



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 2018-063

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	Waived
6. Processing time (in working days)	37 days (extension granted)
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



ref 18-063

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, [AGENCY] 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 [AGENCY] Privacy Policy contains information on how you can access or seek to correct any of your personal information that is held by the [AGENCY], 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 [AGENCY] website at [WEBSITE].

Applicant details	
I wish to make an access application to Transport and City Services under the <i>Freedom of Information Act 2016</i> .	
Name	[REDACTED]
Address (where notices relating to this request can be sent – either postal or electronic)	ACT Legislative Assembly, Civic Square, London Circuit (GPO Box 1020) CANBERRA ACT 2601
Telephone Contact Residential	[REDACTED]
Telephone Contact Mobile	[REDACTED]
Email Contact	[REDACTED]

What documents are you requesting under the Act?	
() All documents and briefing notes prepared for the Estimates Committee 2018-19 hearings on 20 June 2018 in relation to all City Services matters.	
My request covers, but is not limited to, records of correspondence, meetings, telephone conversations, letters, file notes, emails, minutes, briefings etc. Including those created in the process of creating briefing notes.	
I would like	a copy of these documents sent to the above address



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.

[AGENCY] 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):

- The applicant is a member of the Legislative Assembly.

APPLICANT'S SIGNATURE

DATE OF REQUEST

19/7/18

From: [REDACTED]
Sent: Monday, 23 July 2018 12:05 PM
To: TCCS_FreedomOfInformation
Subject: FOI request from [REDACTED]
Attachments: 180723_FOI_Estimates briefings_City Services.pdf

To whom It may Concern,

Please find attached FOI request from [REDACTED] requesting All documents and briefing notes prepared for the Estimates Committee 2018-19 hearings on 20 June 2018 in relation to all City Services matters.

[REDACTED] request covers, but is not limited to, records of correspondence, meetings, telephone conversations, letters, file notes, emails, minutes, briefings etc. Including those created in the process of creating briefing notes.

If you have any questions or concerns please do not hesitate to contact me on [REDACTED] or via return email

Kind Regards,

[REDACTED]

[REDACTED]

[REDACTED]

ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601

[REDACTED]
Please note my working hours are Monday to Thursday

[REDACTED]



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Dear 

Freedom of Information request: Reference 18-063

I refer to two access applications made under the *Freedom of Information Act 2016* (the FOI Act) by you and received by Transport Canberra and City Services directorate (TCCS) on 23 July 2018, in which you sought access to:

- all briefing notes prepared for the Estimates Committee 2018-19 hearings on 20 June 2018 in relation to all City Services matters.

I note on 15 August 2018 you agreed to process your request in two parts:

1. all briefing notes for the Estimate Committee 2018-2019 on 20 June 2018 relating to City Services Matters; and
2. records of correspondence, meetings, telephone conversations, letters, file notes, emails, minutes and briefings including those created in the process of creating the briefing notes.

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

Decision on access

Part 1

Searches were completed and 48 documents (119 pages) have been identified that fall within the scope of this section of your request.

I have included as Attachment A to this decision the schedule of these identified documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

Documents identified as relevant to your request contain information that I consider to be, on balance, contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have decided to grant access, under section 50 of the Act, to copies of documents (Attachment B) with deletions applied to information in document 8 that I consider would be contrary to the public interest to disclose.

As an Information Officer I am required to decide where, on balance, public interest lies.

Statement of Reasons

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

- Schedule 2, Section 2.2 (b)(ii) – Would be privileged from production in a legal proceeding on the ground of legal professional privilege.
- Schedule 2, Section 2.2 (a)(xvi) of the Act (prejudice a deliberative process of government)

As part of this process I must consider factors favouring disclosure and non-disclosure.

Factors favouring disclosure (Schedule 2.1):

- promotion of open discussion of public affairs and enhancement of government accountability; and
- informing the community of the government's operations, including the policies, guidelines and code of conduct followed by the government in its dealings with members of the public, or reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring non-disclosure (Schedule 2.2):

- would be privileged from production in a legal proceeding on the ground of legal professional privilege; and
- could reasonably be expected to prejudice a deliberative process of government.

Document referenced number 8 contains some information that deliberates on a matter that is subject to legal consideration and I have decided that it could be prejudicial to disclose. I have applied Schedule 2, Section 2.2 (a)(xvi) of the Act (prejudice a deliberative process of government) to these documents. I consider that the release of the information is contrary to the public interest but I am satisfied that the factors in favour of release can still be met while protecting this specific information.

Document referenced 23 refers to an attachment entitled Summary of Submissions. I have not included this attachment as this document is publicly available on-line.

Part 2

In relation to part 2 of your request, I have decided to refuse to process this part of your request under section 44 of the Act, relating to the refusal to deal with an application where there is an unreasonable and substantial diversion of resources.

To refuse to deal with the application, I must consider that the resources required to identify, locate, collate and examine any information held by TCCS would substantially inhibit the ability of the Directorate to exercise its functions and, further, giving access to the information does not justify the use of the required resources in consideration of the extent to which the public interest would be advanced.

The information under part 2 is extensive and will be contained in a large number and range of documents prepared and shared amongst an undefinable number of officers across the agency. The documents will not be able to be comprehensively identified without substantial searches of documents including personal notebooks, telephone records etc. Much of the information will take the form of a small part or a contribution to the final briefing material. The time that it will take to identify and locate the information will be substantial.

The final briefing material is signed off by Executive levels and there is no assurance that:

- the information provided in creating the briefing notes was relevant to the Executive decisions in relation to the final briefing;
- how the information was used in informing the final briefing; or,
- that the information indeed reflects the views of TCCS or the government as the information may be deliberative and the result of seeking opinion or a view on a matter from operational and other officers rather than a finding on a matter.

In these respects, the time taken to examine and consult on the release of the information will be extensive.

Further, documents that were not specifically created for the purpose of the Minister's briefing may also have been used and will need to be identified and examined.

To meet the request which involves documents held by so many people will by necessity divert all these people to the tasks of locating, identifying and collating the documents. It would substantially inhibit the ability for TCCS to exercise its day-to-day functions without being impacted by the obligations under the Act in relation to this request.

The second limb of section 44 is in relation to the value of the information to the public interest. In this case, I consider there is no public interest in the release of the documents that informed the final briefings when taking the Estimates briefings as a whole. This is because the documents represent the official and final outcome of the advised position to the Minister on the matters the subject of the briefings.

I note that your office did not agree to re-scoping of part 2 of your request but indicated that an extension to 30 October would be agreed. I note that under section 44 (2) (a) I am not required to have regard to any agreement for an extension to the processing of the request under section 44.

On this basis I have decided to refuse to deal with part 2 of your application as an unreasonable and substantial division of resources.

Charges

The first 50 pages of a release of Information are provided free of charge. Your request has exceeded the threshold of 50 pages. The number of pages is 119 pages. The charge for your FOI request is \$24.10. I am required to waive these fees under section 107 of the Act as you are a Member of the Legislative Assembly.

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 and my decision will be published in the TCCS disclosure log from 3 days after the date of this decision. Your personal details will not be published.

As this information is not part of the Open Access Information Scheme at this point of time it will not be published online. You may view TCCS' disclosure log at www.tccs.act.gov.au/about-us/freedom_of_information.

Ombudsman review

My decision on your access request is a reviewable decision 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

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 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 questions 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

12 September 2018



ACT
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Transport Canberra and
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Attachment A

FREEDOM OF INFORMATION 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: [HTTP://WWW.TCCS.ACT.GOV.AU/ABOUT-US/FREEDOM_OF_INFORMATION](http://www.tccs.act.gov.au/about-us/freedom_of_information)

FILE REFERENCE NO WHAT ARE THE PARAMETERS OF THE REQUEST

TCCS FOI 18-063 ESTIMATE BRIEFS – CITY SERVICES

REF NO	NO OF FOLIOS	DESCRIPTION	DATE	STATUS	REASON FOR NON-RELEASE OR DEFERRAL	OPEN ACCESS RELEASE STATUS
1	1-2	CITY TO GUNGAHLIN CORRIDOR PROGRAM	29 MAY 2018	FULL ACCESS		EXEMPT
2	3-5	GUNGAHLIN ROADWORKS AND INFRASTRUCTURE UPDATE	29 MAY 2018	FULL ACCESS		EXEMPT
3	6-8	ROAD DUPLICATIONS AND UPGRADES ACROSS CANBERRA	1 JUNE 2018	FULL ACCESS		EXEMPT
4	9	AUDITOR-GENERAL'S REPORT ON STORMWATER ASSETS	1 JUNE 2018	FULL ACCESS		EXEMPT
5	10-12	BETTER SUBURBS	31 MAY 2018	FULL ACCESS		EXEMPT
6	13-15	WASTE FEASIBILITY STUDY	1 JUNE 2018	FULL ACCESS		EXEMPT
7	16-17	CONTAINER DEPOSIT SCHEME	1 JUNE 2018	FULL ACCESS		EXEMPT
8	18-20	GREEN BINS	14 JUNE 2018	PARTIAL ACCESS	SCHEDULE 2, SECTION 2.2 (XVI)	EXEMPT
9	21-24	PEAFOWL MANAGEMENT PLAN	4 JUNE 2018	FULL ACCESS		EXEMPT

10	25	TCCS STAFF MISCONDUCT	4 MAY 2018	FULL ACCESS		EXEMPT
11	26-32	BP2 – BUDGET IN BRIEF – TCCS RECONCILIATION	UNDATED	FULL ACCESS		EXEMPT
12	33-45	2017-2018 BUDGET ESTIMATES RECOMMENDATIONS	UNDATED	FULL ACCESS		EXEMPT
13	46-47	MONARO HIGHWAY	UNDATED	FULL ACCESS		EXEMPT
14	48	MORE SUPPORT FOR FAMILIES AND THE VULNERABLE (CCTV)	UNDATED	FULL ACCESS		EXEMPT
15	49-51	CAPITAL RECYCLING SOLUTIONS FYSHWICK PROPOSAL	1 JUNE 2018	FULL ACCESS		EXEMPT
16	52-57	TCCS OVERVIEW	5 JUNE 2018	FULL ACCESS		EXEMPT
17	57-59	CITY SERVICES FACTS	UNDATED	FULL ACCESS		EXEMPT
18	60-62	TCCS INCREASE IN STAFF NUMBERS	UNDATED	FULL ACCESS		EXEMPT
19	63-64	BETTER INFRASTRUCTURE FUND 2018-19	UNDATED	FULL ACCESS		EXEMPT
20	65-69	ROLLOVERS FROM 2016-17 TO 2017-18	UNDATED	FULL ACCESS		EXEMPT
21	70	REPROFILING FROM 2017-18 TO 2018-19	UNDATED	FULL ACCESS		EXEMPT
22	71	ATTACHMENT TO EMAIL AT REF NO. 21 – INSURANCE CLAIM	UNDATED	FULL ACCESS		EXEMPT
23	72-75	COMMUNITY CONSULTATION	1 DECEMBER 2017	FULL ACCESS		EXEMPT
24	76-77	ROADS AND INFRASTRUCTURE	23 MAY 2018	FULL ACCESS		EXEMPT
25	78-79	LIBRARY SERVICES	23 MAY 2018	FULL ACCESS		EXEMPT
26	80-81	WASTE AND RECYCLING	23 MAY 2018	FULL ACCESS		EXEMPT

27	82-84	CITY MAINTENANCE AND SERVICES	1 JUNE 2018	FULL ACCESS		EXEMPT
28	85	CAPITAL LINEN SERVICES	23 MAY 2018	FULL ACCESS		EXEMPT
29	86	BETTER GOVERNMENT – GEOGRAPHICAL INFORMATION SYSTEMS	UNDATED	FULL ACCESS		EXEMPT
30	87-88	BETTER GOVERNMENT IMPROVING CUSTOMER SERVICES DELIVERY	1 JUNE 2018	FULL ACCESS		EXEMPT
31	89	BETTER ROADS FOR GUNGAHLIN	17 MAY 2018	FULL ACCESS		EXEMPT
32	90-91	KEEPING OUR GROWING CITY MOVING - BRIDGE RENEWAL PROGRAM	1 JUNE 2018	FULL ACCESS		EXEMPT
33	92	KEEPING OUR GROWING MOVING – CANBERRA BRICKWORKS PRECINCT	22 MAY 2018	FULL ACCESS		EXEMPT
34	93	KEEPING OUR GROWING CITY MOVING – JOHN GORTON DRIVE AND MOLONGLO RIVER BRIDGE CROSSING- EARLY DESIGN	18 MAY 2018	FULL ACCESS		EXEMPT
35	94-95	KEEPING OUR GROWING CITY MOVING – PAVEMENT UPGRADES	1 JUNE 2018	FULL ACCESS		EXEMPT
36	96	KEEPING OUR GROWING CITY MOVING – PIALLIGO PEDESTRIAN UPGRADES	1 JUNE 2018	FULL ACCESS		EXEMPT
37	97-98	KEEPING OUR GROWING CITY MOVING – SAFER INTERSECTIONS	1 JUNE 2018	FULL ACCESS		EXEMPT
38	99-100	KEEPING OUR GROWING CITY MOVING – WILLIAM SLIM DRIVE DUPLICATION	1 JUNE 2018	FULL ACCESS		EXEMPT
39	101-102	KEEPING OUR GROWING CITY MOVING – BETTER TOWN CENTRES	UNDATED	FULL ACCESS		EXEMPT

40	103-104	KEEPING OUR GROWING CITY MOVING – MICRO PARKS	25 MAY 2018	FULL ACCESS		EXEMPT
41	105-106	KEEPING OUR GROWING CITY MOVING – BETTER WAST MANAGEMENT	1 JUNE 2018	FULL ACCESS		EXEMPT
42	107-108	KEEPING OUR GROWING CITY MOVING – MORE TREES	1 JUNE 2018	FULL ACCESS		EXEMPT
43	109-110	KEEPING OUR GROWING CITY MOVING – STORMWATER INFRASTRUCTURE IMPROVEMENTS	1 JUNE 2018	FULL ACCESS		EXEMPT
44	111	BOOSTING LOCAL LIBRARIES	1 JUNE 2018	FULL ACCESS		EXEMPT
45	112	MORE SERVICES FOR OUR SUBURBS – ASBESTOS REMEDIATION FOR BIRRI GAI	1 JUNE 2018	FULL ACCESS		EXEMPT
46	113-114	MORE SERVICES FOR OUR SUBURBS – BETTER ANIMAL MANAGEMENT	25 MAY 2018	FULL ACCESS		EXEMPT
47	115-117	MORE SERVICE FOR OUR SUBURBS – BETTER SUBURBS	25 MAY 2018	FULL ACCESS		EXEMPT
48	118-119	MORE SERVICES FOR OUR SUBURBS – SERVICING NEW SUBURBS	1 JUNE 2018	FULL ACCESS		EXEMPT