



FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: 22-131

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Published
4. Documents	Published
5. Additional information identified	Not applicable
6. Fees	Not Applicable
7. Processing time (in working days)	20 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

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

Date and time

Reference code

30 Sep 2022 1:56:23 PM

B6263ZC9

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

Preferred name

Preferred method of contact

Phone Email Post

Contact phone number

Contact email address

Contact postal address

Address line 1

Address line 2

Suburb

State

Postcode

Preferred method to receive information *

Email Post

Delivery postal address

Address line 1 *

Address line 2

State *

Postcode *

Suburb *

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? *

Application 1:

- A) Any records that identify who is and who has been the PID disclosure officers since the Public Interest Disclosure Act commencement, 2012;
- B) The number of public interest disclosures received by TCCS since 2012;
- C) The number of public interest disclosures made by TCCS since 2012;
- D) A copy of any policies or procedures held by TCCS relating to public interest disclosures;
- E) A copy of the TCCS Public Interest Disclosure Log; and
- F) Where a disclosure is not listed in the Disclosure log requested in point E, the information that would otherwise be captured in the disclosure log; and
- G) Information about disclosures made to TCCS since 2012, in a format consistent with that captured in the disclosure log.

Records relating to personal protective disclosures can be excluded.

Application 2:

Any records relating to the ACT assistance animal pass, issued through DAS, prior and since coming into force. This includes:

- A) meeting minutes, community consultation, and consultation with disability community groups; and
- B) records relating to the Animal Welfare Task Group where assistance animals are mentioned since the introduction of the ACT assistance animal pass.

This request does not include documents relating to applications for an ACT assistance animal pass.

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

Do you hold a valid concession card?

Yes No

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

Summary by Samantha, Assistant Director, on behalf of the applicant (by phone):

Application 1: [REDACTED] is concerned that the process of receiving and making public interest disclosures by TCCS is not effective or being followed. [REDACTED] has attempted to make disclosures to TCCS by phone, but to date this has been unsuccessful and the disclosure has not been received by the right area. [REDACTED] advises that it is unclear if the TCCS staff e has spoken with are confident receiving disclosures. [REDACTED] is concerned about the integrity of public interest disclosures process, which is important to our community.

Application 2: [REDACTED] advised that he holds concerns about the ACT disability assisted permit, particularly the recognition of the pass and accreditation in other jurisdictions, including international jurisdictions. Michael advised that he has experienced the issue with recognition personally.

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

Attach additional documents to support your application (optional)



Dear 

Freedom of Information Request - Reference 22-131

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 30 September 2022 seeking access to the following government information under the *Freedom of Information Act 2016* (FOI Act):

- A) Any records that identify who is and who has been the PID disclosure officers since the Public Interest Disclosure Act commencement, 2012;
- B) The number of public interest disclosures received by TCCS since 2012;
- C) The number of public interest disclosures made by TCCS since 2012;
- D) A copy of any policies or procedures held by TCCS relating to public interest disclosures;
- E) A copy of the TCCS Public Interest Disclosure Log; and
- F) Where a disclosure is not listed in the Disclosure log requested in point E, the information that would otherwise be captured in the disclosure log; and
- G) Information about disclosures made to TCCS since 2012, in a format consistent with that captures in the disclosure log.

Timeframes

A decision is due on your application by 31 October 2022.

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 all information relevant to your application has been identified.

Part A

Records identifying who is or has been a Public Interest Disclosure (PID) officer since 2012 is available on legislation.act.gov.au. A copy of the current appointment instrument is attached for convenience (Attachment B).

Part B

Since 2012, PIDs are reported publicly in the State of the Service report (2011 -2012 to 2014-2015) and the TCCS Annual Report (2015-2016 to current). The following numbers have been extracted from the relevant reports:

Financial Year	Number of PID's received
2011-12 (TAMS)	0
2012-13 (TAMS)	4
2013-14 (TAMS)	0
2014-15 (TAMS)	0
2015-16 (TAMS)	1
2016-17 (TCCS)	1
2017-18 (TCCS)	0
2018-19 (TCCS)	1
2019-20 (TCCS)	3
2020-21 (TCCS)	2
2021-22 (TCCS)	0

Part C, D, and E

Attachment B provides you with a copy of the current TCCS Public Interest Disclosure Log. This disclosure log includes information about disclosures which, following a review, were found not to meet the criteria of Public Interest Disclosures (PIDs).

I have provided you with partial access to this record in accordance with section 35 of the FOI Act, as some of the information within this record is outside of the scope of your request (not related to PIDs) or is, on balance, contrary to the public interest. The reason for my decision is detailed below under 'statement of reasons'.

Attachment B also provides you with an internal Fact Sheet relating to PID and Designated Disclosures Officers.

Part F and G

A search of TCCS records has been completed and no information relating to part F of your application. I am confident that the search completed is exhaustive, and no relevant information is held by TCCS.

Statement of Reasons

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

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

In making my decision on disclosing government information, I must identify all relevant factors in schedule 2 of the FOI Act and determine, on balance, where the public interest lies. I have taken the following sections of schedule 2 into account:

Factors favouring disclosure in the public interest (Schedule 2, Section 2.1)

- Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability;
- Section 2.1(a)(ii) contribute to positive and informed debate on important issues or matters of public interest;
- Section 2.1(a)(iii) inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community; and
- Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring non-disclosure (Schedule 2, Section 2.2)

- Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*; and
- Section 2.2(a)(xv) - prejudice the management function of an agency or the conduct of industrial relations by an agency.

In reviewing the information within the records identified relevant to your application, I have identified personal information. I have considered that this information is not readily available to the public, and that the disclosure of the information is likely to prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*. I have placed significant weight on this factor and find that the disclosure of personal information to be, on balance, contrary to the public interest.

Further, I have also identified information relating to persons who have made disclosures to TCCS under public interest disclosure. I have identified that disclosure of the information identifying these individuals could reasonably be expected to prejudice the management function of an agency, and its ability to obtain confidential information. Disclosing the identity of individuals making disclosures is could reasonably be expected to deter individuals from making disclosures or fully participate in future investigations. As such, I have placed significant weight on this factor.

I am satisfied that factors favouring disclosure can be met with the partial disclosure of the records at [Attachment B](#).

Charges

No fee is applicable to this application, as the total number of pages is within the fee-free threshold.

Disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. The log is viewable here:

https://www.cityservices.act.gov.au/about-us/freedom_of_information/disclosure-log

A copy of your application, my decision and any information disclosed to you will be published on the TCCS Disclosure log within 3 – 10 business days. Your personal information will be removed from these records prior to publication.

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

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

31 October 2022

FREEDOM OF INFORMATION REQUEST SCHEDULE

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.tccs.act.gov.au/about-us/freedom_of_information/disclosure-log

Reference number		Description of application				
FOI – 22-131		Public Interest Disclosures				
Document number	Page	Description of record	Date	Status	Reason for non-release or deferral	Open Access release status
1	1	PID Disclosure Officer NI 2020	June 2020	Not applicable (Provided outside FOI)		Documents to will be published on the TCCS Disclosure Log .
2	6	Public Interest Disclosure Log	October 2022'	Partial access	Section 2.2(a)(ii) Section 2.2(a)(xv)	
3	3 – 5	TCCS Public Interest Disclosure - Fact sheet and Disclosure Officers 2022	2022	Full access	Not applicable	

Public Interest Disclosure (Designated Disclosure Officer – TCCS) Declaration 2020 (No 1)

Notifiable Instrument NI2020-

made under the

Public Interest Disclosure Act 2012, Section 11(2)

1 Name of instrument

This instrument is the *Public Interest Disclosure (Designated Disclosure Officer - TCCS) Declaration 2020 (No 1)*.

2 Commencement

This instrument commences on the day after it is notified.

3 Declaration of disclosure officer for public sector entity

The following are disclosure officers for public interest disclosures for Transport Canberra and City Services Directorate —

- (a) Chief Operating Officer and Chief Audit Executive (E00820);
- (b) Executive Branch Manager, Governance and Ministerial Services and SERBIR (E00821);
- (c) Executive Branch Manager, People and Capability (E00605)
- (d) Executive Branch Manager, Legal and Contracts (E00846)
- (e) Senior Director, Employee Relations (P21750).

4 Revocation

The Notifiable Instrument (NI2016-678) *Public Interest Disclosure (Designated Disclosure Officer)* is revoked.

Alison Playford
Director-General
Transport Canberra and City Services
June 2020

Fact Sheet

Public Interest Disclosure Fact Sheet and Designated Disclosure Officers

The [Public Interest Disclosure Act 2012](#) (PID Act) promotes the reporting of wrongdoing in the public sector. **Any member of the public**, including ACT public servants, may report matters of misconduct that are in the public interest. The PID Act provides **rights and protection** for people who report corrupt, illegal or improper conduct, or substantial waste of public resources. It ensures that ACT Government agencies **investigate and act on** substantiated disclosures.

What is a Public Interest Disclosure (PID)?

Sometimes matters are so serious that they sit outside the normal complaint or feedback system. When these are identified or disclosed, it becomes apparent that these matters fall within a category called a 'Public Interest Disclosure' or PID. This is a process within government to deal with matters of a serious nature, which it is in the interest of the public to resolve.

The PID Act identifies what is and what is not a PID. **A PID is not a mechanism for solving a personal grievance.**

A PID includes activity by an ACT public sector employee or entity that:

- is illegal;
- is a substantial misuse or waste of public money or resources;
- is misconduct;
- is maladministration that adversely affects a person's interest in a substantial or specific way;
- presents a substantial and specific danger to the health or safety of the public; or
- presents a substantial and specific danger to the environment.

1.1 Who can make a PID?

Any person with information that indicates substantial mismanagement or misuse of public resources can make a PID. This includes ACT Public Service employees, labour hire employees, contractors and others who work with ACT Public sector entities, and members of the public.

A person may make a PID even if they are not able to identify the person who is responsible for the alleged wrongdoing.

Transport Canberra and City Services (TCCS) will also accept anonymous disclosures. However, where an anonymous disclosure is made, the discloser will not be kept informed of progress on the disclosure, nor will TCCS be able to provide them with protection.

A disclosure could be made unintentionally, possibly during a casual conversation, or without the person claiming that the information is provided as a disclosure. For example, while chatting in the kitchen, a colleague might mention that an invoice was received for furniture that was never delivered. This should be addressed as a disclosure.

1.2 What must directorates do under the PID Act?

Under the PID Act, each directorate has a number of responsibilities. These are:

- declare at least one disclosure officer;
- keep the list of disclosure officers current;
- make information on PID procedures accessible;
- notify the Commissioner of any disclosures;
- determine whether to investigate a disclosure or whether a matter needs to be referred to another entity for investigation;
- keep the discloser and other parties informed during the process in accordance with the timeframes and other requirements in the Act; and
- take action if the disclosable conduct is proven.

1.3 Procedures for lodging a PID

TCCS has chosen to adopt the [Public Interest Disclosure Guidelines 2019 \(Commissioner's Guidelines\)](#) as its procedures when dealing with disclosures.

These guidelines explain and support PID arrangements and assist individuals who wish to make a disclosure, as well as ensure that directorates have arrangements in place to consider disclosures and take appropriate action on PIDs. The Commissioner's Guidelines include:

- what is a PID;
- who can make a PID;
- protection for people who make disclosures;
- who can receive a PID and what they must do with the information disclosed;
- who will be responsible for determining whether an investigation is required and how it should be conducted;
- who is the decision-maker in relation to PIDs, and what actions may be undertaken in response to a PID;
- who is responsible for keeping the discloser informed; and
- avenues of review available against a PID decision.

1.4 To whom in TCCS can you make a disclosure?

A PID can be made orally or in writing and does not have to be a formal complaint or report. TCCS employees can make a PID to any of the following TCCS Designated Disclosure Officers (DDO):

Name	Business unit	Email	Contact number
Lisa Johnson (SERBIR)	Governance	Lisa.Johnson@act.gov.au TCCS.SERBIR@act.gov.au	(02) 6205 5187
Cherie Hughes	Chief Operating Officer Group	Cherie.Hughes@act.gov.au	(02) 6205 8316
Petra Crowe	People and Capability	Petra.Crowe@act.gov.au	(02) 6207 3943
Kristine Scheul	Legal and Contracts	Kristine.Scheul@act.gov.au	(02) 6205 5054
Kim Ivens	People and Capability	Kim.Ivens@act.gov.au	(02) 6205 2070

The role of the DDO is to receive the disclosure and to inform the TCCS Senior Executive Responsible for Business Integrity (SERBIR) of the disclosure. The SERBIR will advise the ACT Integrity Commission of the disclosure and complete the initial disclosure assessment. In the absence of the SERBIR, a DDO can also complete the initial disclosure assessment.

Employees in the ACTPS who have information that is so serious that they cannot discuss it with someone from within TCCS should inform the [ACT Integrity Commissioner](#), [Public Sector Standards Commissioner](#), the Head of Service or a Dedicated Disclosure Officer from another ACTPS entity.

1.5 Completion of the investigation

Once an investigation is complete, the DDO (usually the SERBIR) will decide on an appropriate course of action. The SERBIR will advise the discloser of the outcomes of the disclosure and ensure that appropriate action occurs.

1.6 Dissatisfied with the outcome?

All decisions made under the PID Act are subject to review. If the discloser is dissatisfied with how TCCS has handled the PID, they can seek clarification from the DDO (internal review), or a formal review by the Commissioner for Public Administration or the ACT Ombudsman. This process is detailed in the Commissioner's Guidelines.