



## FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: 24-136

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Not Applicable
4. Documents	Published
5. Additional information identified	Not Applicable
6. Fees	Not Applicable
7. Processing time (in working days)	26 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
---	----------------

**From:** [CMTEDD FOI](#)  
**To:** [TCCS\\_FreedomOfInformation](#)  
**Subject:** CMTEDDFOI 2024-299 - FW: Freedom of Information request  
**Date:** Wednesday, 18 September 2024 5:46:36 PM

---

OFFICIAL

Good afternoon team

Could you please advise if TCCS holds information within scope of the below request.

Thanks

Sue

**Sue I Freedom of Information Coordinator | Information Access Team**

Phone: 02 6207 7754 | Email: [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)

**Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government**

Level 1, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | [act.gov.au](http://act.gov.au)

---

**From:** no-reply@act.gov.au <no-reply@act.gov.au>

**Sent:** Wednesday, September 18, 2024 5:36 PM

**To:** CMTEDD FOI <CMTEDDFOI@act.gov.au>

**Subject:** Freedom of Information request

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

#### Your details

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

Title: [REDACTED]  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Business/Organisation:  
Address: [REDACTED]  
Suburb: [REDACTED]  
Postcode: 2612  
State/Territory: ACT

Phone/mobile: [REDACTED]

Email address: [REDACTED]

**Request for information**

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

Under the Freedom of Information Act 2016 I want to access the following document/s (\*required field):

Regarding tree activity applications: For (1) the 12 months up to and including 31 December 2023, and (2) for the period since 1 January 2024 up to now, can you please provide a breakdown of: (A) total number of requests to REMOVE a protected tree where ACN and/or ABN and/or Company Name WERE populated in the application (B) number of requests to REMOVE a protected tree as per (A) above that WERE approved (C) number of requests to REMOVE a protected as per (A) above that were NOT approved, were still removed, and a fine was subsequently issued (D) number of requests to REMOVE a protected tree as per (A) above that were NOT approved, were still removed, but no fine was issued (E) same data as requested for (A) to (D) above, but where ABN/ACN/Company Name were NOT populated in the application (i.e. only Given Name and Family Name) were populated  
Thank you.

I do not want to access the following documents in relation to my request::

Thank you.  
Freedom of Information Coordinator



Dear

### Freedom of Information Request - Reference 24-136

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 16 September 2024. It is my understanding that you are seeking access to the following government information under the *Freedom of Information Act 2016* (FOI Act):

*“Regarding tree activity applications: For (1) the 12 months up to and including 31 December 2023, and (2) for the period since 1 January 2024 up to now, can you please provide a breakdown of:*

- (A) total number of requests to REMOVE a protected tree where ACN and/or ABN and/or Company Name WERE populated in the application*
- (B) number of requests to REMOVE a protected tree as per (A) above that WERE approved*
- (C) number of requests to REMOVE a protected as per (A) above that were NOT approved, were still removed, and a fine was subsequently issued*
- (D) number of requests to REMOVE a protected tree as per (A) above that were NOT approved, were still removed, but no fine was issued*
- (E) same data as requested for (A) to (D) above, but where ABN/ACN/Company Name were NOT populated in the application (i.e. only Given Name and Family Name) were populated.”*

### Timeframes

In accordance with section 40 of the FOI Act, TCCS is required to decide on your application by 1 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 compiled into the table at [Attachment A](#) consistent with your application.

Upon reviewing the information identified 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. The reasons for my decision are detailed below in the statement of reasons.

### Statement of Reasons

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

- The FOI Act;
- The *Human Rights Act 2016*.

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)(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.

#### **Factors favouring non-disclosure (Schedule 2.2)**

- Not applicable.

I have identified that the information you seek access to relates to tree activity applications received by Transport Canberra and City Services. Access to the information may provide contextual information around 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 of the information, I did not identify any factors favouring non-disclosure. In this instance, I find that disclosure is, on balance, in the public interest and provide you with full access.

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

### 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 information will be removed from these copies prior to publication. You may view the TCCS' disclosure log [here](#).

**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  
GPO Box 370  
CANBERRA CITY ACT 2601  
[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



Lisa Johnson  
Information Officer  
28 October 2024

**Applicant’s request**

“Regarding tree activity applications: For (1) the 12 months up to and including 31 December 2023, and (2) for the period since 1 January 2024 up to now, can you please provide a breakdown of:

(A) total number of requests to REMOVE a protected tree where ACN and/or ABN and/or Company Name WERE populated in the application

(B) number of requests to REMOVE a protected tree as per (A) above that WERE approved

(C) number of requests to REMOVE a protected as per (A) above that were NOT approved, were still removed, and a fine was subsequently issued

(D) number of requests to REMOVE a protected tree as per (A) above that were NOT approved, were still removed, but no fine was issued

(E) same data as requested for (A) to (D) above, but where ABN/ACN/Company Name were NOT populated in the application (i.e. only Given Name and Family Name) were populated Thank you.”

**Tree Protection Unit response**

Request	<i>Tree Protection Act 2005</i> 31 December 2022 to 31 December 2023	<i>Urban Forest Act 2023</i> 1 January -23 September 2024
A) total number of requests to REMOVE a protected tree where ACN and/or ABN and/or Company Name WERE populated in the application	343	293
(B) number of requests to REMOVE a protected tree as per (A) above that WERE approved	264	190
(C) number of requests to REMOVE a protected as per (A) above that were NOT approved, were still removed, and a fine was subsequently issued	0	0
(D) number of requests to REMOVE a protected tree as per (A) above that were NOT approved, were still removed, but no fine was issued	0	0
(E) same data as requested for (A) to (D) above, but where ABN/ACN/Company Name were NOT populated in the application (i.e. only Given Name and Family Name)	1368	874
(E) same data as requested for (A) to (D) above, but where ABN/ACN/Company Name were populated in the application (i.e. only Given Name and Family Name)	799	502