



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: TCCSFOI 2018-102

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and Schedule	Not Published
4. Additional information identified	No
5. Fees	n/a
6. Processing time (in working days)	20 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



18-102

Contact: [REDACTED]
Direct Line: [REDACTED]
Email Address: [REDACTED]
Supervisor: [REDACTED]
Our Reference: ACB:SAD:HMC:170426
Your Reference: 18-089

15 November 2018

Transport Canberra & City Services
FOI Coordinator
Transport Canberra and City Services Directorate
GPO Box 158
CANBERRA ACT 2601

ATTENTION: Freedom of Information Officer

Also by email: tccs.foi@act.gov.au

Dear Madam or Sir

RE: [REDACTED]

We act for the abovenamed and our previous request dated 17 October 2018.

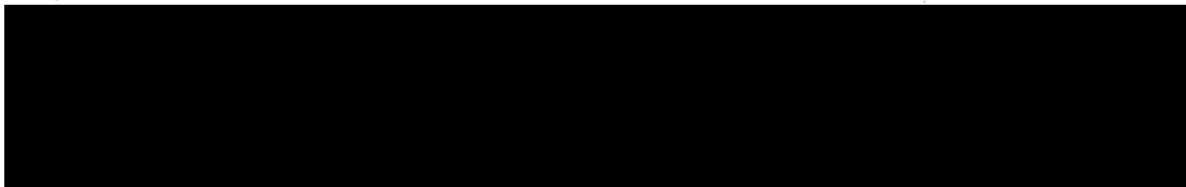
Our client was injured on the public footpath at the end of Cockerill Place, McKellar on [REDACTED]. There appears to have been corrective/replacement footpath works undertaken at the T-junction with the public path that runs behind Cockerill Place and Haverfield Place. Please find **enclosed:**

1. Google map image identifying the relevant public path T-junction marked with a grey pin; and
2. Colour photograph of the public footpath T-junction.

We refer you to the lighter coloured concrete slabs in the lower left corner of the photograph which indicates replacement work. Our client recalls that these works were undertaken approximately 1 year prior to the subject incident.

We request the following documents pursuant to the provisions of the *Freedom of Information Act*:

1. All complaints relating to the public foot path T-junction at the end of Cockerill Place, 5 years prior to subject incident;
2. All Inspection records relating to the T-junction at the end of Cockerill Place, 5 years prior to subject incident;
3. All maintenance or corrective work records relating to the T-Junction at the end of Cockerill Place, 5 years prior to subject incident;

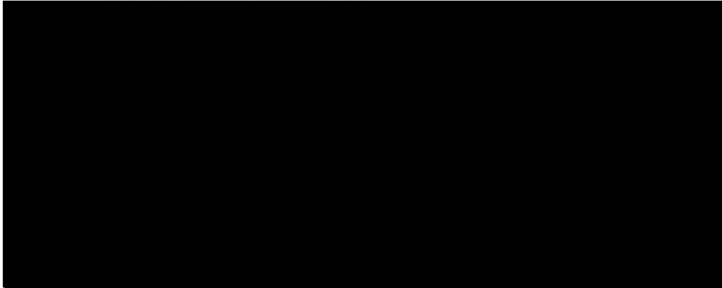


2017-2018

If this request should be made to, or relevant material may be held by another agency, please provide your assistance under s14(4) of the Act.

We undertake to make any payment necessary pursuant to the Act.

We **enclose** our client's authority.



GENERAL AUTHORITY

TO: TRANSPORT CANBERRA & CITY SERVICES
FOI COORDINATOR

RE: [REDACTED]

You are hereby authorised, directed and requested by me to provide to my Solicitors, [REDACTED] whatever and all information, documentation and/or reports in your power or possession, as may be required by the said Solicitors, including but not limited to information orally conveyed with respect to my state of mind.

DATED this 17th day of October 2018.

[REDACTED]



ACT
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Transport Canberra and
City Services



Dear 

Freedom of Information request: Reference 18-102

I refer to your application made under the *Freedom of Information Act 2016* (the Act) received by the Transport Canberra and City Services (TCCS) directorate on 16 November 2018, in which you sought access to:

- all complaints relating to the public footpath T-junction at the end of Cockerill Place, 5 years prior to subject incident;
- all inspection records relating to the T-junction at the end of Cockerill Place, 5 years prior to subject incident; and
- all maintenance or corrective work records relating to the T-junction at the end of Cockerill Place, 5 years prior to subject incident

Specifically to the location identified in the map you provided at the T-junction with the public path that runs behind Cockerill Place and Haverfield Place.

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.

TCCS is required to provide a decision on your access application by 14 December 2018.

Decision on access

Five documents (10 pages) have been identified that fall within the scope of your request.

I have included as Attachment A to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

Documents identified as relevant to your request contain information that I consider to be, on balance, contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have decided to grant access, under section 50 of the Act, to copies of documents (Attachment B) with deletions applied to information that I consider would be contrary to the public interest to disclose.

Statement of Reasons

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

- the Act; in particular
 - Schedule 2, Section 2.2 (a)(ii) – Prejudice the Protection of an Individual's Right to Privacy,
- *Information Privacy Act 2014*; and
- the content of the documents that fall within the scope your request.

Factors favouring disclosure (Schedule 2)

- Section 2.1 (a)(viii) – reveal the reason for a government decision and any background or contextual information that informed the decision; and
- Schedule 2, Section 2.1 (b)(i) – the person making the request.

Factors favouring non-disclosure (Schedule 2)

- Section 2.2 (a)(ii) – prejudice the protection of an individual's right to privacy;
- Section 2.2 (a)(xi) –prejudice trade secrets, business affairs or research of an agency or persons; and
- the *Information Privacy Act 2014*.

Documents referenced numbers 1 and 3 of the identified documents contains a breakdown of costing amounts (rate per square unit) for maintenance works undertaken by third party contractors. I have decided that it is not in the public interest to disclose this information as it could have an adverse effect on the business affairs of the third-party contractors especially if this information was released to its competitors.

Document referenced number 5 contains personal information of third parties (address of complainant). Disclosure of personal information is governed by the 'use and disclosure' privacy principles. Part 3 of the *Information Privacy Act 2014* (TTP 6.1) states that an agency that holds personal information about an individual that has been collected for a particular purpose, must not disclose the information to a third party unless the individual has consented to the use or disclosure of the information.

I have, therefore, decided that it is not in the public interest to disclose information that is considered as personal information.

Charges

No fee is payable as the number of pages being released is within the fee-free threshold and is a personal matter concerning your client as the applicant.

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 and my decision will be published in the TCCS disclosure log from 3 days after the date of this decision. Your personal details and those of your client will not be published.

The documents will not be published on the TCCS disclosure log as it is not in the public interest to publish online documents comprising a release sought in response to a legal matter.

You may view TCCS' disclosure log at 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: ombudsman@ombudsman.act.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
www.acat.act.gov.au

If you have any questions concerning the directorate's processing of your request, or would like further information, please contact the directorate's FOI Coordinator on 6205 5408 or email tccs.foi@act.gov.au.

Yours sincerely



Cherie Hughes
Information Officer

14 December 2018