



ACT
Government

Transport Canberra and
City Services

FREEDOM OF INFORMATION COVERSHEET

Information Act 2016

Freedom of

1. Access application	Published
2. Decision notice	Published
3. Documents	No documents
4. Additional information identified	n/a
5. Fees	n/a
6. Processing time (in working days)	14 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 *Freedom of Information Act 2016* (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 at www.cityservices.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	[REDACTED]
Address (where notices relating to this request can be sent – either postal or electronic)	[REDACTED]
Telephone (Business hours)	[REDACTED]
Telephone (Mobile)	[REDACTED]
Email	[REDACTED]

What documents are you requesting under the Act?

The Applicant seeks the provision of all documents in the control, possession, or custody of the Transport Canberra and City Services Directorate relating to any application made under the: *Public Unleased Land Act 2013* (ACT) for a public unleased land permit; or *Roads and Public Places Act 1937* (ACT) for a permit, including any decision made by, or on behalf of, the Transport Canberra and City Services Directorate (or its predecessor) in respect of any application for a public unleased land permit or permit made by, or on behalf of, or issued to the following entities, or in relation to the following businesses:

1. Shoots Scores Pty Ltd (ABN 49 621 205 990) t/as Bleachers Sports Bar, 33 Northbourne Avenue, Canberra ACT 2601;
2. Amici Della Vite Pty Ltd (ABN 90 630 623 602) t/as Amici Bar (or Amici Wine Bar & Deli), 59 Northbourne Avenue, Canberra ACT 2601;
3. Kokomo Joe's Pty Ltd (ABN 93 614 365 365) t/as Kokomo's, 1 Genge Street, Canberra ACT 2601;
4. King O'Malleys Pty Ltd (ABN 99 062 270 553) t/as King O'Malleys, 131 City Walk, Canberra ACT 2601;
5. Lamont Enterprises Pty Ltd (ACN 607 895 858) t/as P.J. O'Reilly's, 52 Alinga Street, Canberra ACT 2601;
6. Civicflow Pty Ltd (ABN 63 097 985 414) t/as Civic Pub, 8 Lonsdale Street, Braddon ACT 2612; and
7. Akiba Canberra Pty Ltd (ABN 91 166 950 527) t/as Akiba, 40 Bunda Street, Canberra ACT 2601.

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.

To apply for a fee waiver please complete the following.

I would like to apply for a fee waiver because (state reason/s from the list above).	
I would like	a copy of these documents sent to the above address OR to inspect these document

Applicant's signature	Date of request
	22 January 2021



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By email: [REDACTED].com.au

Dear [REDACTED],

Freedom of Information request: Reference 21-007

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act) received by Transport Canberra and City Services (TCCS) on 27 January 2021. It is my understanding that you are seeking access to the following information:

“all documents in the control, possession, or custody of the Transport Canberra and City Services Directorate relating to any application made under the:

- *Public Unleased Land Act 2013 (ACT) for a public unleased land permit; or*
- *Roads and Public Places Act 1937 (ACT)*

for a permit, including any decision made by, or on behalf of, the Transport Canberra and City Services Directorate (or its predecessor) in respect of any application for a public unleased land permit or permit made by, or on behalf of, or issued to the following entities, or in relation to the following businesses:

- *Shoots Scores Pty Ltd (ABN 49 621 205 990) t/as Bleachers Sports Bar, 33 Northbourne Avenue, Canberra ACT 2601;*
- *Amici Della Vite Pty Ltd (ABN 90 630 623 602) t/as Amici Bar (or Amici Wine Bar & Deli), 59 Northbourne Avenue, Canberra ACT 2601;*
- *Kokomo Joe's Pty Ltd (ABN 93 614 365 365) t/as Kokomo's, 1 Genge Street, Canberra ACT 2601;*
- *King O'Malleys Pty Ltd (ABN 99 062 270 553) t/as King O'Malleys, 131 City Walk, Canberra ACT 2601;*
- *Lamont Enterprises Pty Ltd (ACN 607 895 858) t/as P.J. O'Reilly's, 52 Alinga Street, Canberra ACT 2601;*
- *Civicflow Pty Ltd (ABN 63 097 985 414) t/as Civic Pub, 8 Lonsdale Street, Braddon ACT 2612; and*
- *Akiba Canberra Pty Ltd (ABN 91 166 950 527) t/as Akiba, 40 Bunda Street, Canberra ACT 2601.”*

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 is required to provide a decision on your access application by 24 February 2021.

TCCS.FOI@act.gov.au | phone: (02) 620 72987 | www.act.gov.au

Decision on access

A search of records held by TCCS has been completed and no information relevant to your request was identified. I am satisfied that all appropriate searches were completed.

Pursuant to section 35(1)(b) of the Act, I have determined that the information that you have requested is not held by TCCS.

I have been advised that the TCCS FOI team has informed you that the CMTEDD directorate is most likely in possession of the documentation you are seeking. I understand your intention is to progress a further access application directly with them.

Charges

Processing charges are not applicable for this request because information was found to be held by TCCS.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your access application and this notice of decision will be published on the disclosure log within 3 – 10 business days. Personal information and mentions of Caftor Pty Ltd trading as Mooseheads Pub and Nightclub will be removed from these documents prior to publication under section 28(6) of the FOI Act.

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.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 the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore Street
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740

TCCS.FOI@act.gov.au | phone: (02) 620 72987 | www.act.gov.au

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) 620 72987 or email tccs.foi@act.gov.au.

Yours sincerely



Cherie Hughes
Information Officer

16 February 2021