



## FREEDOM OF INFORMATION COVERSHEET

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI reference: 24-084

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)	28 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

**From:** [CMTEDD FOI](#)  
**To:** [TCCS\\_FreedomOfInformation](#)  
**Cc:** [CMTEDD FOI](#)  
**Subject:** FW: Freedom of Information request - CMTEDDFOI 2024-183  
**Date:** Wednesday, 29 May 2024 4:12:29 PM

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OFFICIAL

Good afternoon team,

Hope all is well.

Based on previous application with similar scope as below which was transferred to TCCS CMTEDDFOI 2024-088.

Can we please confirm if you accept full transfer or the request below?

Kind Regards,

Chris

Freedom of Information Coordinator | Information Access Team

Phone: 02 6207 7754 | Email: [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)

**Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government**

Level 1, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | [act.gov.au](http://act.gov.au)

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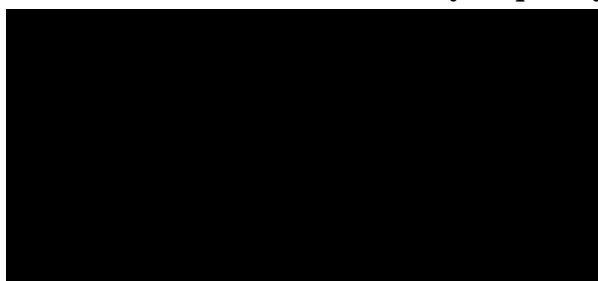
**From:** no-reply@act.gov.au <no-reply@act.gov.au>  
**Sent:** Monday, May 27, 2024 5:06 PM  
**To:** CMTEDD FOI <CMTEDDFOI@act.gov.au>  
**Subject:** Freedom of Information request - CMTEDDFOI 2024-183

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

#### Your details

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**





**Request for information**

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

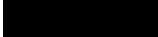
The Green Shed (TGS) which has been operating in Mitchell for about 15 years was not granted an extension in 2024. Instead the operation was handed over to St Vincent de Paul. From my perspective TGS was a highly successful business which promoted re-use at a very large scale, it supported charities every month and provided affordable goods. I want to see the tender decision and the reasons why TGS was not granted an extension.

I do not want to access the following documents in relation to my request::

NIL

Thank you.  
Freedom of Information Coordinator



Dear 

### **Freedom of Information Request - Reference 24-084**

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 29 May 2024 by transfer from the Chief Minister, Treasury and Economic Development Directorate. It is my understanding that you are seeking access to the following government information under the *Freedom of Information Act 2016* (FOI Act):

*"I want to see the tender decision and the reasons why TGS was not granted an extension."*

### **Timeframes**

In accordance with section 40 of the FOI Act, a decision is due on your application by 10 July 2024.

### **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 FOI Act.

### **Decision on access**

In accordance with the FOI Act, a search of TCCS records has been completed and one record, with attachments, is identified as relevant. Upon reviewing the information within these records and applying the public interest test under section 17 of the FOI Act, I have found it to be, on balance, contrary to the public interest to provide access. The reasons for my decision are detailed below in the statement of reasons.

A schedule of relevant record and attachments is at [Attachment A](#).

### **Statement of Reasons**

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

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

The FOI Act has a pro disclosure bias, which requires information to be disclosed unless doing so would be contrary to the public interest. As an Information Officer, I must decide where, on balance, public interest lies in the disclosure of government information. Section 17(1) of the Act sets out the steps for completing the public interest test. As part of this process, I must identify all relevant factors in schedule 1 of the FOI Act. If no factor in schedule 1 is found relevant, or does not apply to the information entirely, I must then consider the factors listed in schedule 2 of the FOI Act and determine, on balance, where the public interest lies.

In reviewing the relevant records, I have identified that the record you seek to access are in the possession of the Auditor-General under the *Auditor-General Act 1996*, in response to an audit of the procurement of reusable facility services (announcement: [here](#)). As such, I find schedule 1.5 of the FOI Act to be applicable, which deems the release of information in the possession of the Auditor-General to be contrary to the public interest.

### **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. No fees are applicable to your application.

### **Online publishing**

Under section 28 of the FOI Act, TCCS maintains an online record of access applications called a disclosure log. In accordance with section 28, your application and my decision will be published within 3 – 10 business days. Your personal information will be removed prior to publication. You may view the TCCS' disclosure log [here](#).

### **Ombudsman review**

My decision on your access application is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek an Ombudsman review of this outcome under section 73 of the FOI 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](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) review**

Under section 84 of the FOI 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  
GPO Box 370  
CANBERRA CITY ACT 2601  
Telephone: (02) 6207 1740  
[www.acat.act.gov.au](http://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](mailto:tccs.foi@act.gov.au).

Yours sincerely



Kristine Scheul  
Information Officer  
9 July 2024

## ATTACHMENT A - ACCESS APPLICATION SCHEDULE, FREEDOM OF INFORMATION

**Reference Number: 24-084**

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: [https://www.cityservices.act.gov.au/about-us/freedom\\_of\\_information/disclosure-log](https://www.cityservices.act.gov.au/about-us/freedom_of_information/disclosure-log)

### Factors favouring non-disclosure:

Schedule 1.5 – Information in the possession of the auditor-general.

Reference number	Page number	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	-	Tender Evaluation Plan	27 March 2024	Refused	Schedule 1.5	Decision to be published on the <a href="#">TCCS Disclosure Log</a> .
		TCCS EGM brief - Reusable Facilities Evaluation				
		Attachment 1 - Confidentiality and Conflict of interest declarations				
		Attachment 2 - Compliance Checklist				
		Attachment 3 - Detailed Evaluation Workbook				

		Attachment 4 - FSEE Recommendation Report 20230907				
		Attachment 5 - GS3538978 LRTWEP Report 20230907				
		Attachment 6 - Evaluation Risk Register				
		Attachment 7 - Negotiation Plan				
		Attachment A - GS3538978 Reuseable Facilities Evaluation Report				
		Attachment B - DG2023_01339 - Approval to release the Request for Proposal (RFP) for the Provision of Reusable Facility Serv...				
		Attachment C - DG2023_01940 - Reusable Facility Change in Evaluation Plan Member				

**Total number of documents: 1**