



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: 23-016

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Published
4. Documents	Not Applicable
5. Additional information identified	Not Applicable
6. Fees	Not Applicable
7. Processing time (in working days)	09 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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Freedom of Information - Access Application to Transport Canberra and City Services - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

03 Mar 2023 10:34:27 AM

ZZGY2G4V

Transport Canberra and City Services (TCCS)

GPO Box 158
Canberra ACT 2601

Phone: 02 6207 2987

Email: TCCS.FOI@act.gov.au

Applicant details

Title

Given name

Family name

[REDACTED]

[REDACTED]

[REDACTED]

Preferred name

[REDACTED]

Preferred method of contact

Phone

Email

Post

Contact phone number

[REDACTED]

Contact email address

[REDACTED]

Contact postal address

Address line 1

[REDACTED]

Address line 2

[REDACTED]

Suburb

[REDACTED]

State

[REDACTED]

Postcode

[REDACTED]

Preferred method to receive information *

Email

Post

Same as contact email address

Information request

Who are you making the request on behalf of?

Myself

What type of information are you requesting access to? *

Other information

What information are you requesting access to under the Act? *

I am seeking any feasibility studies for new zero emissions bus depots in the ACT since 2019.

Attach a description or additional details about the information you are requesting access to (optional)

Do you have a similar or identical request currently under review by another ACT Government Directorate?

Yes No

Are you enquiring as

A member of the public

Do you wish to apply for a waiver of fees associated with processing your application?

Yes No

Provide a statement about how the release of information is in the public interest (optional)

Would you like to provide any additional information? (optional)

Attach additional documents to support your application (optional)



[Redacted]

Dear [Redacted]

Freedom of Information Request - Reference 23-016

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 3 March 2023. It is my understanding that you are seeking access to the following government information under the *Freedom of Information Act* 2016 (FOI Act):

“...Any feasibility studies for new zero emissions bus depots in the ACT since 2019.”

Timeframes

In accordance with section 40 of the FOI Act, TCCS is required to decide on your application by 3 April 2023.

Authority

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 FOI Act.

Decision on access

In accordance with the FOI Act, a search of TCCS records has been completed and two relevant records have been identified.

Upon reviewing the information within the records and applying the public interest test under section 17 of the FOI Act, I have found the disclosure of these reports to be, on balance, contrary to the public interest. The reasons for my decision are detailed below in the statement of reasons.

Statement of Reasons

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

- The FOI Act; and
- The *Human Rights Act 2016*.

In making my decision on disclosing the relevant government information, I must identify all relevant factors in schedule 1 and 2 of the FOI Act and determine, on balance, where the public interest lies.

Schedule 1:

- No relevant sections identified.

Schedule 2:**Factors favouring disclosure in the public interest (Schedule 2.1)**

- Schedule 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability;
- Schedule 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest; and
- Schedule 2.1(a)(iv) - ensure effective oversight of expenditure of public funds.

Factors favouring non-disclosure (Schedule 2.2)

- Schedule 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person;
- Schedule 2.2(a)(xiii) - prejudice the competitive commercial activities of an agency;
- Schedule 2.2(a) (xv) - prejudice the management function of an agency or the conduct of industrial relations by an agency; and
- Schedule 2.2(a)(xvi) - prejudice a deliberative process of government.

In reviewing the information within scope of your application, I have identified information that is likely to promote a positive and informed debate on important issues or matters of public interest. As the report has been procured by government, disclosure contributes to an effective oversight of expenditure of public funds. Further, I acknowledge that disclosure may promote open discussion of public affairs and enhance government's accountability generally.

The reports, *Future Depots Feasibility Study 2022* and *New Depots Study 2021*, have been procured by TCCS to explore the feasibility of an undertaking. The reports explore several subjects such as technical, economic, financial, environmental, procurement and service considerations. By nature, the reports are deliberative and consideration of its contents or associated works are ongoing. Disclosure of the reports whilst they are still the subject of a deliberative processes of government, is likely to prejudice the government's ability to fully consider the information, recommendations or make further enquiries on feasibility (schedule 2.2(a)(xvi)).

I have further considered that some of the reports contain deliberations which are likely to involve relevant third parties. The disclosure of information during a deliberative process may further harm the government's ability to meaningfully collaborate or consult with these third parties and may disclose information relating to third parties' business affairs (schedule 2.2(a)(xi)).

I also find that the disclosure of the information within these reports is likely to prejudice the commercial activities (schedule 2.2(a)(xiii)) and management function of an agency and its ability to deliver services (schedule 2.2(a)(xv)).

While the factors favouring disclosure carry moderate weight, the factors favouring non-disclosure are significant. I find that the disclosure of relevant information is, on balance, contrary to the public interest. As these factors apply to the whole of the requested report, I am refusing access to the relevant information.

Charges

In accordance with [Freedom of Information \(Fees\) Determination 2018](#), a fee of \$0.35 per page of information disclosed, except for the first 50 pages, may be applied to an access application. As no information is being disclosed, a fee is not applicable relevant.

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, my decision and documents will be published in the TCCS disclosure log between 3 – 10 business days from the date of this decision. Your personal contact details will not be published. You may view the TCCS' disclosure log [here](#).

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 an 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 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 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



Cherie Hughes
Information Officer

17 March 2023