



FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: 24-168

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)	39 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: Freedom of Information request-partial transfer
Date: Tuesday, 19 November 2024 3:30:58 PM

OFFICIAL

Good afternoon Team,

CMTEDD has received the below request for information, which may be held by TCCS.

Could you please confirm if TCCS accepts a partial transfer?

Kind Regards

Freedom of Information Coordinator | Information Access Team

Phone: 02 6207 7754 | Email: 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

From: no-reply@act.gov.au <no-reply@act.gov.au>
Sent: Wednesday, 13 November 2024 2:17 PM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Subject: CMTEDDFOI 2024-363 - Freedom of Information request

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.

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.

Title:

██████

First Name:

██████████

Last Name:

██████████

Business/Organisation:

██████████████

Address:

██

Suburb:

██████████

Postcode:

██████

State/Territory: ACT

Phone/mobile: [REDACTED]

Email address: [REDACTED]

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.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

Any complaints that they have received in relation to the trees on the corner of Linger Place and Alfred Hill Drive, Melba in the ACT between 1 January 2015 to 1 June 2024. Plans of where the trees / bush are to be planted on the corner of Linger Place and Alfred Hill Drive, Melba, in the ACT between 1 January 2015 to 1 June 2024”

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

Thank you.
Freedom of Information Coordinator



ACT
Government

Transport Canberra and
City Services



Dear [REDACTED]

Freedom of Information Request - Reference 24-168

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act) transferred to Transport Canberra and City Services (TCCS) from Chief Minister, Treasury and Economic Development directorate on 21 November 2024. I understand that you are seeking the following government information:

“Any complaints that they have received in relation to the trees on the corner of Linger Place and Alfred Hill Drive, Melba in the ACT between 1 January 2015 to 1 June 2024. Plans of where the trees / bush are to be planted on the corner of Linger Place and Alfred Hill Drive, Melba, in the ACT between 1 January 2015 to 1 June 2024”.

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.

Timeframes

A decision on your application was due on 10 January 2025. I thank you for granting an extension until 22 January 2025.

Decision on access

A search for records has been completed, specifically for the corner addresses of the designated area (residential address 67 Alfred Hill Drive, 2 Linger Place, 63 Alfred Hill Drive and 1 Linger Place) and no records were identified. However, two existing complaints related to established trees on adjacent properties were identified during the search.

Upon reviewing the information identified in the records, I have found that some of the information within these documents is, on balance, contrary to the public interest to disclose. I have decided to provide you with:

- Partial access to one record; and
- Full access to one record.

My decision is detailed further in the following statement of reasons. I have included a schedule of the documents at [Attachment A](#). The documents are enclosed at [Attachment B](#) with deletions applied to information which is contrary to the public interest to disclose.

Statement of Reasons

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

- the FOI Act;
- the content of the documents that fall within the scope of your request; and
- the Humans Rights Act 2004.

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, I must then consider the factors listed in schedule 2 of the FOI Act and determine, on balance, where the public interest lies.

Schedule 1

- No relevant factors identified.

Public interest test (Schedule 2)

Factors favouring disclosure (Schedule 2.1)

- Schedule 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability;
- Schedule 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
- Schedule 2.1(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring non-disclosure (Schedule 2.2)

- Schedule 2.2 (a)(ii) – prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.

In reviewing the information within scope of your application, I have identified information that is likely to provide background or contextual information that informed a government decision. I also acknowledge that the pro-disclosure bias requires the public interest test to be approached on the basis that there are not simply empty scales in equilibrium, waiting for arguments to be put on each side. Rather, the scales are loaded in favour of disclosure.

In my consideration of factors favouring non-disclosure of information within the records, I have identified the personal information of a third party. I have considered that the information has been provided to TCCS with the expectation that it is handled in accordance with published privacy statements and policies, and authority to access this information or evidence of identity to validate authority to release of personal information, has not been provided in the submission of your application. I consider that this information is not readily available to the public and has not otherwise been disclosed by TCCS. I further consider that this information has come to be held by TCCS with the expectation that it is handled in accordance with the *Information Privacy Act 2014*.

I have found that the factors favouring disclosure can be satisfied by the deletion of information which is contrary to the public interest. I have attached a list of the records at [Attachment A](#) and a copy of the records with redactions enclosed at [Attachment B](#).

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 the number of pages being disclosed to you fall within the fee-free threshold no fee applies to your application.

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. Your personal information and information relating to your client will be removed from these documents prior to publication in the [TCCS Disclosure Log](#).

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
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



Kristine Scheul
Information Officer

20 January 2025

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

Factors favouring non-disclosure:

Schedule 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2016*.

Reference Number

24-168

Reference number	Page number	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1	Oracle cases - 1 January 2015 to 25 May 2025 - Alfred Hill Drive (filtered)	1 June 2021	Partial access	Schedule 2.2(a)(ii)	Documents will be published on the TCCS Disclosure Log
2	2	Oracle cases - 1 January 2015 to 25 May 2025 - Linger Place (filtered)	14 February 2017	Full access	Not applicable	

REFERENCE NUMBER	DATE CREATED	DATE LAST UPDATED	QUEUE	SUBJECT	DESCRIPTION	SUBURB	ADDRESS	ADDITIONAL INFORMATION	CATEGORY_L EVEL_1	CATEGORY_L EVEL_2	CATEGORY_L EVEL_3	CATEGORY_L EVEL_4
210106-001051	1/6/2021 11:07:20 AM	1/7/2021 8:11:09 AM	FMS Trees	FixMyStreet Submission: Grass, trees & shrubs > Trees & shrubs > Pruning	Can you provide any additional information about the location of the job to help us find the issue (i.e., intersections, buildings, landmarks, features)?: Large tree directly in front of house at 69 Alfred Hill Drive. What is the issue?: Pruning Is the tree/shrub growing from private or public land?: Public What needs to be pruned?: Tree Why does the tree need pruning?: Removal of low branches Is it blocking a road or laneway?: Yes Is it causing traffic or cyclists to swerve?: No Could it cause a trip, fall or injury?: No Was this caused by a recent storm?: No Please provide more information Low tree branches on nature strip impeding access to mailbox - mail delivery is becoming hazardous. Phone Number: [REDACTED] Verify Email Address: [REDACTED]	MELBA	69 ALFRED HILL DR, MELBA ACT 2615	Tree Incident Type: Tree Assessment Depot Region: North Printed: Yes Selected Category: Pruning Selected Category ID: 5164 Salesforce Case Number: 107119 Salesforce ID: 5002P00000KRVjQQAX CGD Source: CRM_TREE_INCIDENTS_V2	Fix My Street	Grass, tree & shrubs	Tree & shrubs	Pruning

Applied filters:
DATE_CREATED
is on or after
01/01/2015
00:00:00 and is
before
26/05/2021
00:00:00
CLOSEST_RESI

REFERENCE NUMBER	DATE CREATED	DATE LAST UPDATED	STATUS	QUEUE	SUBJECT	DESCRIPTION	SUBURB	ADDRESS	ADDITIONAL INFORMATION	CATEGORY_LEVEL_1	CATEGORY_LEVEL_2	ASSIGNED	FOLLOW_UP
170214-00277	2/14/2017 4:11:50 PM	2/21/2017 2:05:25 PM	Resolved	FMS Trees	Nature Strips : Fix My Street Desktop Quick Report Submissi	Large tree branch has fallen down from a tree on the nature strip onto the side of the road during a heavy storm last week. This was first reported last week, when we phoned in and advised Council that the tree limb had fallen.	MELBA	3 Linger Place, Melba, Australian Capital Territory, Australia	Tree Incident Type: Fallen Branch / Tree Depot Region: North Printed: Yes Selected Category: Naturestrips Selected Category ID: 2835 Storm Damage: Yes Assessments Comments: Branch picked up 16/2/17 Assessment Work Completed: 2017-02-21	Fix My Street	Naturestrips	Brett Platts	Yes

Applied filters:
DATE_CREATE D is on or after 01/01/2015 00:00:00 and is before 26/05/2021 00:00:00
CLOSEST_RESIDENTIAL_ADDRESS contains 'linger'
SUBURB is MELBA