



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 2018-099

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and Schedule	Not Published
4. Additional information identified	No
5. Fees	n/a
6. Processing time (in working days)	23 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



RECEIVED	
DATE 13/11/18	BY TCS

18-099

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.

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 Residential

Telephone Contact Mobile

Email Contact

What documents are you requesting under the Act?

Documents relating to the construction of the community path between 107 Kent Street and Hampden Place at Deakin in the Australian Capital Territory ("the community path");

Any documents relating to repairs made to the community path;

Any documents relating to complaints made about the community path;

All "Fix My Street" submissions relating to the community path;

Any documents containing information about works completed to the community path;

Any documents containing information about works yet to be completed to the community path;

Any records of accidents that occurred upon or by reason of the community path;

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).

[provide details and evidence of how this reason applies]

APPLICANTS SIGNATURE

DATE OF REQUEST

12 November 2018

11/11/2018 10:00 AM

Our Ref: AN:BBW:103224


12 November 2018

Freedom of Information requests
Transport Canberra and City Services
GPO Box 158
Canberra City, ACT 2601

BY EMAIL: TCCS.FOI@act.gov.au

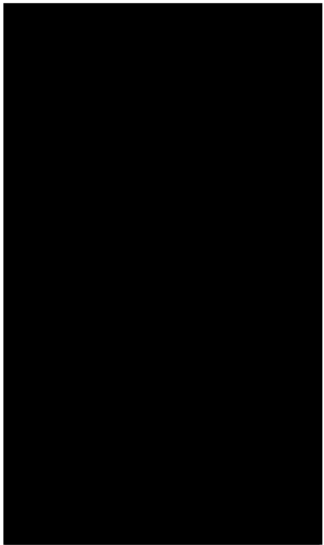
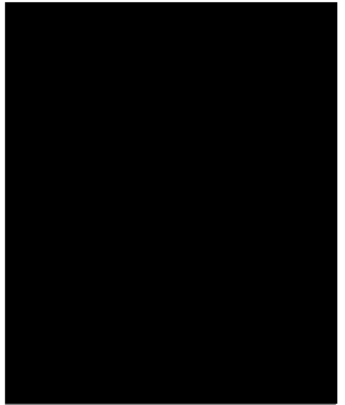
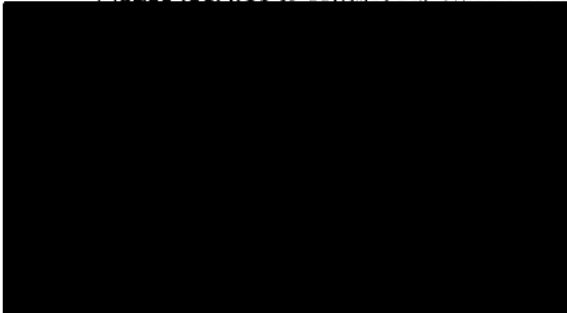
Dear Sir/Madam

Re: 

We act for  in relation to a claim for personal injuries and *enclose* Freedom of Information – Access Application dated 12 November 2018 for your review.

We look forward to receiving your decision in due course.

Please feel free to contact our office should you have any queries.



From: [REDACTED]
Sent: Monday, 12 November 2018 4:05 PM
To: TCCS_FreedomOfInformation
Cc: [REDACTED]
Subject: Freedom of Information - Access Application
Attachments: ltr to Transport Canberra FOI application.pdf

Dear Sir/Madam,

We act for [REDACTED] in relation to a claim for personal injuries. Please find *attached* letter and Freedom of Information – Access Application for your attention. We confirm that these will also be sent via post.

Kind Regards

[REDACTED]

[REDACTED]

NOTICE: Please notify us on [REDACTED] if this communication has been sent to you by mistake. If it has been, Client Legal Privilege is not waived or lost and you are not entitled to use it in any way.



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Dear 

Freedom of Information request: Reference 18-099

I refer to your application made under the *Freedom of Information Act 2016* (the Act) received by the Transport Canberra and City Services (TCCS) directorate on 13 November 2018, in which you sought access to:

- documents relating to the construction of the community path between 107 Kent Street and Hampden Place in Deakin ACT, specifically
 - any documents relating to repairs made to the community path;
 - any documents relating to complaints made about the community path;
 - all Fix My Street submissions relating to the community path;
 - any documents containing information about works completed to the community path;
 - any documents containing information about works yet to be completed to the community path; and
 - any records of accidents that occurred upon or by reason of the community path.

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.

TCCS was required to provide a decision on your access application by 11 December 2018. I note that you have agreed to an extension of 17 December 2017.

Decision on access

A search of TCCS records was conducted from 1 January 2007 until the 13 November 2018 and eleven documents (13 pages) were identified that fall within the scope of your request.

I have included as [Attachment A](#) to this decision the schedule of relevant 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 that I consider would be contrary to the public interest to disclose.

Statement of Reasons

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

The Act, in particular:

- Schedule 2

Factors favouring disclosure (Schedule 2)

- Section 2.1 (a)(viii) – reveal the reason for a government decision and any background or contextual information that informed the decision; and
- Schedule 2, Section 2.1 (b)(i) – the person making the request.

Factors favouring non-disclosure (Schedule 2)

- Section 2.2 (a)(xi) –prejudice trade secrets, business affairs or research of an agency or persons

Documents referenced numbers 1-3, 5-7 and 12-13 of the identified documents contains a breakdown of costing amounts (rate per square unit) for maintenance works undertaken by third party contractors. I have decided that it is not in the public interest to disclose this information as it could have an adverse effect on the business affairs of the third-party contractors especially if this information was released to its competitors.

Charges

No fee is payable as the number of pages being released is 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 and my decision will be published in the TCCS disclosure log from 3 days after the date of this decision. Your personal details and those of your client will not be published.

The documents will not be published on the TCCS disclosure log as it is not in the public interest to publish online documents comprising a release sought in response to a legal matter.

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 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: ombudsman@ombudsman.act.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

14 December 2018