



**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: 22-011

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)	20 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



# Freedom of Information - Access Application to Transport Canberra and City Services - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

30 Jan 2022 6:33:39 PM

WGXMG2LL

Transport Canberra and City Services (TCCS)

GPO Box 158  
Canberra ACT 2601

Phone: 02 6207 2987  
Email: TCCS.FOI@act.gov.au

## Applicant details

Title	Given name	Family name
<input type="text" value="Mr"/>	<input type="text" value="█"/>	<input type="text" value="██████████"/>
Preferred name		
<input type="text" value="█"/>		
Preferred method of contact		
<input type="radio"/> Phone	<input checked="" type="radio"/> Email	<input type="radio"/> Post
Contact email address		
<input type="text" value="██"/>		
Preferred method to receive information *		
<input checked="" type="radio"/> Email	<input type="radio"/> Post	
<input checked="" type="checkbox"/>	Same as contact email address	

## Information request

Who are you making the request on behalf of?

What type of information are you requesting access to? \*

What information are you requesting access to under the Act? \*

This FOI request centres around a gum tree (possibly a red) box tree) approximately 20 meters in height, location: in the corner of [REDACTED], Macgregor ACT 2615, on the boundary of [REDACTED] at the front of the block about 1m from the [REDACTED] (hereinafter referred to as 'the Tree').

I seek documents relating either in whole or in part to:

(1) Any communications (not just written) regarding the Tree between a member of the public and an ACT government employee. If the communication was verbal, this includes the written record of the conversation. Time span of documents requested:

- 1 January 2010 - 28 January 2022; and
- 1 January 2000 - 31 December 2009.

(I've split the request into timeframes to assist in a determination of costs.)

(2) Regarding the cutting and removal of branches, limbs and stems of the Tree that occurred in September 2021 (on or around the 28th), hereinafter referred to as 'the Activity':

(2a) the process that led to the Activity, including but not limited to how the decision that the Activity was the appropriate course of action was made and the reasoning for why the decision was appropriate; and

(2b) any communication provided to the people who undertook the Activity. This could be, but not limited to, guidance as to what to do to the Tree or what not to do.

(3) Any pictures of the Tree, taken from 1 January 2000 to 1 January 2022.

(4) Any safety assessment done on the Tree.

(5) Any ACT government policy documents or guidance or formal advice that assists employees make a decision whether to fell/remove a regulated tree versus a decision to prune it. Documents not sought are any related Acts or Determinations.

Attach a description or additional details about the information you are requesting access to (optional)

Do you have a similar or identical request currently under review by another ACT Government Directorate?

Yes  No

Are you enquiring as

A member of the public

Do you wish to apply for a waiver of fees associated with processing your application?

Yes  No

Do you hold a valid concession card?

Yes  No

Please provide your reason for requesting a fee waiver

The way the ACT government manages regulated trees has been the subject of public discussion, and in some cases criticism, for many years. The ACT government's ineptitude and mishandling of a large tree [REDACTED] [REDACTED] has been the subject of concern in my street for more than a decade. I should not be charged a fee for trying to shine a light on this issue.

Provide a statement about how the release of information is in the public interest (optional)

The way the ACT government manages protected and regulated trees has been the subject of public discussion, and criticism, for many years. Adding more information into the public arena will result in an increase in the public's understanding of this complex issue.

Would you like to provide any additional information? (optional)

Attach additional documents to support your application (optional)



**ACT**  
Government

Transport Canberra and  
City Services

Mr [REDACTED]  
By email: [REDACTED]@yahoo.com

Dear Mr [REDACTED]

### **Freedom of Information Request - Reference 22-011**

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 30 January 2022. It is my understanding that you are seeking access to the following government information under the *Freedom of Information Act 2016 (the Act)*:

*(1) Any communications (not just written) regarding the Tree between a member of the public and an ACT government employee. If the communication was verbal, this includes the written record of the conversation. Time span of documents requested:*

*— 1 January 2010 - 28 January 2022; and*

*— 1 January 2000 - 31 December 2009.*

*(I've split the request into timeframes to assist in a determination of costs.)*

*(2) Regarding the cutting and removal of branches, limbs and stems of the Tree that occurred in September 2021 (on or around the 28th), hereinafter referred to as 'the Activity':*

*(2a) the process that led to the Activity, including but not limited to how the decision that the Activity was the appropriate course of action was made and the reasoning for why the decision was appropriate; and*

*(2b) any communication provided to the people who undertook the Activity. This could be, but not limited to, guidance as to what do to the Tree or what not to do.*

*(3) Any pictures of the Tree, taken from 1 January 2000 to 1 January 2022.*

*(4) Any safety assessment done on the Tree.*

*(5) Any ACT government policy documents or guidance or formal advice that assists employees make a decision whether to fell/remove a regulated tree versus a decision to prune it. Documents not sought are any related Acts or Determinations.*

A decision is due on your access application by 28 February 2022.

### **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 of TCCS records has been completed. This search identified five records (15 pages) as relevant to your application.

I note that you have requested documentation prior to 2015. It is worth noting that any records that may have been created during this period exceeds 7 years and may have already been destroyed in accordance with the *Territory Records Act 2002*.

Upon reviewing the information identified as relevant to your application and applying the public interest test under section 17 of the FOI Act, I have decided to provide you with:

- Full access to 1 record; and
- Partial access to 4 records.

The reasons for my decision are provided below under the heading 'statement of reasons'.

The documents you are being provided access to are listed in the schedule at Attachment A. A copy of the records, with deletions applied to the information I have found to be contrary to the public interest, is at Attachment B.

### **Statement of Reasons**

In making my decision on disclosing government information, I must identify all relevant factors in schedule 2 of the FOI Act and determine, on balance, where the public interest lies. In reaching my access decision, I have taken the following into account:

#### ***Factors favouring disclosure in the public interest (Schedule 2, Section 2.1)***

- Schedule 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability;
- Schedule 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, Section 2.2)***

- Schedule 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2016*.

In reviewing the relevant records, personal information relating to third parties has been identified. I find that factor 2.2(a)(ii) is relevant to this information and I must consider if the disclosure is likely to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*. I have found that this information is not readily available to the public and has not otherwise been disclosed by TCCS. I find that the protection of an individual's right to privacy under the *Human Rights Act 2004* carries significant weight. In this instance, I have found the disclosure of personal information to be, on balance, contrary to the public interest.

I have found that the factors favouring disclosure can still be satisfied. A copy of the relevant information, with deletions applied to information that is contrary to the public interest, is enclosed at Attachment B.

**Charges**

No fees are applicable to this application as the number of pages being released are within the threshold.

**Online publishing – disclosure log**

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. In accordance with the FOI Act, your application and my decision will be published between 3 – 10 business days. Your personal information, including house numbers, will be removed from these documents prior to publication.

**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](mailto: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](http://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](mailto:tccs.foi@act.gov.au).

Yours sincerely



Meghan Oldfield  
Information Officer

25 February 2022

## 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.cityservices.act.gov.au/about-us/freedom\\_of\\_information/disclosure-log](https://www.cityservices.act.gov.au/about-us/freedom_of_information/disclosure-log)

Factors favouring non-disclosure:

Schedule 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2016*.

Reference Number		Description				
22-011		Regarding a gum tree... Sewell Place, Macgregor ACT				
Reference number	Page number	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1 - 5	Case_00081675_Salesforce - Unlimited Edition copy	4 June 2021	Partial access	Schedule 2.2(a)(ii)	Documents will be published on the <a href="#">TCCS Disclosure Log</a>
2	6 - 9	Case_00149526_Salesforce - Unlimited Edition copy	5 January 2022	Partial access	Schedule 2.2(a)(ii)	
3	10 - 13	Case_00159349_Salesforce - Unlimited Edition copy	1 February 2022	Full access	N/A	
4	14	SES Rain Event - CAD - 000428_Salesforce 00395227 - Clean-up (PDF)	4 January 2022	Partial access	Schedule 2.2(a)(ii)	
5	15	CRM Incident 4256665	27 June 2021	Full access	N/A	
Total number of documents: 5						

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## Case: 00081675

Case Owner Andrew Garner

### Case Overview

Case Number 00081675

AC Case Number 00236764

Feedback Type Operations

Job Type Dead Wood

Status Case Closed

Technical Officer Required? No

Sub Status Resolved

Suburb Macgregor

Priority Medium

Storm Damage No

Prioritisation Status

Claim Region

Response Required? No

Depot Region North

Correspondence History No

Subject Fix My Street > Grass, trees & shrubs > Trees & shrubs > Pruning

ACTCCS Description

**More Information**

Gum tree dropping the dead limbs. Need to be check about the tree health. Tree is located on the nature's strip.

**Is it causing traffic or cyclists to swerve?**

No

**Could it cause a trip, fall or injury?**

No

**Why does the tree need pruning?**

Deadwood

**What needs to be pruned?**

Tree

**Was this caused by a recent storm?**

No



Is the tree/shrub growing from private or public land?

Public

Is it blocking a road or laneway?

No

---

**Resident Details**

Account Name

[REDACTED]

Contact Email

[REDACTED]

Contact Phone

---

**Tree Details**

Asset ID

Communicated with the  
Customer?

Communication Comment

---

**Claims**

ACTIA/TAMS Identification No.

Claim Number

Claims Case

Claim Amount Threshold

Is Claim Being Honoured?

Claim Amount

---

**Assessment Details**

Assessor Andrew Garner

Diameter at Brest Height (DBH)

Date Assessed 22/07/2021

Tree Height

Calling Card No

Work Comments TT deadwood last prune works complete.

---

**Field Work Comments**

Field Work Comments

---

**Equipment Required**

Chipper Yes

Mini Tower No

Crane Truck No

Pole Saw No

Flying Crew No

Travel Tower Yes

Gang No

Climber

**Work Type**

Removal	No	Line of Site	No
GP/DW	Yes	Lift	No
Branch Pick Up	No	No Action	No
Habitat Prune		Streetlight Pruning	
Mulch		Log	

**Case Details**

Source	Access Canberra	Incident Address	[REDACTED]
Case Origin	FMS Form	ACTCCS Latitude	[REDACTED]
Date/Time Opened	4/06/2021 2:09 PM	ACTCCS Longitude	[REDACTED]
Date/Time Closed	30/09/2021 8:20 AM		

**System Information**

Created By	AC TCCS Integration, 4/06/2021 2:09 PM	Last Modified By	Rua Wall, 30/09/2021 8:20 AM
------------	--	------------------	------------------------------

**Contact Information**

Account Name	[REDACTED]	Primary Phone	
Birthdate		Email	[REDACTED]

**Address Information**

Billing Address

**System Information**

Created By	AC TCCS Integration, 4/06/2021 2:09 PM	Last Modified By	AC TCCS Integration, 4/06/2021 2:09 PM
------------	--	------------------	--

**Activity History**

Email: Job Closed

Name [REDACTED]  
 Task   
 Due Date **30/09/2021**  
 Assigned To **Rua Wall**  
 Last Modified Date/Time **30/09/2021 8:19 AM**  
 Additional To: [REDACTED]  
 CC:  
 BCC:  
 Attachment:  
 Subject: **Job Closed**  
 Body:  
 Dear [REDACTED]

Comments

Thank you for submitting your tree-related request and for your patience while we inspected the situation and undertook pruning and deadwood tree works.

Your incident 00236764 has now been resolved and all appropriate action has been taken.

Thank you for your inquiry.

Kind Regards,  
 ACT Government, Urban Treescapes

ref:\_00D6F2VEqH.\_5002PJPfDA:ref

### Case History

**30/09/2021 8:20 AM**

User **Rua Wall**  
 Action **Changed Sub Status from In Progress to Resolved. Changed Status from Assigned to Case Closed.**

**22/07/2021 2:00 PM**

User **Andrew Garner**  
 Action **Changed Status from Unassigned to Assigned. Changed Sub Status from Unresolved to In Progress. Changed Priority to Medium.**

**22/07/2021 1:57 PM**

User **Andrew Garner**  
 Action **Changed Case Owner from Trees to Andrew Garner.**

**4/06/2021 2:09 PM**

User **AC TCCS Integration**  
 Action **Changed Sub Status to Unresolved. Changed Case Owner from AC TCCS Integration to Trees. Deleted Medium in Priority. Changed Case Origin to FMS Form. Changed Case Record Type from TCCS General to Trees. Created.**

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## Case: 00149526

Case Owner Trees

### Case Overview

Case Number 00149526

AC Case Number

Feedback Type Operations

Job Type

Status Unassigned

Technical Officer Required? No

Sub Status Unresolved

Suburb Macgregor

Priority Medium

Storm Damage Yes

Prioritisation Status

Claim Region

Response Required? No

Depot Region North

Correspondence History No

Subject Storm Event - SES Request

ACTCCS Description

NEW SES RFA

--START RFA DETAILS--

Reference: AC-00395227

DateTime: 3/01/2022

Telephone: [REDACTED]

LifeThreatening: No

Name: [REDACTED]

AlternativePhone:

Priority: S2

Nature: Storm or wind damage

CancellationReference:

TreeDamage: Tree involved (with or without damage)

TreeLocation: Road, driveway or footpath

HouseDamaged:

RoadDamage: Driveway

TreeInformation: Fully on the ground (completely fallen) TreeSize:About a torso width

WaterLocation:

WaterFlow:

RiskTrappedFlood:

FloodingLocation:

WaterLands:

AdditionalInformation: ISSUE: Gumtree Fallen on car in Driveway Blocking Driveway no Access - Own Residence - Single Story - Access Granted for Exterior - Neighbours have helped cut limbs of the gumtree but unable to complete the bigger task. No Health concerns.

--END RFA DETAILS--

Salesforce 00395227

Caller [REDACTED]

Address [REDACTED]

TID10 has attended. Requests TCCS clean-up of tree, torso width.

---

**Resident Details**

Account Name

Contact Email

Contact Phone

---

**Tree Details**

Asset ID

Communicated with the

Customer? No

Communication Comment

**Claims**

ACTIA/TAMS Identification No.

Claim Number

Claims Case

Claim Amount Threshold

Is Claim Being Honoured?

Claim Amount

**Assessment Details**

Assessor

Diameter at Brest Height (DBH)

Date Assessed

Tree Height

Calling Card No

Work Comments

**Field Work Comments**

Field Work Comments

**Equipment Required**

Chipper No

Mini Tower No

Crane Truck No

Pole Saw No

Flying Crew No

Travel Tower No

Gang No

Climber No

**Work Type**

Removal No

Line of Site No

GP/DW No

Lift No

Branch Pick Up No

No Action No

Habitat Prune No

Streetlight Pruning

Mulch

Log

**Case Details**

Source Other Directorate

Incident Address [REDACTED]

Case Origin Email  
 Date/Time Opened 5/01/2022 3:38 PM  
 Date/Time Closed

ACTCCS Latitude  
 ACTCCS Longitude

**System Information**

Created By Greg Newham, 5/01/2022 3:38 PM

Last Modified By Greg Newham, 5/01/2022 7:25 PM

**Case History**

**5/01/2022 3:38 PM**

---

User **Greg Newham**  
 Action **Changed Case Owner from Greg Newham to Trees. Created.**

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## Case: 00159349

Case Owner Trees

### Case Overview

Case Number 00159349

AC Case Number 00420060

Feedback Type Operations

Job Type

Status Unassigned

Technical Officer Required? No

Sub Status Unresolved

Suburb Confirm Suburb

Priority

Storm Damage No

Prioritisation Status

Claim Region

Response Required? No

Depot Region

Correspondence History No

Subject Fix My Street > Grass, trees & shrubs > Trees & shrubs > Remove fallen tree

#### ACTCCS Description **More Information**

While it's not blocking the road, it is obstructing my driveway.

**Is it causing traffic or cyclists to swerve?**

No

**Could it cause a trip, fall or injury?**

Yes

**Was this caused by a recent storm?**

Yes

**Is the tree blocking a road?**

No

**Is it located on private or public land?**

Public

Is it causing obstruction to a driveway or footpath?

Yes

Has it caused damage to private property?

No

---

**Resident Details**

Account Name [REDACTED]

Contact Email [REDACTED]

Contact Phone [REDACTED]

---

**Tree Details**

Asset ID

Communicated with the Customer? No

Communication Comment

---

**Claims**

ACTIA/TAMS Identification No.

Claim Number

Claims Case

Claim Amount Threshold

Is Claim Being Honoured?

Claim Amount

---

**Assessment Details**

Assessor

Diameter at Brest Height (DBH)

Date Assessed

Tree Height

Calling Card No

Work Comments

---

**Field Work Comments**

Field Work Comments

---

**Equipment Required**

Chipper No

Mini Tower No

Crane Truck No

Pole Saw No

Flying Crew No

Travel Tower No

Gang No

Climber No

### Work Type

Removal No  
GP/DW No  
Branch Pick Up No  
Habitat Prune No  
Mulch

Line of Site No  
Lift No  
No Action No  
Streetlight Pruning  
Log

### Case Details

Source Access Canberra  
Case Origin FMS Form  
Date/Time Opened 1/02/2022 8:20 PM  
Date/Time Closed

Incident Address [REDACTED]  
ACTCCS Latitude [REDACTED]  
ACTCCS Longitude 1 [REDACTED]

### System Information

Created By AC TCCS Integration, 1/02/2022 8:20 PM

Last Modified By AC TCCS Integration, 1/02/2022 8:20 PM

### Contact Information

Account Name [REDACTED]  
Birthdate

Primary Phone [REDACTED]  
Email [REDACTED]

### Address Information

Billing Address

### System Information

Created By AC TCCS Integration, 1/02/2022 8:20 PM

Last Modified By AC TCCS Integration, 1/02/2022 8:20 PM

### Case History

1/02/2022 8:20 PM

User **AC TCCS Integration**

Action **Changed Sub Status to Unresolved. Changed Case Owner from AC TCCS Integration to Trees. Deleted Medium in Priority. Changed Case Origin to FMS Form. Changed Case Record Type from TCCS General to Trees. Created.**

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**From:** [ICC Operations1](#)  
**To:** [TCCS Security](#)  
**Subject:** SES Rain Event - CAD - 000428 / Salesforce 00395227 - Clean-up  
**Date:** Tuesday, 4 January 2022 11:07:47 AM

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OFFICIAL

Salesforce 00395227

Caller [REDACTED]  
Address [REDACTED], 2615

TID10 has attended. Requests TCCS clean-up of tree, torso width.

REFERENCE_NO	INCIDENT_STATUS	SUBJECT	SUBURB	DEPOT_REGION	DESCRIPTION	ACTUAL_ADDRESS
120605-001379	Resolved	The end of the Cul-de-sac. Large gum tree has dropped its branches, requesting c...	Macgregor	North	The end of the Cul-de-sac. Large gum tree has dropped its branches, requesting collection. Neighbour is calling on behalf and she was unsure of the number.) However she advised this is right at the end.	[REDACTED]

CLOSEST_ADDRESS	REFERENCE_NO	FIRST NAME	SURNAME	EMAIL ADDRESS	HOME PHONE	MOBILE PHONE
	120605-001379	Anonymous	Anonymous	anonymous101@act.gov.au.inv alid	null	null

OFFICE PHONE	SUBURB	REFERENCE_NO	TREE_INCIDENT_TYPE	STORM_DAMAGE	TECHNICAL_OFFICER_REQUIRED	CONTRACT_PROCESS
null	Macgregor	120605-001379	Public trees			

CLAIM	DTRP	REFERENCE_NO	FOLLOW_UP	INCIDENT_INITIALLY_COMPLETED	JOB_PROCESS
		120605-001379	No		

DATE_CREATED	DATE_LAST_UPDATED	INCIDENT_ID
6/5/2012 12:42:58 PM	6/27/2017 2:58:48 PM	4256665