



FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: 24-159 and 24-160

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)	35 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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FOI 24-159

From: no-reply@act.gov.au
To: [CMTEDD FOI](#)
Subject: CMTEDDFOI 2024-357 - Freedom of Information request
Date: Saturday, 9 November 2024 1:54:49 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.

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: Other
First Name: [REDACTED]
Last Name: [REDACTED]
Business/Organisation: Self
Address: [REDACTED]
Suburb: [REDACTED]
Postcode: [REDACTED]
State/Territory: [REDACTED]
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 works or fix my street pertaining to the footpath adjacent to the Federal Highway, between Phillip Avenue and the Barton Highway.

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

Thank you.
Freedom of Information Coordinator

FOI 24-160

From: no-reply@act.gov.au
To: [CMTEDD FOI](#)
Subject: CMTEDDFOI 2024-358 - Freedom of Information request
Date: Saturday, 9 November 2024 1:52:44 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.

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:	Other
First Name:	[REDACTED]
Last Name:	[REDACTED]
Business/Organisation:	Self
Address:	[REDACTED]
Suburb:	[REDACTED]
Postcode:	[REDACTED]
State/Territory:	[REDACTED]
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):

Fix my street and any works pertaining to the shared pathway adjacent too Atherton street and federal highway.

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

Thank you.
Freedom of Information Coordinator

Dear [REDACTED]

Freedom of Information Request - Reference 24-159 and 24-160

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) by way of transfer from the Chief Minister, Treasury and Economic Development Directorate on 13 November 2024. It is my understanding that you are seeking access to the following government information under the Freedom of Information Act 2016 (FOI Act):

24-159: "Any works or fix my street pertaining to the footpath adjacent to the Federal Highway, between Phillip Avenue and the Barton Highway."

24-160: "Fix my street and any works pertaining to the shared pathway adjacent too Atherton Street and federal highway."

I thank you for providing further information on the scope of your application on 13 November, and a map of the location of the relevant section of path for both of your applications on 14 November 2024. It is my understanding that the timeframe for information you are seeking to access is the last 10 years, and both application 24-159 and 24-160 relate to the same location.

Timeframes

In accordance with section 40 of the FOI Act, TCCS was initially required to decide on your application by 2 January 2025. I thank you for agreeing to a further extension on your application until 15 January 2025.

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 Act.

Decision on access

A search for records has been completed and electronic records containing relevant information have been identified, dated in 2024. The search undertaken by TCCS included several key terms across multiple record systems, and no records prior to 2024 were identified. Consistent with the FOI Act, this information has been collated into two records; a list of work requests (received as Fix My Street requests) and a list of work orders. An email, record 3, has also been identified as relevant to your application.

Upon reviewing the relevant information, and applying the public interest test under section 17 of the FOI Act, I have decided to provide you with:

- Partial access to 2 records; and
- Full access to 1 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;
- the *Humans Rights Act 2004*; and
- responses to third party consultation under section 38 of the FOI Act.

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.
- Schedule 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.

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 consider that the relevant government decisions relate to a process you are involved in, and as such I have placed significant weight on this factor. 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 parties who are not employees of the ACT Government. I have considered that the information has been provided to TCCS with the expectation that it is handled in

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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 has come to be held by TCCS with the expectation that it is handled in accordance with the *Information Privacy Act 2014*. As such, I find that the protection of an individual's right to privacy under the *Human Rights Act 2004* carries significant weight and disclosure is, on balance, contrary to the public interest. I have extended these considerations to the mobile phone numbers of the TCCS employees which are either personal numbers or provided to employees for specific purposes. Disclosure of employee work mobiles outside of the purpose agreed, such as on call arrangements, are likely to impede on an employee's right to privacy. I have applied significant weight to this factor and find the disclosure of personal information to be, on balance, contrary to the public interest.

I find 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. No fee is applicable as the total number of pages is within the fee-free threshold.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you will be published within 3 – 10 business days from the date this notice is provided to you. Your personal information within these records, including the released records, will be removed from these copies 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:

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

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

A handwritten signature in black ink, appearing to read 'Kristine Scheul', written in a cursive style.

Kristine Scheul
Information Officer

9 January 2025

ATTACHMENT A - ACCESS APPLICATION SCHEDULE, FREEDOM OF INFORMATION

Reference Number: 24-159 and 24-160

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	Page number	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1	01. Work request list	Multiple	Partial access	Schedule 2.2(a)(ii)	Decision to be published on the TCCS Disclosure Log .
2	7	02. Work order list	Multiple	Full access	Not applicable	
3	10	03. Email _ RE_ WR124423 - Asphalt path to the rear of 99 ATHERTON ST, DOWNER	15 November 2024	Full access	Not applicable	

Total number of documents: 3

Work Request ID	Work Request Supporting Information	Asset Id	Work Order ID	Asset Name
WR75536	<p>WR75536 : Linked Work Order has been assessed. ***Last updated by Michael Fernando***21/06/2024 12:23:41 PM , WR75536 : Linked Work Order has been completed. ***Last updated by Michael Fernando***21/06/2024 12:23:36 PM , WR75536 : CSRM Case Number : 00266438 Requester Contact Name: Anonymous Phone Number:</p> <p>Initial enquiry info only. See CSRM for additional correspondence. Defect location info may be incorrect (address validation limitations).</p> <p>What is the material? Asphalt</p> <p>What is the damage? Uplifting due to tree root</p> <p>More Information Off road Path between Phillip Ave and Northbourne avenue (near intersection with Barton Hwy) in poor condition. It is more than 12 mths since a lot of paint was applied to highlight the dangerous areas and mark the areas needing replacement but st</p> <p>Is it causing traffic or cyclists to swerve? Yes</p> <p>Could it cause a trip, fall or injury? Yes</p>	COPA16387	WO47593	FEDERAL HIGHWAY ASPHALT CYCLEPATH

Work Request ID	Work Request Supporting Information	Asset Id	Work Order ID	Asset Name
WR38285	<p>WR38285 : Linked Work Order has been assessed. ***Last updated by Michael Fernando***21/06/2024 12:23:41 PM , WR38285 : Linked Work Order has been completed. ***Last updated by Michael Fernando***21/06/2024 12:23:36 PM , WR38285 : CSRM Case Number : 00142197 Requester Contact Name: [REDACTED] Phone Number: [REDACTED]</p> <p>Initial enquiry info only. See CSRM for additional correspondence. Defect location info may be incorrect (address validation limitations).</p> <p>What is the material? Asphalt</p> <p>What is the damage? Uplifting due to tree root</p> <p>More Information Significant ponding issues and large uplift by tree routes in the segment Phillip Avenue to Barton Highway</p> <p>Is it causing traffic or cyclists to swerve? Yes</p> <p>Could it cause a trip, fall or injury? Yes</p> <p>***Last updated by TCCS Asset Integrations***13/12/2021 6:17:15 AM</p>	COPA16387	WO47593	FEDERAL HIGHWAY ASPHALT CYCLEPATH

Work Request ID	Work Request Supporting Information	Asset Id	Work Order ID	Asset Name
WR124423	<p>WR124423 : CSRM Case Number : 00473316 Requester Contact Name: Amelia Grieve Phone Number: 0416881525</p> <p>Initial enquiry info only. See CSRM for additional correspondence. Defect location info may be incorrect (address validation limitations).</p> <p>What is the damage? Cracked, broken or uneven</p> <p>What is the material? Asphalt</p> <p>Could it cause a trip, fall or injury? Yes</p> <p>Is it causing traffic or cyclists to swerve? Yes</p> <p>More Information Pathway alongside Northborne Ave before the Barton turn off is raised and uneven. Has and will cause injury if not rectified.</p> <p>***Last updated by TCCS Asset Integrations***8/11/2024 2:43:21 PM</p>	COPA16387	WO47593	FEDERAL HIGHWAY ASPHALT CYCLEPATH

Work Request ID	Asset Status	Asset Category	Work Request Status	Work Request Status Date	Work Request Created Date	Risk Level	Work Request Brief Description	Asset Suburb	Work Request Defect Location	Work Request Inspection Date
WR75536	Active	Pathways	CLOSED	21/06/2024 12:23 PM	03/01/2023 2:22 PM		Cycle & footpaths > Shared paths > Damage to path or other	DOWNER	21 BANFIELD ST, DOWNER ACT 2602	

Work Request ID	Asset Status	Asset Category	Work Request Status	Work Request Status Date	Work Request Created Date	Risk Level	Work Request Brief Description	Asset Suburb	Work Request Defect Location	Work Request Inspection Date
WR38285	Active	Pathways	CLOSED	21/06/2024 12:23 PM	13/12/2021 6:17 AM		Cycle & footpaths > Shared paths- Federal Highway between Barton Highway and Phillip Avenue	DOWNER	2 Panton St, Downer ACT 2602, Australia	22/12/2021 8:32 AM

Work Request ID	Asset Status	Asset Category	Work Request Status	Work Request Status Date	Work Request Created Date	Risk Level	Work Request Brief Description	Asset Suburb	Work Request Defect Location	Work Request Inspection Date
WR124423	Active	Pathways	INPRG	15/11/2024 9:23 AM	08/11/2024 2:43 PM		Cycle & footpaths > Shared paths > Damage to path or other Rear of 99 ATHERTON ST, DOWNER	DOWNER	99 ATHERTON ST, DOWNER ACT 2602	

Work Order ID	Work Order Status	Work Order Creation Time	Work Order Brief Description	Work Order Supporting Information	Work Order Priority	Work Order Priority Notation	Work Order Actual Finish Date	Work Order Source
WO13057	ASSESS	15/01/2018 2:43 PM	Damaged path	WO13057 : 171106-001236 - coldmix adjacent pram ramp on shared path to make safe ***Last updated by Chris Nugent***7/07/2020 4:15:42 PM	4	Very Low Risk (18 months)	25/01/2018 1:43 PM	Public Enquiry
WO47593	PREP	22/12/2021 8:32 AM	Cycle & footpaths > Shared paths- Federal Highway between Barton Highway and Phillip Avenue	WO47593 : Works not completed ***Last updated by Luke Halgren***15/11/2024 9:18:04 AM , WO47593 : Contact UTS re tree roots. Multiple patches along length of path. ***Last updated by Tony Newman***9/10/2023 10:52:30 AM , WO47593 : Restore Base as required. ***Last updated by Frank Cortes***22/12/2021 3:12:23 PM , WO47593 : Patch various sections of cycle way. Contact UTs for tree roots. ***Last updated by Frank Cortes***22/12/2021 8:34:36 AM	2	High Risk (14 days)	20/06/2024 8:00 AM	Public Enquiry

Work Order ID	Work Order Work Group	Work Order Type	Work Order Failure Code	Work Order Cause Code	Work Order Remedy Code	Asset Id	Asset Name	Asset Category	Asset Workgroup
WO13057	Concrete - RM	CM - Corrective	ACTU, ACTU-01, AC - Trip or undulation, Vertical displacement (15-50mm)	UNK, UNK-01, Unknown Cause, Unknown Cause	Coldmix	COPA16387	FEDERAL HIGHWAY ASPHALT CYCLEPATH	Pathways	Concrete - RM
WO47593	Concrete - RM	CM - Corrective	CTU, CTU-02, Concrete - Trip or undulation, Vertical displacement (>35mm)	ENV, ENV-02, Environmental, Vegetation	Panel replacement	COPA16387	FEDERAL HIGHWAY ASPHALT CYCLEPATH	Pathways	Concrete - RM

Work Order ID	Maintenance Asset Type	Maintenance Asset Sub Type	Asset Suburb	Work Order Defect Location
WO13057	Community Path	Asphalt	DOWNER	Panton Cres DOWNER (opp #2)
WO47593	Community Path	Asphalt	DOWNER	2 Panton St, Downer ACT 2602, Australia

From: [Halgren, Luke](#)
To: [Cortes, Frank](#)
Subject: RE: WR124423 - Asphalt path to the rear of 99 ATHERTON ST, DOWNER
Date: Friday, 15 November 2024 9:20:00 AM

Good Morning Frank

No it looks like it was closed out by the triage team, they were going through and closing work orders that shouldn't have been closed out at that time.

I have reset the work order to Prep, you can link the WR to this WO now.

Kind Regards

Luke Halgren | Assistant Director Pavements, Road and Path Networks (P29018)

Mobile: [REDACTED] | Email: luke.halgren@act.gov.au

Roads ACT | Transport Canberra and City Services Directorate | ACT Government

255 Canberra Avenue Fyshwick | PO Box 777 Fyshwick ACT 2609 | www.act.gov.au

From: Cortes, Frank <Frank.Cortes@act.gov.au>
Sent: Friday, 15 November 2024 9:07 AM
To: Halgren, Luke <Luke.Halgren@act.gov.au>
Subject: WR124423 - Asphalt path to the rear of 99 ATHERTON ST, DOWNER

OFFICIAL

Hi Luke,

I have an interesting scenario where WO47593 has been Assessed in Assetic, however on inspection yesterday I found the work is not completed.

The Requester for WR124423, received on 8/11/24, has advised: Pathway alongside Northborne Ave before

the Barton turn off is raised and uneven. Has and will cause injury if not rectified. It is the FEDERAL HIGHWAY ASPHALT CYCLEPATH and the location matches the work planned for WO47593 which involves 355m2 of asphalt path replacement.

WO47593 was allocated to B&B Asphalt with a Target Finish of 5/01/2022. It was completed and assessed on 21/06/2024 without any work being performed.

Is it possible that the work order was cancelled and placed in another program?

Kind Regards,

Frank Cortes | Asset Inspector Program Delivery, Road Maintenance

Mobile: [REDACTED] | Phone: 620 52568 | Email: frank.cortes@act.gov.au

Roads ACT | Transport Canberra and City Services Directorate | ACT Government

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