



ACT
Government

Transport Canberra and
City Services

FREEDOM OF INFORMATION COVERSHEET

Information Act 2016

Freedom of

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



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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, Transport Canberra and City Services 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 Transport Canberra and City Services Privacy Policy contains information on how you can access or seek to correct any of your personal information that is held by the Transport Canberra and City Services, 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 Transport Canberra and City Services website at www.tccs.act.gov.au.

Applicant details

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

Name

Address

(where notices relating to this request
can be sent – either postal or electronic)

Telephone Contact (Business Hours)

Telephone Contact (Mobile)

Email Contact

hotmail.com

What documents are you requesting under the Act?

- To help Transport Canberra and City Services process your request, please include enough detail in your application so that we can fully understand what government information you want.
- You may wish to include a statement about how the release of information is in the public interest.
- If your application is for access to your own personal information you must include evidence of your identity. If you are an agent acting for an applicant, please supply evidence of your authorisation and evidence of the identity of the agent.
- If for reasons in section 30 of the Act is not compliant and your application cannot be processed, Transport Canberra and City Services will take reasonable steps to assist you and give you reasonable time to amend your application if you wish.

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.

Transport Canberra and City Services 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).

[provide details and evidence of how this reason applies]

I would like

a copy of these documents sent to the above address

OR

to inspect these document

APPLICANTS SIGNATURE

DATE OF REQUEST



22/01/2021

Mr [REDACTED]
By email: [REDACTED] hotmail.com

Dear Mr [REDACTED]

Freedom of Information Request - Reference 21-003

I refer to your application received by Transport Canberra and City Services (TCCS) on 21 January 2021. It is my understanding you are seeking to access the following government information:

“information relating to an ACT Government Fix My Street Request with reference 180919-000034. Through this Fix My Street Request which was lodged in September 2018, TCCS was undertaken work to remediate driveways at 8 and 10 Grigg Place by replacing damaged concrete because of a dangerous ACT Government street tree and its invasive root system. I am specifically seeking records relating to the total cost of all remediation work that was undertaken, and copies any of reports that were either written by TCCS or submitted by contractors/businesses who undertook such work.”

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.

A decision on access to government information was due to you by 22 February 2021. Thank you for agreeing to an extension until 26 February 2021.

Decision on access

A search of records held by TCCS has been completed and three records have been identified as relevant to your request.

In accordance with section 17 of the Act, I have considered the public interest in relation to information within this document and have provided you with:

- Full access to one record; and
- Partial access to two records.

My decision is detailed further in the following statement of reasons.
The records in which partial or full access are provided are attached to this notice.

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 2.1)

- 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; and
- 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 2.2)

- Schedule 2.2 (a)(xi), prejudice trade secrets, business affairs or research of an agency or person.

I have considered the public interest in relation to information about decisions on requests for maintenance of government assets and find that information relating to the outcome of the report can inform the public on the government's operations and can reveal the reason for a government decision.

However, in assessing the public interest on the disclosure of some information in the document, information has been identified that is, or is on balance, contrary to the public interest, see below.

Trade secrets, business affairs or research

Some information identified in record 9 contain information which is likely to prejudice a third party's trade secrets, business affairs or research if disclosed. Specifically, this information relates to costing methodology associated with those services.

I find that the disclosure this information is, on balance, contrary to the public interest and I have applied deletions to this information.

Charges

No fee is applicable to your application as the number of pages being provided are within the fee free threshold.

Disclosure Log

In accordance with section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log, which is accessible at https://www.cityservices.act.gov.au/about-us/freedom_of_information/disclosure-log.

Your access application, this notice of decision and records released to you will be published on the disclosure log within 3 – 10 business days. Your personal information will be removed from these documents prior to publication.

Ombudsman review

My decision on your access application is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek an Ombudsman review my decision under section 73 of the Act within 20 working days from the day that my decision is made or a longer period if 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 queries about the directorate's processing of your request, or would like further information, please contact the TCCS FOI team on (02) 620 72987 or email tccs.foi@act.gov.au.

Yours sincerely


Cherie Hughes
Information Officer

26 February 2021

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 www.tccs.act.gov.au/about-us/freedom_of_information

Factors favouring non-disclosure:

- Schedule 2.2 (a)(xi), prejudice trade secrets, business affairs or research of an agency or person.

File No			WHAT ARE THE PARAMETERS OF THE REQUEST			
21-003			Driveway concrete replacement work			
Record Number	Page Number	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1	Invoice	3 September 2018	Partial access	Schedule 2.2 (a)(xi)	Documents to be published on the TCCS Disclosure Log
2	2	Comments on defect	Undated	Full access	N/A	
3	3	Invoice calculations	Undated	Partial access	Schedule 2.2 (a)(xi)	
Total No of Records: 3 (3 pages)						



A.B.N. 95 110 599 249

PO Box 611
Erindale Centre
ACT 2903

Email: [redacted]@gmail.com



Tax Invoice

ACT Government
Transport Canberra and City Services
Roads ACT
PO BOX 777

Fyshwick ACT 2609

Invoice: 00002399
Date: 3/09/2018
Page: Page 1 of 1

Payment Terms are 7 days from date of invoice unless otherwise arranged.

Details	Total (ex-GST)
Removal and replacement of concrete footpath for p18.04. [redacted]	[redacted]
Removal and replacement of concrete driveway for p18.04. [redacted]	[redacted]

Subtotal	\$13,055.20
GST:	\$1,305.52
Total (inc-GST):	\$14,360.72
Balance Due:	\$14,360.72

How to pay



by direct debit

To pay via direct Debit

Account name: [redacted]

BSB: [redacted]

Account number: [redacted]

Please quote your invoice number



by cheque

Detach this section and mail your cheque made out to JSK Excavations PTY LTD to...

JSK Excavations Pty Ltd

PO Box 611
Erindale Centre ACT 2903

Invoice Calculations - BOQ & Variations

GST
INVOICE TOTAL

No columns filtered		Instructions								
*NOTE: defect has been claimed		UPDATE DATA IN 'TTM info - Contractor' TAB								
*NOTE: defect has been selected twice										
	\$109,062.64	Value of BOQ								
	\$6,962.00	Value of Variations						FALSE		
	\$116,024.64	TOTAL								
130	\$44,794.64	Claimed to date		C301	C310	C335	C360			
	\$71,230.00	Remaining to claim	Value					\$116,024.64		
P18.04 - Chisholm Gilmore Richardson			QTY						Roads ACT Input	
		ACT/7981	Rate							
Defect Id	Defect Location and/or notes	Suburb	Asset Type	Remove existing 75-100mm & replace with 100mm concrete footpath (m2)	100mm driveway (m2)	Remove & replace kerb only (L/m)	Other	MINIS TERIAL	Value	Project #
67111	8 and 10 Grigg Place	RICHARDSON	Driveway		33.11				\$ 2,913.68	28102