



**ACT**

Government

City and Environment

OFFICIAL

Our ref: CED FOI 25-156

By email: [REDACTED]

Dear [REDACTED]

## Freedom of Information – Notice of Decision

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the FOI Act), received by the City and Environment Directorate (CED) on 5 December 2025. It is my understanding you are seeking access to the following information:

*"I respectfully request:*

- 1. A publicly published policy confirming whether e-scooters are permitted onboard when safely managed.*
- 2. Clarification that upright, controlled carriage is acceptable if aisles and exits remain unobstructed.*
- 3. Removal of unsupported folding requirements, which reduce safe handling and increase risk.*
- 4. A formal notification to all drivers confirming that passengers with an e-scooter may not be refused access in the absence of a written, safety-based policy."*

I thank you for providing the following context in your application:

*"This includes, but is not limited to:*

- 1. Policies, procedures, or guidelines (current or historical) governing whether electric scooters may be taken onboard buses, and if so, under what conditions (including any requirements relating to folding, placement, securing, or refusal of carriage).*
- 2. Internal staff guidance, instructions, or training materials provided to bus drivers or interchange staff regarding electric scooters or comparable items, including any references to driver discretion.*
- 3. Internal communications (such as emails, memos, briefing notes, or operational notices) issued to staff that reference electric scooters, personal mobility devices, folding requirements, safety concerns, or discretionary enforcement.*
- 4. Risk assessments, safety assessments, or WHS documentation relating to electric scooters or the management of large personal items onboard buses.*
- 5. Records relating to complaints, incidents, or internal reviews concerning electric scooters on buses, including any documents generated in response to such matters.*
- 6. Any documents that authorise, describe, or rely upon driver discretion in relation to permitting or refusing the carriage of electric scooters where no publicly published policy exists.*

*If no records exist in relation to any of the above categories, I request confirmation of that fact."*

I also thank you for engaging with our office on 22 February 2026 to clarify the scope of your application, in which you amended the scope of your application as follows:

*"To assist with processing and to keep the request manageable, I would like to refine the scope of my application to focus on:*

*-Any current policy, guideline, training material, or instruction that outlines when bus drivers may refuse boarding or remove a passenger*

-Any procedure describing how such refusal decisions are reviewed, reported, or escalated  
-Any internal record or communication that explains the decision or response relating to my complaint about refusal of service.”

## Timeframes

In accordance with section 40 of the FOI Act, CED is required to provide a decision on your access application within 30 working days. The application was suspended for six days while further information was sought from you. Under section 41 of the FOI Act, you agreed an additional amount of time to decide your application. Therefore, a decision is due on or by **17 March 2026**.

## Authority

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

## Decision on access

Under section 43(1)(d) of the FOI Act, a respondent agency may refuse to deal with an access application wholly or in part if the government information is already available to the applicant. Section 45 sets out the circumstances in which government information is already available to the applicant. Those circumstances include where the government information is publicly available (section 45(g) of the FOI Act).

I have refused to deal with parts of your application under section 43(1)(d) and section 45 of the FOI Act as information within the scope of your application is already available to you. Information regarding e-scooters and the carriage of goods on buses is publicly available on the Transport Canberra website:

- <https://www.transport.act.gov.au/travel-options/bus/service-policies> - Under the heading 'Carriage of goods'.
- <https://www.transport.act.gov.au/travel-options/e-scooters> - Under the heading 'Buses'.

A search for CED records has been completed and seven records within the scope of your application have been identified. The records are listed in the schedule at **Attachment A**.

I have decided to:

- grant **full** access to four (4) records.
- grant **partial** access to three (3) records.

The reasons for my decision are detailed in the *statement of reasons* section below. The records being released to you are provided at **Attachment B** with redactions applied to any information contrary to the public interest to release.

In relation to your request for “any internal record or communication that explains the decision or response relating to my complaint about refusal of service,” the FOI Act provides that the government information is that which is held by the Directorate on the date the application is received. As you submitted your access application and complaint on the same date, CED did not hold any records at that time that explained a decision or response to your complaint.

Notwithstanding the above, I have been advised by the relevant business unit that your complaint was not received by CED as it was sent to an incorrect email address. Feedback and complaints are lodged by our online feedback form or via email to [TCCS.CustomerExperience@act.gov.au](mailto:TCCS.CustomerExperience@act.gov.au). I note, however, that your access application was received, and that the publicly available information referenced in this letter, together with the information being released to you, addresses most of the points raised in your email dated 5 December 2025.

### **Statement of reasons**

The FOI Act has a pro-disclosure bias, which requires information to be disclosed unless doing so would be contrary to the public interest. As an Information Officer, I am responsible for determining whether disclosure of the information within the scope of your application would be contrary to the public interest.

My assessment begins with Schedule 1 of the FOI Act, which outlines categories of information that are taken to be contrary to the public interest to disclose. If the information does not fall within any of these categories, I must then apply the public interest test under section 17 of the FOI Act. This test involves weighing the factors favouring disclosure against those favouring nondisclosure, as set out in Schedule 2.

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

- the FOI Act
- the information that falls within the scope of your application
- the *Human Rights Act 2004*

I confirm that I have not considered any of the factors listed in section 17(2) of the FOI Act, which outlines a list of considerations that must not be taken into account when applying the public interest test.

#### Schedule 1 – Information taken to be contrary to the public interest

- No relevant sections identified.

#### Schedule 2 – Public interest test

##### *Factors favouring disclosure (Schedule 2.1)*

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability.*
- *Section 2.1(a)(iii) - inform the community of the government's operations, including policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.*

In reviewing the information within the scope of your application, I consider that disclosure promotes open discussion of public affairs and government operations and enhances government's accountability overall. I have placed moderate weight on these factors.

##### *Factors favouring nondisclosure (Schedule 2.2)*

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

Three records contain the signature of an ACT Government employee. I consider that the disclosure of this signature is likely to prejudice the personal privacy of the employee. I also consider that there is minimal public benefit in disclosing this information. I have given this factor favouring nondisclosure significant weight.

### *Balancing the factors*

I have weighed the public interest factors favouring disclosure against those favouring nondisclosure. The records contain personal information of an ACT Government employee and releasing this information could reasonably be expected to compromise their privacy, with little broader public benefit. On balance, I am satisfied that the public interest in protecting personal privacy outweighs the public interest in disclosure of this information.

Having applied the public interest test outlined in section 17 of the FOI Act, I have concluded that some information contained in the records is not in the public interest to disclose. Accordingly, I have redacted this specific information under section 50(2) of the FOI Act. These redactions are minor in nature and do not diminish the value of the information disclosed to you.

Consistent with the pro-disclosure intent of the FOI Act, I am satisfied that redacting only the information that is contrary to the public interest ensures compliance with the FOI Act while still providing access to the majority of the information within the scope of your application.

### **Charges**

Processing charges are not applicable for this application because the number of pages released to you is below the charging threshold of 50 pages.

### **Online publishing – Disclosure Log**

Under section 28 of the FOI Act, CED maintains a disclosure log, which is a public record of access applications and decisions. Your original access application and my decision will be published on the CED disclosure log. Your personal contact details will not be published.

### **ACT Ombudsman Review**

My decision on your access application is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek ACT Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the ACT Ombudsman. If you wish to request a review of my decision, you may write to the ACT Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

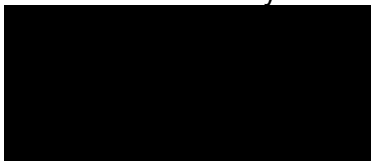
### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the 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  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<https://www.acat.act.gov.au/>

Please contact the CED Information Access team if you have any queries in relation to your application via 6207 2987 or [CEDFOI@act.gov.au](mailto:CEDFOI@act.gov.au).

Yours sincerely



Lisa Johnson  
Information Officer  
City and Environment Directorate  
17 March 2026