



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: 22-081

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Not Applicable
4. Documents	Refusal
5. Additional information identified	Not applicable
6. Fees	Not Applicable
7. Processing time (in working days)	50 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
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From: [TCCS_FreedomOfInformation](#)
To: [REDACTED]
Subject: RE: FOI 22-081 | REQUEST TO CONSIDER AMMENDING APPLICATION SCOPE
Date: Thursday, 23 June 2022 2:37:00 PM

OFFICIAL

Hi [REDACTED]

Thank you for your quick reply and agreeing to the amendment of your application.

Kind regards,

Samantha Irons | Assistant Director

Phone: 6207 9242 | Email: TCCS.FOI@act.gov.au

**Freedom of Information and Subpoenas | TCCS Legal & Contracts | Transport Canberra and City Services
Directorate | ACT Government**

Level 4, 480 Northbourne Avenue, Dickson 2602 |

From: [REDACTED]
Sent: Thursday, 23 June 2022 2:32 PM
To: TCCS_FreedomOfInformation <TCCS.FOI@act.gov.au>
Subject: AW: FOI 22-081 | REQUEST TO CONSIDER AMMENDING APPLICATION SCOPE

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Thank you.

Yes, the scope can be reduced by these four briefs detailed below – ie those documents that will be released as part of FOI 22-057.

Von: TCCS_FreedomOfInformation <TCCS.FOI@act.gov.au>

Gesendet: Donnerstag, 23. Juni 2022 13:56

[REDACTED]
Betreff: FOI 22-081 | REQUEST TO CONSIDER AMMENDING APPLICATION SCOPE

Priorität: Hoch

OFFICIAL

Dear [REDACTED]

I hope this email finds you well.

I have attempted to call you on your mobile, however I have been unsuccessful.

I am writing to seek your consideration in amending your application, reference 22-081. Several of the briefs you are seeking access to are currently being reviewed in relation to another

application, reference 22-057. The briefs are:

MIN S2021/02018	14- Feb- 2022	Make the move into active travel – Minister Brief	EBM Strategic Policy and Customer	Minister Steel – Minister for Transport and City Services
MIN S2022/00166	17- Feb- 2022	Update of critical infrastructure legislation reforms – Minister Brief	EBM Strategic Policy and Customer	Minister Steel – Minister for Transport and City Services
MIN S2022/00323	25- Feb- 2022	2022-23 Better Infrastructure Fund (BIF) program endorsement	Chief Financial Officer	Minister Steel – Minister for Transport and City Services
22/168	8- Mar- 2022	Active travel investment priorities – Ministerial Statement	EBM Strategic Policy and Customer	Minister Steel – Minister for Transport and City Services

At this time, it is anticipated that a decision will be made by 28 June 2022. As access request does not relate to personal information, the outcome of application 22-057 will be published on the TCCS Disclosure log.

Can you please advise if you are agreeable to reduce the scope of your application to exclude the four briefs detailed above?

Thank you for your consideration,

Kind regards,

Samantha Irons | Assistant Director

Phone: 6207 9242 | Email: TCCS.FOI@act.gov.au

**Freedom of Information and Subpoenas | TCCS Legal & Contracts | Transport Canberra and City Services
Directorate | ACT Government**

Level 4, 480 Northbourne Avenue, Dickson 2602 |

From: TCCS_FreedomOfInformation

Sent: Monday, 6 June 2022 4:11 PM

Subject: FOI 22-081 | ACKNOWLEDGEMENT OF ACCESS APPLICATION

OFFICIAL

Dear [REDACTED]

FREEDOM OF INFORMATION (FOI) REQUEST – 22-081.

I refer to your application received by Transport Canberra and City Services (TCCS) on 31 May

2022 in which you sought access to information under the *Freedom of Information Act 2016* (the FOI Act).

In your application you have requested information relating to the following documents which may be in possession of the Transport Canberra and City Services directorate:

“Requesting the following documents in the table below – for the most part Minister Briefs addressed to Minister Steel – Minister for Transport and City Services.

The information in the table below is from TCCS FOI 22-030, “The subject line of all final ministerial briefs from 10 February 2022 to 10 March 2022 generated for or directed to any ACT Government Minister”, pages 6-9.”

Objective reference	Date received in MO	Title	Position of authority it was written for by	Minister brief was addressed to
MIN S2021/02018	14-Feb-2022	Make the move into active travel – Minister Brief	EBM Strategic Policy and Customer	Minister Steel – Minister for Transport and City Services
MIN S2022/00166	17-Feb-2022	Update of critical infrastructure legislation reforms – Minister Brief	EBM Strategic Policy and Customer	Minister Steel – Minister for Transport and City Services
MIN S2022/00323	25-Feb-2022	2022-23 Better Infrastructure Fund (BIF) program endorsement	Chief Financial Officer	Minister Steel – Minister for Transport and City Services
MIN S2022/0360	3-Mar-2022	2022-23 Budget initiative permission to bring forward for consideration – Minister Brief	Chief Financial Officer	Minister Steel – Minister for Transport and City Services
22/173	4-Mar-2022	March 2022 Progress Report for the Climate Action Subcommittee	EBM Governance and Ministerial Services	Minister Steel – Minister for Transport and City Services
22/168	8-Mar-2022	Active travel investment priorities – Ministerial Statement	EBM Strategic Policy and Customer	Minister Steel – Minister for Transport and City Services

TCCS is now processing your request and in accordance with section 40 of the FOI Act, we are required to provide you with a decision on access to records within the terms of the request within 20 working days of receipt, being **30 June 2022**.

Third Party Consultation

In processing your application, consultation with relevant third parties may be required. If this is

the case, you will be notified to this effect and advised of a revised decision due date in respect of your application. In line with the Act, if third party consultation is required, the due date may be extended by 15 working days.

Charges

Please be aware that processing charges may be payable in relation to your request. Should you be liable to pay a processing charge, you will be notified in writing of the preliminary assessment and given an opportunity to make an application that the charge should be remitted in whole or in part. This may affect the time within which your application is processed.

TCCS Disclosure Log

The FOI Act requires that details regarding your request such as your application, decision notices, and information released to you, must be recorded in the agency disclosure log and be made publicly available three working days after a decision on access has been given to you. Please be aware that while no personal information will be included in the published information all other information will be published on https://www.cityservices.act.gov.au/about-us/freedom_of_information.

TCCS is not required to publish applications on its disclosure log where it relates to a request to access personal information.

Should you have any queries about the processing of your access application, please contact the FOI and subpoena team at tccs.foi@act.gov.au or by telephone on 6207 2987.

Yours sincerely,

Alexandra Martyniak | Administrative Officer

Phone: 6207 3916 | Email: Alexandra.Martyniak@act.gov.au

Freedom of Information and Subpoenas

Legal and Contracts | Transport Canberra and City Services Canberra

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ACT
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Transport Canberra and
City Services



Dear 

Freedom of information request: Reference 22-081

I refer to your applications made under section 30 of the *Freedom of Information Act 2016* (the FOI Act) received by Transport Canberra and City Services (TCCS) on 14 April 2022, in which you sought access to:

Objective reference	Date received in MO	Title	Position of authority it was written for by	Minister brief was addressed to
MIN S2021/02018	14-Feb-2022	Make the move into active travel – Minister Brief	EBM Strategic Policy and Customer	Minister Steel – Minister for Transport and City Services
MIN S2022/00166	17-Feb-2022	Update of critical infrastructure legislation reforms – Minister Brief	EBM Strategic Policy and Customer	Minister Steel – Minister for Transport and City Services
MIN S2022/00323	25-Feb-2022	2022-23 Better Infrastructure Fund (BIF) program endorsement	Chief Financial Officer	Minister Steel – Minister for Transport and City Services
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22/173	4-Mar-2022	March 2022 Progress Report for the Climate Action Subcommittee	EBM Governance and Ministerial Services	Minister Steel – Minister for Transport and City Services
22/168	8-Mar-2022	Active travel investment priorities – Ministerial Statement	EBM Strategic Policy and Customer	Minister Steel – Minister for Transport and City Services

I thank you for agreeing to refine your application on 23 June 2022 to exclude briefs that are currently subject to another FOI access application, reference 22-057. I note that the current scope of your access application is:

Objective reference	Date received in MO	Title	Position of authority it was written for by	Minister brief was addressed to
MIN S2022/0360	3-Mar-2022	2022-23 Budget initiative permission to bring forward for consideration – Minister Brief	Chief Financial Officer	Minister Steel – Minister for Transport and City Services
22/173	4-Mar-2022	March 2022 Progress Report for the Climate Action Subcommittee	EBM Governance and Ministerial Services	Minister Steel – Minister for Transport and City Services

Authority

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

Timeframes

In accordance with section 40 of the Act, a decision is due on your access application by 30 June 2022.

Decision on access

A search of records held by TCCS has been completed and the two briefs you are requesting access to have been identified.

I have refused access under section 35(1)(c) of the FOI Act to the information within these briefs. This is because it is contrary to the public interest to disclose. My access decision is detailed further in the following statement of reasons.

Statement of Reasons

In making my decision on disclosing government information, I must identify all relevant factors in schedule 1 of the FOI Act. Where information is not subject in full or part to schedule 2 of the FOI Act, I must determine, on balance, where the public interest lies.

In making my decision, I have also taken the following into account:

- The FOI Act; and
- The content of the documents that fall within the scope of your request.

Contrary to the public interest information under schedule 1 section 1.6 of the Act (Cabinet Information).

In reviewing the information within these records, I have found schedule 1.6 relevant, namely that the information is Cabinet information and is deemed to be contrary to the public interest.

I note the requirements of schedule 1 section 1.6(2) of the Act which states that the exemption for Cabinet Information does not apply to 'purely factual information' unless the disclosure of the information would involve the disclosure of a deliberation or decision of Cabinet and the fact of the deliberation or decision has not been officially published.

The term 'purely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document or is embedded in or intertwined with the deliberative content in such a manner that it is impractical to separate it from the other content.

Having reviewed the documents, I consider that some of the information within the documents identified is an integral part of future deliberations and decisions of Cabinet. I am satisfied that disclosure of such information contained in this document would be contrary to public interest pursuant to schedule 1 Section 1.6 of the Act.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2018* no fee is applicable as no information is to be disclosed.

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

released to you will be published on the TCCS disclosure from 3 days after the date of this decision.

Your personal contact details will not be published. You may view the TCCS' disclosure log at http://www.tccs.act.gov.au/about-us/freedom_of_information.

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 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

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
<http://www.act.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.

Yours sincerely



Kristine Scheul
Information Officer

30 June 2022