



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 19-110

Information to be published	Status
1. Access application	Published
2. Decision notice and schedule	Published
3. Documents	n/a
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

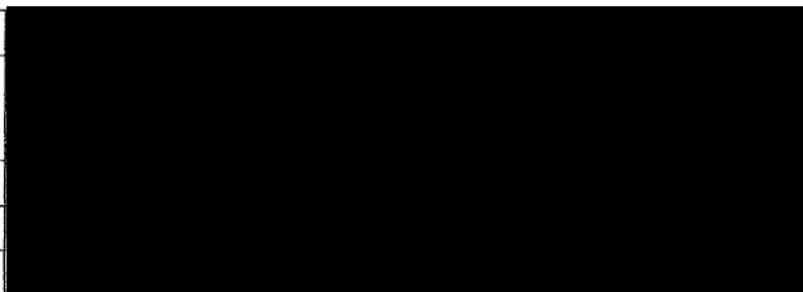
Address

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

Telephone Contact (Business Hours)

Telephone Contact (Mobile)

Email Contact



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).

UNDER "SPECIAL BENEFIT TO THE PUBLIC"
[provide details and evidence of how this reason applies]
as it is important to have an agreed definition of the criterion

I would like

a copy of these documents sent to the above address

OR

to inspect these document

APPLICANTS SIGNATURE

DATE OF REQUEST

25 October 2019.

25 October 2019

I refer to the attached FOI request application form and advise that I am seeking the following documents under the Act:

All documents relating to the definition of, or defining a "Substantial Service" as listed under the under the "Tree Protection (Approval Criteria) Determination 2006 (No2) in Regulated Trees Criterion 1(c)

All documents where tree damaging applications have been assessed in relation to low voltage powerlines under that criterion.

[REDACTED]

[REDACTED]

25 October 2019



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Dear 

Freedom of information request: Reference 19-110

I refer to an access application made under the *Freedom of Information Act 2016* (the FOI Act) by you and received by Transport Canberra and City Services directorate (TCCS) on 25 October 2019, in which you sought access to:

1. All documents relating to the definition of, or defining a "Substantial Service" as listed under the "Tree Projection (Approval Criteria) Determination 2006 (No2) in Regulated Trees Criterion 1(c)
2. All documents where tree damaging applications have been assessed in relation to low voltage powerlines under that criterion.

I understand that, following your discussion with the FOI Coordinator on 20 November 2019, you have amended the time period of part 2 of your request specifically to the last three months. Thank you for agreeing to an extension until 6 December 2019 for TCCS to respond to this part.

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

In relation to part 1 of your application, three documents have been identified:

- *Tree Protection Act 2005*
- Tree Protection (Approval Criteria) Determination 2006 (No 2) – Disallowable Instrument DI 2006-60
- Utilities (Technical Regulation) (Electricity Powerline Vegetation Management Code) Approval 2018 – Disallowable Instrument DI2018 -207

These documents are available on the ACT Legislation site by undertaking a search at www.legislation.act.gov.au

On that basis, I have decided to not deal with part 1 of your application pursuant to section 43 of the Act which provides:

- (1) A respondent may refuse to deal with an access application wholly or in part only if-
 - (e) the government information is already available to the applicant (see section 45).

Charges

No fee is payable as no documents are being released.

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.

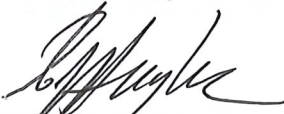
Further information may be obtained from ACAT at:

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

25 November 2019