



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 2018-062

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents	Not published
4. Additional information identified	No
5. Fees	n/a
6. Processing time (in working days)	21 days (extension granted)
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: EPSDFOI
Sent: Thursday, 19 July 2018 12:39 PM
To: TCCS_FreedomOfInformation
Cc: EPSDFOI
Subject: FW: FOI Request - tree assessment [SEC=UNCLASSIFIED]

Ref 18-062

HI TCCS

The below FOI is for you, do you accept a transfer?

[REDACTED]

[REDACTED]

Information and Systems Support (Freedom of Information) Phone 02 6207 1941 Information Management | Environment, Planning and Sustainable Development | ACT Government Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]
Sent: Thursday, 19 July 2018 10:44 AM
To: EPSDFOI <EPSDFOI@act.gov.au>
Subject: FOI Request

HI

I lodge a Freedom of Information request for all documentation related to Australian Capital Territory (ACT) Government assessment of ACT Government tree [REDACTED] Lodged under ACT FOI Act 2016.

I seek all ACT Internal policy guidance documents and assessment forms provided to an ACT Government employees and processes used when an ACT Government employee assesses a tree for removal or other. This includes legislation, policy and process documents associated with community appeals processes when a member of the community rejects the judgement of a decision made against a particular tree. Where these documents are publicly available and relevant to this matter a working web link may be provided. Where documents are not publicly available, e.g. internal documents, then these should be provided in full.

Documentation also includes any correspondence between myself (the FOI applicant) and all relevant officers of the ACT Government, including Ministry, in assessing whether or not the tree should be removed or otherwise. Any internal documents, including information provided to relevant Ministers.

Documents include emails, letters, internal and external briefs, telephone recordings, diary notes, telephone records (notes), text messages, assessment forms, indeed any form of record as prescribed under the Australian Capital Territory Archives Act.

Date range is 8 October 2004 through to 20 October 2018.

I am happy to discuss this request.

[REDACTED]



ACT
Government

Transport Canberra and
City Services

[REDACTED]

Dear [REDACTED]

Freedom of information request: Reference 18-062

I refer to your application made under the *Freedom of Information Act 2016* (the Act), which was received by Transport Canberra and City Services Directorate (TCCS) on 19 July 2018, in which you sought access to:

- all documentation related to ACT Government assessment of ACT Government tree adjoining [REDACTED] specifically all ACT internal policy guidance documents and assessment forms provided to an ACT Government employees and processes used when an ACT Government employee assesses a tree for removal or other,
 - this includes legislation, policy and process documents associated with community appeals processes when a member of the community rejects the judgement of a decision made against a particular tree;
 - documentation also includes any correspondence between yourself (the FOI applicant) and all relevant officers of the ACT Government, including Ministry, in assessing whether or not the tree should be removed or otherwise. Any internal documents, including information provided to relevant Ministers;
 - documents include emails, letters, internal and external briefs, telephone recordings, diary notes, telephone records (notes), text messages, assessment forms, indeed any form of record prescribed under the Australian Capital Territory Archives Act.
 - as established, the date range is 8 October 2004 through to 20 July 2018.

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 a decision on your access application by 16 August 2018, however, I note you agreed to an extension until 23 August 2018.

Decision on access

Searches were completed for relevant documents and 45 documents (218 pages) have been identified that fall within the scope of your request.

I have included at Attachment A to this decision the schedule of the 45 identified documents. This schedule provides a description of each document that falls within the scope of your request and the access decision for each of these documents.

Documents identified as relevant to your request contain information that I consider to be, on balance, contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have decided to grant access, under section 50 of the Act, to copies of documents (Attachment B) with deletions applied to information that I consider would be contrary to the public interest to disclose.

Statement of Reasons

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

- the Act; in particular
 - Schedule 2, Section 2.2 (a)(ii) – Prejudice the Protection of an Individual's Right to Privacy,
- *Information Privacy Act 2014*;
- the content of the documents that fall within the scope of your request.

Documents referenced 6 and 13 contain personal information about individuals, including names and contact details. As a general rule an agency that holds personal information about an individual that has been collected for a particular purpose must not disclose the information to a third party without consent (*Information Privacy Act 2014* (Territory Privacy Principle 6)). Considering the type of information, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved, therefore, I have decided to release the information with deletions applied to information that I consider would be contrary to the public interest to disclose.

Charges

I have decided not to charge fees for the release subject to this decision as it relates to a personal matter.

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 and my decision will be published in the TCCS disclosure log from 3 days after the date of this decision. Your personal details will not be published.

As this information is not part of the Open Access Information Scheme, the documents will not be published online. You may view TCCS' disclosure log at www.tccs.act.gov.au/about-us/freedom_of_information.

Ombudsman review

My decision on your access request is a reviewable decision 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(1) 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 questions concerning the directorate's processing of your request, or would like further information, please contact the directorate's FOI Coordinator on 6205 5408 or email tccs.foi@act.gov.au.

Yours sincerely



Cherie Hughes
Information Officer

17 August 2018



FREEDOM OF INFORMATION 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: [HTTP://WWW.TCCS.ACT.GOV.AU/ABOUT-US/FREEDOM_OF_INFORMATION](http://www.tccs.act.gov.au/about-us/freedom_of_information)

REFERENCE NO	WHAT ARE THE PARAMETERS OF THE REQUEST
TCCS FOI 18-062	TREE ASSESSMENT

REF NO	PAGE NUMBER	DESCRIPTION	DATE	STATUS	REASON FOR NON-RELEASE OR DEFERRAL	OPEN ACCESS RELEASE STATUS
1	1-2	POLICY & GUIDELINES - IMPACT ON SOLAR ACCESS BY TREES	APRIL 2018	FULL ACCESS		EXEMPT
2	3-8	MANAGEMENT OF TREES ON PUBLIC LAND		FULL ACCESS		EXEMPT
3	9-12	CANBERRA INDIVIDUAL TREE INVENTORY		FULL ACCESS		EXEMPT
4	13-45	PRUNING OF AMENITY TREES - AUSTRALIAN STANDARD		FULL ACCESS		EXEMPT
5	46-53	ICS FORMS	VARIOUS	FULL ACCESS		EXEMPT
6	54-55	COMPLAINTS - SPREADSHEET	VARIOUS	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT
7	56	EMAIL	31 JULY 2018	FULL ACCESS		EXEMPT

8	57	EMAIL	25 JULY 2018	FULL ACCESS		EXEMPT
9	58-81	ENQUIRIES SUBMITTED VIA ACCESS CANBERRA	VARIOUS	FULL ACCESS		EXEMPT
10	82-83	EMAIL	19 JULY 2018	FULL ACCESS		EXEMPT
11	84	EMAIL	19 JULY 2018	FULL ACCESS		EXEMPT
12	85	ATTACHMENT TO EMAIL AT REF NO. 12 - CORRESPONDENCE	19 JULY 2018	FULL ACCESS		EXEMPT
13	86	EMAIL	19 JULY 2018	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(I)	EXEMPT
14	87-90	TREE CLAIM INCLUDING FIELD NOTES	26 JUNE 2018	FULL ACCESS		EXEMPT
15	91-92	CORRESPONDENCE	AUGUST 2013	FULL ACCESS		EXEMPT
16	93-96	MINISTERIAL	3 AUGUST 2013	FULL ACCESS		EXEMPT
17	97-100	EMAIL	9 MAY 2013	FULL ACCESS		EXEMPT
18	101-102	CORRESPONDENCE	25 MARCH 2013	FULL ACCESS		EXEMPT
19	103-107	EMAIL	7 MARCH 2013	FULL ACCESS		EXEMPT
20	108-110	CORRESPONDENCE	SEPTEMBER 2012	FULL ACCESS		EXEMPT
21	111-112	TREE CONDITION ASSESSMENT FORM	8 AUGUST 2012	FULL ACCESS		EXEMPT
22	113-114	EMAIL	26 JULY 2012	FULL ACCESS		EXEMPT
23	115-116	EMAIL	15 DECEMBER 2006	FULL ACCESS		EXEMPT
24	117	EMAIL	13 DECEMBER 2006	FULL ACCESS		EXEMPT
25	118-120	RECORD OF CONVERSATION/MINUTE	13 DECEMBER 2006	FULL ACCESS		EXEMPT
26	121-125	MINISTERIAL CORRESPONDENCE	NOVEMBER 2006	FULL ACCESS		EXEMPT

27	126-137	ATTACHMENTS TO REF NO. 26			FULL ACCESS		EXEMPT
28	138-139	PHOTOGRAPHS (2)	14 NOVEMBER 2006		FULL ACCESS		EXEMPT
29	140	ICS FORM	23 AUGUST 2010		FULL ACCESS		EXEMPT
30	141	FIELD NOTES	UNDATED		FULL ACCESS		EXEMPT
31	142	EMAIL	15 NOVEMBER 2006		FULL ACCESS		EXEMPT
32	143-146	EMAIL	10 NOVEMBER 2006		FULL ACCESS		EXEMPT
33	147	SITE PLAN			FULL ACCESS		EXEMPT
34	148	PLAN OF BLOCKS			FULL ACCESS		EXEMPT
35	149-150	EMAIL	9 NOVEMBER 2006		FULL ACCESS		EXEMPT
36	151-152	EMAIL	26 JULY 2012		FULL ACCESS		EXEMPT
37	153-156	MINISTERIAL CORRESPONDENCE	28 JUNE 2006		FULL ACCESS		EXEMPT
38	157-159	EMAIL	28 JUNE 2006		FULL ACCESS		EXEMPT
39	160	CORRESPONDENCE	UNDATED				EXEMPT
40	161	REPORT - PUBLIC - TREE ASSESSMENT	7 MARCH 2006		FULL ACCESS		EXEMPT
41	162	REPORT - PUBLIC - FALLEN TREE	12 JULY 2005		FULL ACCESS		EXEMPT
42	163	REPORT - PUBLIC - TREE ASSESSMENT	11 JULY 2005		FULL ACCESS		EXEMPT
43	164	SITE PLAN			FULL ACCESS		EXEMPT
44	165-167	EMAIL	28 JUNE 2006		FULL ACCESS		EXEMPT
45	168-169	EMAIL	7 JUNE 2006		FULL ACCESS		EXEMPT
46	170	EMAIL	6 JUNE 2006		FULL ACCESS		EXEMPT
47	171-172	CORRESPONDENCE	5 JUNE 2006		FULL ACCESS		EXEMPT

48	173-176	EMAIL		29 MAY 2006	FULL ACCESS		EXEMPT
49	177-184	EMAIL		28 MAY 2006	FULL ACCESS		EXEMPT
50	185-200	EMAIL		27 MAY 2006	FULL ACCESS		EXEMPT
51	201-206	EMAIL		26 MAY 2006	FULL ACCESS		EXEMPT
52	207-216	EMAIL		26 MAY 2006	FULL ACCESS		EXEMPT
53	217	REPORT - PUBLIC - TREE ASSESSMENT		7 MARCH 2006	FULL ACCESS		EXEMPT
54	218	REPORT - PUBLIC - FALLEN TREE		12 JULY 2005	FULL ACCESS		EXEMPT