



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: 22-054

Information to be published	Status
1. Access application	Published
2. Decision notice and schedule	Published
3. Documents	Published
4. Additional information identified	n/a
5. Fees	n/a
6. Processing time (in working days)	27 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

From: [REDACTED]
To: [ICCS_FreedomOfInformation](#)
Subject: [REDACTED] - Complaint
Date: Friday, 8 April 2022 2:00:33 PM

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.

Good afternoon

I was sent the below.

This matter was reported to us through the Fix My Street portal which allows members of the public to report municipal service requests. We cannot disclose the complainants information. I suggest you contact the Freedom of Information (FOI) team and they can advise if this information can be released through an FOI request.

We ask to have access to the reported complaint. We believe we have been targeted unfairly as the whole of [REDACTED] St has been ripped up and continued works still stop us from repairing any alleged damage and completing our build. There are a number of holes and obstacles on this street. The reason we were given for the obstacle out the front of our property was for blind people to have clear access and older people to have clear access. This is not possible in this street as the sidewalks and the road itself have many large holes and obstacles which continue to this day.

Regards,

[REDACTED]



Dear [REDACTED]

Freedom of Information Request - Reference 22-054

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 8 April 2022. It is my understanding that you are seeking access to documents relating to the fix my street request referred to below under the *Freedom of Information Act 2016 (the Act)*:

“This matter was reported to us through the Fix My Street portal which allows members of the public to report municipal service requests. We cannot disclose the complainant’s information. I suggest you contact the Freedom of Information (FOI) team and they can advise if this information can be released through an FOI request.”

I thank you for providing further information about the information you are seeking on 10 May 2022, and for agreeing to an extension until 20 May 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 the record you are seeking access to has been identified.

Upon reviewing the information and applying the public interest test under section 17 of the FOI Act, I have decided to provide you with partial access. The reasons for my decision are provided below under the heading ‘statement of reasons’.

A copy of the record, with deletions applied to the information I have found to be contrary to the public interest, is at [Attachment B](#).

Statement of Reasons

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

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

- Schedule 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability;
- Schedule 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)

- 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*.

In reviewing the relevant record, personal information relating to third parties has been identified. I find that factor 2.2(a)(ii) is relevant to this information and I must consider if the disclosure is likely to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*.

I have found that this information is not readily available to the public and has not otherwise been disclosed by TCCS. As such, I find that the disclosure of this information is likely to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004* and carries significant weight. In this instance, I have found the disclosure of personal information to be, on balance, contrary to the public interest.

I have found that the factors favouring disclosure can still be satisfied. A copy of the relevant information, with deletions applied to information that is contrary to the public interest, is enclosed at Attachment B.

Charges

No fees are applicable to this application as the number of pages being released are within the threshold.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a Disclosure Log. A copy of your application, this notice of decision and information disclosed to you will be published between 3 – 10 business days.

Your personal information, and the address of works, will be removed from these documents prior to publication.

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

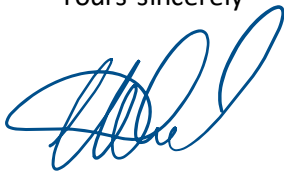
Under section 84 of the Act, if a decision is made under section 82 on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

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



Kristine Scheul
Information Officer

20 May 2022



[About Us \(/s/article/about-access-canberra-tab-overview\)](/s/article/about-access-canberra-tab-overview) | [Contact Us \(/s/article/access-canberra-services-locations-and-opening-hours-tab-overview\)](/s/article/access-canberra-services-locations-and-opening-hours-tab-overview)

[Menu](#)

▼ Changed opening arrangements at Access Canberra Service Centres

Citizen Name: [REDACTED]

Citizen Phone: [REDACTED]

Case Number: AC-00411620

Case Subject: Fix My Street > Cycle & footpaths > Shared paths > Blocking the path

Case Location Details: [REDACTED]

Case Rich Text Description (Used for Forms):

What is causing the obstruction?

Builders/construction equipment or unauthorised signs

More Information

New house construction is blocking the footpath, part of the path is covered in gravel and part is fenced off. There is no other footpath on this street so people walking, with prams or cycling are forced onto the road to go around the obstruction.

Is it causing traffic or cyclists to swerve?

No

Could it cause a trip, fall or injury?

Yes

Comments to SME:

Hi team,

Please see update:

Sunday, 23 Jan 2022, 12:39 pm

- [REDACTED]

Post

Extra photos added - showing gravel across the path and sand pile with fence around it blocking the path.

Please advise if you are unable to see the attachments on the case itself.

Kind regards,

Michelle

Municipal Services

Access Canberra

Case includes attachments. Please contact the [Access Canberra Contact Centre](mailto:accesscanberracontactcentre@act.gov.au?cc=cxsupport@act.gov.au&subject=Forward%20To%20SME%20Attachments%20-%20AC-00411620) (mailto:accesscanberracontactcentre@act.gov.au?cc=cxsupport@act.gov.au&subject=Forward%20To%20SME%20Attachments%20-%20AC-00411620), if you require the linked attachments.

*** (required) Send response to:**

Staff Member

Customer

*** (required) Please enter your response here**

Could you please send the images to the City Rangers inbox. A case has been raised, Salesforce reference 156739. Thanks, Heather City Rangers


Submit

[Feedback \(https://www.accesscanberra.act.gov.au/s/feedback-and-complaints\)](https://www.accesscanberra.act.gov.au/s/feedback-and-complaints)

[Contact Us \(/s/article/access-canberra-services-locations-and-opening-hours-tab-overview\)](/s/article/access-canberra-services-locations-and-opening-hours-tab-overview)

[Jobs \(http://www.jobs.act.gov.au\)](http://www.jobs.act.gov.au) [Emergency Services \(http://www.esa.act.gov.au\)](http://www.esa.act.gov.au)

 (<https://www.facebook.com/ACTGov>).

 (<https://www.linkedin.com/company/act-government>).



(<http://www.youtube.com/user/actgovernment>).

 (<https://twitter.com/actgovernment>).

[Accessibility \(/s/accessibility\)](#). [Languages \(/s/languages\)](#). [Privacy \(/s/privacy\)](#). [Disclaimer \(/s/disclaimer\)](#). [Copyright \(/s/copyright\)](#).



(<https://www.canberra.com.au>) (<http://www.yoursay.act.gov.au>) (<http://www.accesscanberra.act.gov.au/>) (<http://www.act.gov.au/>).

