that disclosure provides contextual information around a government decision, government operations, and promotes open discussion of public affairs and enhances government's accountability generally. Further, I also acknowledge that the pro-disclosure bias requires the public interest test to be approached on the basis that there are not simply empty scales in equilibrium, waiting for arguments to be put on each side. Rather, the scales are loaded in favour of disclosure.

In my review I did not identify any factors favouring non-disclosure. In this instance, I find that disclosure is, on balance, in the public interest.

A copy of the relevant information is enclosed at [Attachment B](#).

Charges

In accordance with [Freedom of Information \(Fees\) Determination 2018](#), a fee of \$0.35 per page of information disclosed, except for the first 50 pages, may be applied to an access application. No fee is applicable as the total number of pages disclosed to you falls within 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 between 3 – 10 business days from the date of this decision. Your personal contact details will not be published. You may view the TCCS' disclosure log https://www.cityservices.act.gov.au/about-us/freedom_of_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 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
GPO Box 370
CANBERRA CITY ACT 2601
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



Lisa Johnson
Information Officer
18 November 2024

ATTACHMENT A - ACCESS APPLICATION SCHEDULE, FREEDOM OF INFORMATION

Reference Number: 24-145

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

Reference number	Page number	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1 - 2	Policy - TCOP14 Passenger Assistance and Appropriate Physical Contact Operational Policy	27 November 2020	Full release	Not applicable	Decision to be published on the TCCS Disclosure Log .
2	3-4	Policy -TCOP15 Obligations to Passengers Operational Policy	27 November 2020	Full release	Some information outside of the scope of your application has been redacted.	
3	5	Policy - Wheelchairs and Mobility Aids on Buses v1.1 TCOP20	4 February 2023	Full release	Not applicable	

Total number of documents: 3

Operational Policy

Policy Reference: TCOP14

Passenger Assistance and Appropriate Physical Contact

1.0 PURPOSE

To provide direction on what is reasonable, acceptable and necessary physical contact between employees and passengers.

2.0 PRINCIPLES

Non-physical interventions between employees and passengers are the preferred method of assisting passengers to travel safely. These methods include voice commands and hand gestures.

Physical contact between employees and passengers must be kept to a minimum and only include contact when absolutely necessary.

This could include holding a passenger's hand to guide them or prevent them from absconding, placing a hand on the shoulder to guide and assist, and touching a passenger to apply a seat belt or other restraint. Other instances may occur when comforting a distressed passenger.

The Work Health and Safety (WHS) and security of the bus driver, passengers and bus are primary considerations.

3.0 ROLES AND RESPONSIBILITIES

Employees may provide assistance in the event a passenger hurts themselves when boarding, travelling or exiting the bus.

Bus drivers are not expected to leave the driver's seat to assist passengers (this is intended to minimise risk of driver injury and assist with driver control of the bus). However, drivers have the discretion to do so where they believe it is safe and reasonable, and where the bus is properly secured.

Employees must not engage in unreasonable and unnecessary physical contact including but not limited to, touching that is sexual in nature, smacking, hitting, pushing, becoming overly familiar with and/or kissing a passenger.

Employees must not make unnecessary physical contact with individuals. They must not engage in or reciprocate physical, violent or aggravated conduct with individuals. Additionally, employees must not detain, arrest, make physical contact or unlawfully imprison a passenger or individual, unless it is in self-defence or to restrain an individual from harming or endangering another individual or themselves. Unnecessary and brute force must not be used when restraining the individual.

Employees must not strip clothing from a passenger. The only exception to this is a soiled overcoat or outer garment. In cases where the passenger is a student who has wet or soiled themselves on route, they are to be made as comfortable as possible and their trip is to be expedited to the nearest assistance point, such as the school the student attends.

Employees must not use restrictive practices on any passengers.

Operational Policy

Policy Reference: TCOP14

4.0 INCIDENT REPORTING

Employees must notify the Communication Centre and complete an incident report where unreasonable or unnecessary physical contact occurred. The incident report must be submitted within 12 hours of the event in accordance with the *Incident Management Policy and RiskMan*.

5.0 DEFINITIONS

A 'restrictive practice' is an intervention that has the effect of restricting the rights or freedom of movement of a person, with the primary purpose of protecting the person or others from harm. These may include seat belt locking devices, harnesses or other physical contact designed to restrict the movement of the passenger.

6.0 POLICY DETAILS

Policy details			
Policy number	TCOP14	Version	1
Policy name	Passenger Assistance & Appropriate Physical Contact		
Policy owner	Director Public Transport Operations		
Approved by	Deputy Director-General Transport Canberra		
Date effective	27 November 2017		
Review date	27 November 2020		



Operational Policy

Obligations to Passengers

1.0 PURPOSE

To outline the obligations of bus drivers and attendants for the safe travel of passengers. Safe travel of passengers refers to the passenger's right to be treated with respect and to travel to their destination in a safe environment.

2.0 PRINCIPLES

Transport Canberra has three key principles to promote the safe travel of passengers:

- passengers must be treated in a fair, professional and respectful manner;
- passengers must be treated with compassion and understanding, particularly related to special needs such as age, mobility and/or vulnerability; and
- passengers must not be inconvenienced by other passengers or the driver when travelling.

The Work Health and Safety (WHS) and security of the bus driver, passengers and bus are primary considerations.

3.0 ROLES AND RESPONSIBILITIES – BEHAVIOUR

Drivers:

- must complete the pre-drive log book if the first driver of the bus on that day;
- must obey the road rules, drive smoothly and with respect to the age and disability of passengers;
- must obey all traffic laws and parking restrictions;
- must behave in a courteous and professional manner at all times;
- may instruct a passenger (other than a student or minor) to not board the bus, or to exit the bus, for misbehaviour or for fare related issues at any time, on any service;
- must contact the Communications Centre to seek advice or assistance if they are experiencing issues with passengers that cannot be managed in accordance with standard operating procedures (refer *Operational Policy, Policy Reference No 11 – Incident Management*); and
- must note passenger's name and contact details, and report to the Communications Centre for further investigation if a passenger commits repeated offences.

4.0 ROLES AND RESPONSIBILITIES – SAFE TRAVEL OF ALL PASSENGERS

Drivers must:

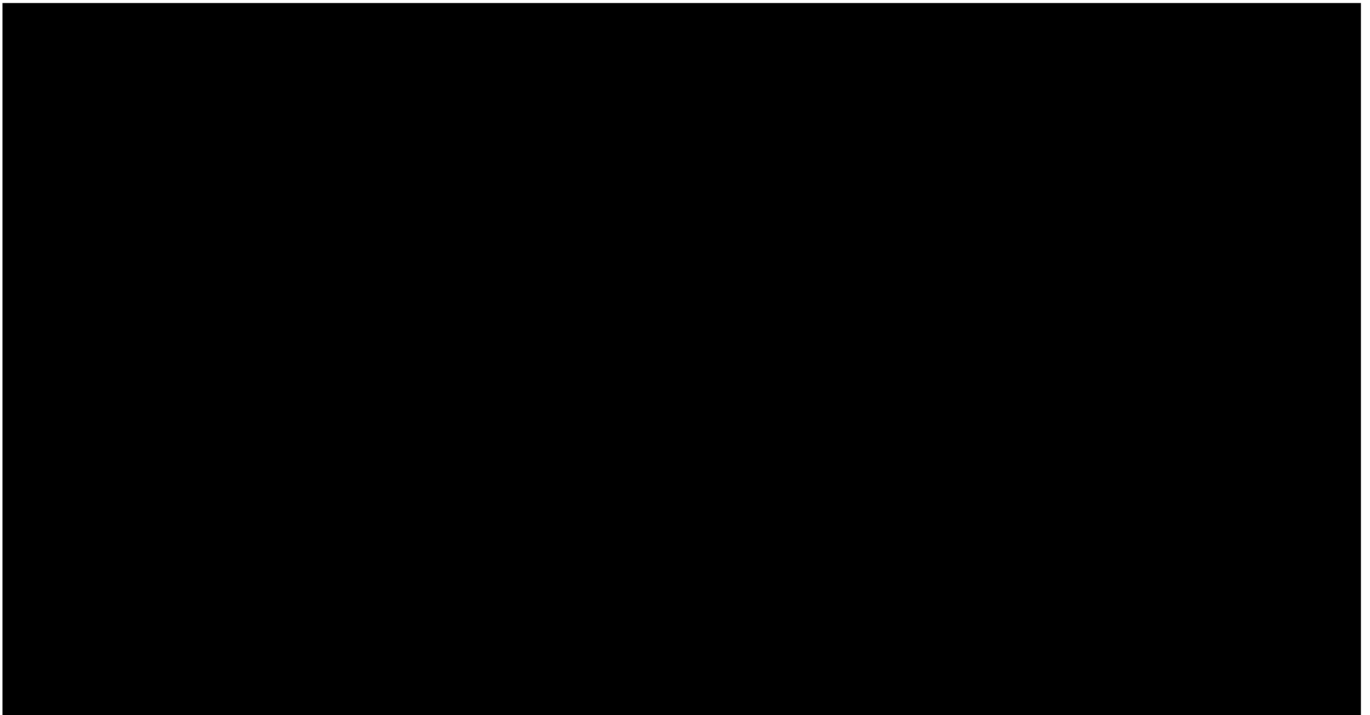
- be familiar with the safe operation of the vehicle and accessories;
- inspect the bus prior to departing the depot and report any defects or faults (including to equipment);



Operational Policy

- understand the emergency and evacuation procedures for vehicles, including being able to provide clear and efficient instructions to passengers in the event of an emergency;
- radio the Communications Centre for assistance immediately if there is an emergency;
- radio the Communications Centre for assistance immediately if there is an imminent threat of danger or harm to passengers travelling on the vehicle;
- radio the Communications Centre for assistance immediately when a passenger notifies any harassment they have encountered whilst travelling;
- take reasonable steps to ensure passengers enter and exit the bus safely; and
- where applicable, contact the Flexible Transport Communications Centre if a passenger for flexible travel fails to be at the agreed pick-up collection point.

5.0 ROLES AND RESPONSIBILITIES – SAFE TRAVEL OF CHILDREN



6.0 POLICY DETAILS

Policy details			
Policy reference	TCOP15	Version	1
Policy name	Safe Travel of Passengers		
Policy owner	Director Public Transport Operations		
Approved by	Deputy Director-General Transport Canberra		
Date effective	27 November 2017		



1. Purpose

To outline the role and responsibilities of drivers in relation to wheelchairs and mobility aids on buses.

2. Principles

Transport Canberra Buses has a responsibility to ensure that wheelchairs and mobility aids do not impede the safety of drivers and passengers. The Work Health and Safety and security of the bus driver, passengers and bus are primary considerations.

3. Roles and Responsibilities

3.1. Bus drivers:

- a. are not expected to leave the driver's seat to assist passengers (this is intended to minimise risk of driver injury and assist with driver control of the bus). However, drivers have the discretion to do so where they believe it is safe and reasonable, and where the bus is properly secured;
- b. must lower the bus and deploy the accessible ramp on request, where safe to do so;
- c. may instruct passengers to ensure that brakes on wheelchairs and mobility aids are properly applied before the bus is put into motion;
- d. may advise passengers in a wheelchair or mobility device that the recommended direction of travel is facing the rear of the bus, however facing the front of the bus is permitted;
- e. may request that already seated passengers move from priority seating to allow wheelchairs to be properly secured. Drivers may instruct passengers (including those travelling with a pram, stroller, or buggy) to give a person in a wheelchair or a person using a mobility aid priority for use of a designated accessible space.

3.2. Bus attendants may assist passengers on and off the bus who are wheelchair bound or have mobility restrictions.

Document Details

Title: Wheelchairs and Mobility Aids on Buses

Document Type: Policy

Document Number: TCOP_20

Document Custodian: Executive Branch Manager, Bus Operations

Approved by: Executive Group Manager, Transport Operations

Authority: Road Transport (Public Passenger Services) Regulation 2002

Version: 1.1

Status: APPROVED

Approved date: 04/02/2020

Effective date: 10/02/2020

Review date: 04/02/2023

