



ACT
Government

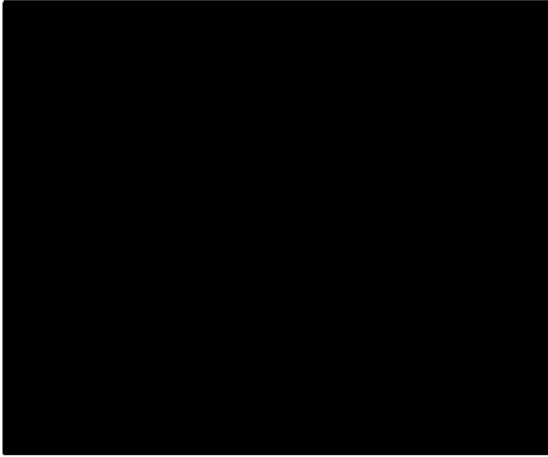
Transport Canberra and
City Services

FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: TCCSFOI 2019-068

Information to be published	Status
1. Access application	Published
2. Decision notice and schedule	Published
3. Documents	Not published
4. Additional information identified	No
5. Fees	n/a
6. Processing time (in working days)	71 days
7. Decision made by Ombudsman	Yes
8. Additional information identified by Ombudsman	Yes
9. Decision made by ACAT	n/a
10. Additional information identified by ACAT	n/a



5 July 2019

Freedom of Information Requests
Transport Canberra and City Services
GPO Box 158
Canberra City, ACT 2601

BY EMAIL: TCCS.FOI@act.gov.au

Dear Sir/Madam

FFREEDOM OF INFORMATION- ACCESS APPLICATION

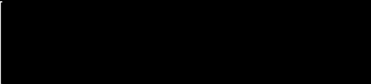
We wish to make an application to Transport Canberra and City Services under the *Freedom of Information Act 2016*.

Please find **enclosed** our Freedom of Information Application.

Yours faithfully,



Phone
Email:



Encl.



FOI APPLICATION TO TRANSPORT CANBERRA AND CITY SERVICES

In this document:

“7% statements” means each of the following:

- a) statements that to the effect that residential apartments in Grand Central Towers would return a 7% rental yield or 7% gross rental yield based on rental projections;
- b) statements that to the effect that Geocon would guarantee a 7% return to persons who purchased units in Grand Central Towers.

“10 Minute statement” means the statement by way of video on the internet that included the statement

Living in Grand Central Towers and being able to walk out the front door and jump on the light rail and be in the City in under 10 Minutes every 5 minutes is an extraordinary opportunity for Canberrans, we've never had this type of amenity or public transport available to people that live in apartment complexes

“Canberra Times” means Fairfax Media Ltd or servants or agents thereof.

“Chief Minister” means the Chief Minister of the ACT.

“Commissioner for Fair Trading” means the public servant appointed under section 32 of the *Fair Trading (Australian Consumer Law) Act 1992 (ACT)* and the servants and agents of the office of the Commissioner of Fair Trading.

“Communications” means any communication in electronic or other format, and any record of a communication by file notes or memoranda, diary notes, diary entries in electronic or other format.

“Geocon” means any of the following entities;

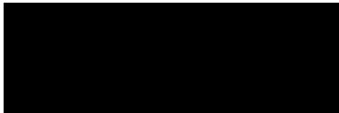
- a) Nikolaos Georgalis
- b) Geocon Group Pty Ltd
- c) Geocon Development Holdings Pty Ltd
- d) Geocon Bowes Street JV Pty Ltd
- e) GRE Sales Pty Ltd
- f) GZ Developments Pty Ltd
- g) Geocon Constructors (ACT) Pty Ltd

“Grand Central Towers” means the development at Block 5 Section 35 Phillip in the Australian Capital Territory.

“Inquiry by the Commissioner for Fair Trading” means the inquiry undertaken by the Commissioner for Fair Trading commencing approximately 1 July 2018 and continuing in relation to the Statements.

“Light Rail Stage 2” means the linking of Civic and Woden via a light rail network.

“Light Rail statement” means the of statements that the Light Rail Stage 2 would terminate at or near Grand Central Towers.



“Light Rail Submission” means the Gungahlin to Woden (via Barton) Light Rail Submission to the Joint Standing Committee on the National Capital and External Territories dated 15 June 2018.

“Minister for Transport and City Services” means the current and former Minister for Transport and Regulatory Services.

“Office of the Minister for Transport and City Services” includes servants or agents or independent contractors providing services to the office of the Minister.

“Statements” means the 7% statements, the Light Rail statement and the 10 minute statement.

“TCCS” means the Transport Canberra and City Services directorate.

“Transport Canberra” means the sub-unit “Transport Canberra” within the directorate known as Transport Canberra and City Services.

The applicant applies pursuant to section 30 of the *Freedom of Information Act 2016* (ACT) for access to government information comprising:

1. Communications

- a. Between:
 - i. TCCS;
 - ii. Transport Canberra; or
 - iii. Office of the Minister for Transport and City Services and Commissioner for Fair Trading;
- b. That relate to or touch upon each and any of:
 - i. The 7% statements;
 - ii. The Light Rail statement;
 - iii. The 10 minute statement;
 - iv. The inquiry by the Commissioner for Fair Trading; or
 - v. The terminating point at Woden of the Light Rail Stage 2;
- c. That occurred;
 - i. In relation to the 7% statements, between 1 July 2018 to 30 June 2019;
 - ii. In relation to the Light Rail statement, between 1 July 2018 to 30 June 2019;
 - iii. In relation to the 10 Minute statement, between 1 May 2019 to 30 June 2019;
 - iv. In relation to the inquiry by the Commissioner for Fair Trading, between 1 July 2018 and 30 June 2019;
 - v. In relation to the terminating point at Woden of the Light Stage 2, between 1 July 2018 to 30 June 2019;
- d. Other than communications:
 - i. to the extent, and only to the extent, access would identify a confidential source of information in relation to the enforcement or administration of the law section 1.14(b) Sch 1 *Freedom of Information Act*); or
 - ii. to the extent access would include government information created or received by a Minister in the Minister’s capacity as a member of the Legislative Assembly.



2. Documents created between 1 January 2018 and 15 June 2018 evidencing or relating to the formulation of the statement contained at para 3.1 of the Light Rail Submission that Light Rail Stage 2 would terminate at "Callam Street".
3. Documents prepared between 1 June 2018 and 30 June 2019 evidencing a decision by TCCS or Transport Canberra
 - a. on the location of the terminal on Callam Street, Phillip; or if there is no decision on one location;
 - b. on the possible locations of the terminal on Callam Street, Phillip.



Dear 

Freedom of Information request: Reference 19-068

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act) received by Transport Canberra and City Services (TCCS) on 8 July 2019 in which you sought access to:

1. Communications
 - a. Between:
 - i. TCCS;
 - ii. Transport Canberra; or
 - iii. Office of the Minister for Transport and City Services
 - b. That relate to or touch upon each and any of:
 - i. The 7% statements;
 - ii. The Light Rail statement;
 - iii. The 10 minute statement;
 - iv. The inquiry by the Commissioner for Fair Trading; or
 - v. The terminating point at Woden of the Light Rail Stage 2;
 - c. That occurred;
 - i. In relation to the 7% statements, between 1 July 2018 to 30 June 2019;
 - ii. In relation to the Light Rail statement, between 1 July 2018 to 30 June 2019;
 - iii. In relation to the 10 Minute statement, between 1 May 2019 to 30 June; 2019;
 - iv. In relation to the inquiry by the Commissioner for Fair Trading, between 1 July 2018 and 30 June 2019;
 - v. In relation to the terminating point at Woden of the Light Stage 2, between 1 July 2018 to 30 June 2019;
 - d. Other than communications:
 - i. to the extent, and only to the extent, access would identify a confidential source of information in relation to the enforcement

or administration of the law section 1.14(b) Sch 1 Freedom of Information Act); or

- ii. to the extent access would include government information created or received by a Minister in the Minister's capacity as a member of the Legislative Assembly.
2. Documents created between 1 January 2018 and 15 June 2018 evidencing or relating to the formulation of the statement contained at para 3.1 of the Light Rail Submission that Light Rail Stage 2 would terminate at "Callam Street".
 3. Documents prepared between 1 June 2018 and 30 June 2019 evidencing a decision by TCCS or Transport Canberra
 - a. on the location of the terminal on Callam Street, Phillip; or if there is no decision on one location;
 - b. on the possible locations of the terminal on Callam Street, Phillip,

Decision on access

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 was required to provide a decision on your access application by 19 August 2019. I apologise for the time it has taken and that you were not informed of developments nor that requests for extensions in time were not made to you.

As you may be aware, machinery of government changes moved construction matters relating to light rail from TCCS to the new agency Major Projects Canberra during the period we have had your request. During the transition period, the TCCS FOI team progressed the matter as if the documents were held by TCCS however were unable to identify documents. These documents moved with officers to the new agency and attempts to transfer your request to Major Projects Canberra have been unsuccessful.

I apologise that your matter was not handled more expediently.

It is regrettable that this decision has been provided to you after the due date. In accordance with section 39 of the Act, I have decided to continue to deal with your application by providing this belated decision notice and finding that TCCS does not hold the documents you are seeking. Major Projects Canberra is better placed to respond to your request.

Further information on making an application to MPC is available at <https://www.act.gov.au/majorprojectscanberra/about-us/access-to-information>.

Applications can be submitted in writing by one of the following ways:

MajorProjectsCanberraFOI@act.gov.au

Freedom of Information Requests
Major Projects Canberra
GPO Box 158
Canberra ACT 2601

Charges

No fee is payable as there is no information to be released.

Disclosure log

The publication will include your original access application, my decision and attached documents. Your personal information will be removed from relevant documents prior to publication.

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log.

In this instance, I have decided that your application and the record of my decision is of interest to the public as it provides transparency of process. Therefore, publication will occur within 3-10 business days from the date of this letter.

You may view the TCCS' disclosure log at http://www.tccs.act.gov.au/about-us/freedom_of_information

Review rights

You may apply to the ACT Ombudsman to review my decision under section 73 of the Act. An application for review must be made in writing within 20 days of my decision being published in the disclosure log.

You may submit a request for review of my decision to the ACT Ombudsman by writing in one of the following ways:

actfoi@ombudsman.gov.au (Preferred)

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

More information about ACT Ombudsman review is available on the ACT Ombudsman website at: <http://www.ombudsman.act.gov.au/Freedom-of-Information>.

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 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



Lisa Johnson

Information Officer

15 October 2019