



FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: 22-137

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Not Applicable
4. Documents	Not Applicable
5. Additional information identified	Not applicable
6. Fees	Not Applicable
7. Processing time (in working days)	21 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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From: [Neeves, Aaron](#)
To: [TCCS_FreedomOfInformation](#)
Cc: [CMTEDD_FOI](#)
Subject: CMTEDDFOI 2022-313 Freedom of Information request
Date: Tuesday, 11 October 2022 10:39:36 AM

OFFICIAL

Good morning Team,

We believe that some of the information the applicant is seeking sits with TCCS. Could you please confirm if TCCS accepts Partial transfer of this request?

Kind Regards

Aaron Neeves | Freedom of Information Coordinator | Information Access Team

Ph: 6207 7754 | Email: CMTEDDFOI@act.gov.au

Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 5, 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: Saturday, 8 October 2022 7:11 PM

To: CMTEDD FOI <CMTEDDFOI@act.gov.au>

Subject: 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.

[Learn why this is important](#)

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:

Phone/mobile:

Email address:

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.)

Documents relating to the business case for the Athllon Drive duplication project, including but not limited to; any official Cost-Benefit Analysis conducted in line with the Infrastructure Australia's Under the Freedom of

Information Act 2016 I want to access the following document/s (*required field): recommendations, any other Cost-Benefit Analysis conducted, the final costings of the project or estimates, the projected benefits, policy information provided to brief the relevant Minister on the project, budget submissions related to the project, analysis identifying the need to upgrade Athllon Drive and any other documents relevant to the Athllon Drive duplication project.

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 

Freedom of information request: Reference 22-137

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the FOI Act) received by Transport Canberra and City Services (TCCS) on 22 October 2022. It is my understanding that you are seeking access to the following government information:

1. *Documents relating to the business case for the Athllon Drive duplication project, including but not limited to:*
 - (a) *any official Cost-Benefit Analysis conducted in line with the Infrastructure Australia's recommendations any other Cost-Benefit Analysis conducted*
 - (b) *the final costings of the project or estimates*
 - (c) *the projected benefits*
 - (d) *policy information provided to brief the relevant Minister on the project*
 - (e) *budget submissions related to the project*
 - (f) *analysis identifying the need to upgrade Athllon Drive and*
 - (g) *any other documents relevant to the Athllon Drive duplication project."*

Authority

I am an Information Officer appointed by the Director-General under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, TCCS was required to provide a decision on your access application by 8 November 2022. I thank you for agreeing to an extension until 22 November 2022.

Decision on access

A search of records held by TCCS has been completed and two records, budget cases including attachments, have been identified as relevant to your request.

In reviewing the relevant records, I have found that the information is Cabinet information and schedule 1.6 of the FOI Act applies.

In reviewing these documents, I note schedule 1.6 does not apply to Cabinet information which is 'purely factual information' unless the disclosure of the information would

involve the disclosure of a deliberation or decision of Cabinet and the fact of the deliberation or decision has not been officially published.

The term 'purely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document or is embedded in or intertwined with the deliberative content in such a manner that it is impractical to separate it from the other content.

The information within these records may contain facts, however this is supporting information and directly relates to deliberations of Cabinet. It is reasonable to consider that the disclosure of the information is likely to impact the deliberative functions of Cabinet.

I am satisfied that disclosure of such information contained in this document would be contrary to public interest pursuant to schedule 1 Section 1.6 of the Act.

While the disclosure of these records is contrary to the public, I can provide the following clarification on parts A, B and E of your request:

Part A:

No records were identified that contained this information. This is supported from advice from the relevant area in TCCS that no Cost-Benefit Analysis was conducted for either of the Business Cases in line with the Infrastructure Australia recommendations. I am satisfied that this search is exhaustive, and the requested information is not held by TCCS.

Part B:

No records were identified that contained this information. This is supported from advice from the relevant area in TCCS that no cost benefit analysis was included in the either of the Business Cases as the benefits in both Business Cases are not measured in dollar terms. I am satisfied that this search is exhaustive, and the requested information is not held by TCCS.

Part C:

No records were identified that contained this information. I am satisfied that this search is exhaustive and the requested information is not held by TCCS.

Disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application and my decision will be published on the TCCS disclosure from 3 days after the date of this decision.

Your personal contact details will not be published. You may view the TCCS' disclosure log at http://www.tccs.act.gov.au/about-us/freedom_of_information.

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: 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(1) 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
<http://www.act.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

22 November 2022