



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 19-037

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents	n/a
4. Additional information identified	n/a
5. Fees	n/a
6. Processing time (in working days)	23 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



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Freedom of Information – Access Application Form

PRIVACY NOTICE

The personal information you supply on this form will only be used for the purpose of processing your request. Your application must include an email or postal address to which the respondent can send notices under the Act. If all or some of this information is not collected, Transport Canberra and City Services may not be able to communicate with you, inhibiting their obligations under the Act. This could mean the request cannot be dealt with. Your personal information will not be disclosed to a third party without your consent unless statutory obligations require otherwise.

The Transport Canberra and City Services Privacy Policy contains information on how you can access or seek to correct any of your personal information that is held by the Transport Canberra and City Services, as well as the process for lodging a complaint about an alleged breach of the *Information Privacy Act 2014*. The Privacy Policy can be found on the Transport Canberra and City Services website at www.tccs.act.gov.au.

Applicant details

I wish to make an access application to Transport Canberra and City Services under the *Freedom of Information Act 2016*.

Name

[Redacted] MLA

Address

(where notices relating to this request can be sent – either postal or electronic)

[Redacted] @parliament.act.gov.au

Telephone Contact (Business Hours)

[Redacted]

Telephone Contact (Mobile) Alternative

[Redacted]

Email Contact

[Redacted] @parliament.act.gov.au

What documents are you requesting under the Act?

Documents relating to a proposal by the Australian War Memorial to use Nature Park land off Treloar Cres, Campbell for temporary construction uses and/or permanent take-over of the land for expansion of the Memorial.

Fee Waiver

If you wish to apply for a fee waiver, the Act sets out a number of provisions to do so:

- The information being requested was previously publicly available but no longer is.
- The information being requested is of special benefit to the public (Ombudsman guidelines see Section 66).
- The applicant is a concession card holder and demonstrates a material connection with the information requested (concession cards include a current health care or pensioner card issued under the Social Security Act 1991; a current pensioner concession card issued in relation to a pension under the Veterans' Entitlements Act 1986 or the Military Rehabilitation and Compensation Act 2004; a current gold card; or a card prescribed by regulation).
- The applicant is a not-for-profit organisation and the application relates to the activities or purposes of the organisation.
- The applicant is a member of the Legislative Assembly.

Transport Canberra and City Services must waive any fees for providing information if the information was not publicly available and the agency makes the information publicly available before or within 3 working days after giving it to the applicant.

Fee waiver application (fill in if applicable. Otherwise leave blank)

I would like to apply for a fee waiver because (state reason/s from the list above).

[provide details and evidence of how this reason applies]

I am a Member of the Legislative Assembly.

I would like

a copy of these documents sent to the above address

OR

to inspect these document

APPLICANTS SIGNATURE

DATE OF REQUEST

18/4/19



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Transport Canberra and
City Services

[REDACTED] MLA

ACT Legislative Assembly

Email: [REDACTED]@parliament.act.gov.au

Dear [REDACTED] MLA

Your Freedom of Information Request - Reference 19-037

I refer to your application made under the *Freedom of Information Act 2016* (the FOI Act), received by Transport Canberra and City Services Directorate (TCCS) on 18 April 2019, in which you sought access to:

- documents relating to a proposal by the Australian War Memorial to use nature park land off Treloar Crescent, Campbell for temporary construction uses and/or permanent take-over of the land for expansion of the Memorial.

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

TCCS was required to provide a decision on your access application by 22 May 2019. I apologise for the delay in providing a response and thank you for your patience by providing an extension until 30 May 2019.

Decision on access

TCCS searched relevant files and areas within the Directorate to locate any information regarding your request for documents on proposed construction/expansion of the Australian War Memorial (AWM). I did this by arranging a search of the paper and electronic document managements systems in TCCS and interviewing relevant officers in this directorate.

I am advised that TCCS does not hold any documents that fall within the scope of your request. Accordingly, I have decided to refuse your request for access to the documents as the documents do not exist.

Decision and Reasons for decision

Section 53 of the FOI Act states that a request may be refused if all reasonable steps have been taken to find the documents requested and the documents cannot be found or do not exist.

I understand that you have already sought documents from the Environment, Planning and Sustainable Development Directorate (EPSDD) and that EPSDD may have suggested that TCCS could hold documents.

There is a possibility that documents may be created in the future in relation to matters such as traffic management plans for construction work. I am advised however that the proposal is not yet sufficiently developed to involve TCCS.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under section 73 of the FOI 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
Email: ombudsman@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the FOI 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 the 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 directorate's FOI Coordinator on 6205 5408 or email tccs.foi@act.gov.au.

Yours sincerely



Cherie Hughes
Information Officer

28 May 2019