



FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: TCCSFOI 21-040

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)	22 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



Freedom of Information Coordinator
 Transport Canberra and City Services

TCCS.FOI@act.gov.au

Dear Sir/Madam,

Request for documents under the Freedom of Information Act 2016

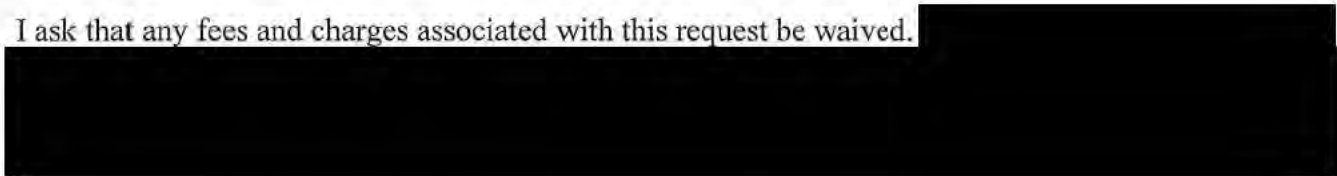
I write to request under the Freedom of Information Act 2016 the following documents, held by the Directorate and Minister's office, relating to reports that have presumably been prepared for the ACT Government's water quality projects and water infrastructure projects. Can you please provide digital copies of all reports, surveys, modelling, documents outlining scope and any changes to scope that have presumably been prepared for the following projects:

Noting project 2017.28567.401 is for construction only, I am seeking any reports that lead to the works/issuing contracts.

<u>2017.28567.401</u>	<u>Stormwater Improvement Program 2016 / 2017 Package A GPT Retrofit Lyneham Wetland</u>	TCCS	Contract	No	Expired	10/03/2017	02/06/2018	\$ 67,254.00	Complex Co. Pty Ltd
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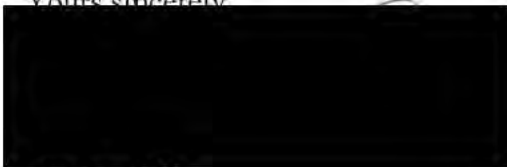
If any of the above information does not exist, please advise accordingly.

I ask that any fees and charges associated with this request be waived.



Should you require any further information or clarification about my request please contact my office on [redacted]

Yours sincerely,



10 May 2021





Dear [Redacted]

Freedom of Information Request - Reference 21-040

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) under the *Freedom of Information Act 2016* (FOI Act) seeking the following government information:

Can you please provide digital copies of all reports, surveys, modelling, documents outlining scope and any changes to scope that have presumably been prepared for the following projects: Noting project 2017.28567.401 is for construction only, I am seeking any reports that lead to the works/contracts.

<u>2017.28567.401</u>	<u>Stormwater Improvement Program 2016 / 2017 Package A</u> <u>GPT Retrofit Lyneham Wetland</u>	TCCS	Contract	No	Expired	10/03/2017	02/06/2018	\$ 67,254.00	Complex Co. Pty Ltd
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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.

A decision was initially due on 20 July 2021. Thank you for agreeing to an extension until 22 July 2021.

Decision on access

In accordance with the FOI Act, a search was conducted of records held by TCCS. As you are aware, initial searches indicated that no information was held by this directorate. Rather, it was believed that the information you are seeking access to may be held by Major Projects Canberra (MPC) or the Environment, Planning and Sustainable Development Directorate (EPSDD). However, following further cross-directorate consultation and collaboration, new information was found which indicated that information may be held by TCCS. As such, your application was transferred back to TCCS on 21 June 2021.

Further searches have been completed, and six records (totalling 323 pages) have been identified as relevant to your application. In reviewing the information within these documents against the public interest test, I have decided to provide you with:

- Full access to one record; and
- Partial access to 5 records.

My reasons for this decision are detailed in the statement of reasons below. The information being provided to you is listed in the schedule enclosed at [Attachment A](#). A copy of the information with deletions applied to information that I have found to be contrary to the public interest is enclosed at [Attachment B – E](#).

Folio three is a project plan which was completed in 2016 to guide relevant parties to carry out the project. It is important to note that the information within the document may vary from the project outcomes, as the document is designed to be adapted throughout the project delivery phase.

Statement of Reasons

In making my decision on disclosing government information, I must identify all relevant factors in schedules 1 and 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)(ii) - contribute to positive and informed debate on important issues or matters of public interest;
- Schedule 2.1(a)(ii) - 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;
- Schedule 2.1(a)(iv) - ensure effective oversight of expenditure of public funds;
- 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;
- Schedule 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person;

I consider that it is in the public interest to release most of the information within the records identified as relevant to your application. However, in some instances, I have found that the disclosure of some information to be contrary to the public interest.

Personal information and privacy

Personal information means information or an opinion whether true or not about an individual whose identity is apparent or can be ascertained from the information or opinion. The *Information Privacy Act 2014* prescribes how government collects, uses, shares, and stores this information.

I have considered the reason that TCCS has come into the possession of the personal or sensitive information together with the Territory Privacy Principles. As a general rule an agency that holds personal or sensitive information about an individual that has been collected for a particular purpose must not disclose the information to a third party without consent (*Information Privacy Act 2014* - Territory Privacy Principle 6).

I have further found that disclosing this information is likely to prejudice an individual's right to privacy or any other right under the *Human Rights Act 2004*.

In this instance I have found that, on balance, the disclosure of the personal or sensitive information is contrary to the public interest.

Business affairs

In reviewing the information within folios 1, 2 and 4, I have identified information which is sensitive to the business affairs of a third party. Types of information include methodology and details of proprietary goods. I find that the disclosure of this information is likely to prejudice the business affairs of the third parties, and therefore the disclosure of the information is, on balance, contrary to the public interest.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2018* processing charges are applicable for this request because the total number of pages to release to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107(2)(e) of the Act.

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 will be published in the TCCS disclosure log between 3 – 10 business days from the date of this decision.

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

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

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



Cherie Hughes
Information Officer

22 July 2021

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.tccs.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*.

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

File number				WHAT ARE THE PARAMETERS OF THE REQUEST			
FOI – 21-040				Lyneham Wetlands Retrofit			
Folio	Document	Page	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1	1 - 95	Dickson Group Centre and Precinct Flood Study_Flood Mitigation Options Study	February 2016	Partial access	Schedule 2.2(a)(ii) Schedule 2.2(a)(xi)	Documents to be published on the TCCS Disclosure Log .
2	2	1 - 34	16-000722 Lyneham Wetland Retrofit - Design Report v0	April 2016	Partial access	Schedule 2.2(a)(ii) Schedule 2.2(a)(xi)	
	3	35 - 42	16-000722 Lyneham Wetland Retrofit - Detailed Design Drawings Combined	April 2016	Partial access	Schedule 2.2(a)(ii) Schedule 2.2(a)(xi)	
	4	43 - 57	Dickson Flood Study - Lyneham Wetland GPT Options Summary	15 January 2015	Partial access	Schedule 2.2(a)(xi)	

3	5	1 - 28	Project Plan	16 June 2016	Full access	N/A	
4	6	1 - 143	Sullivans Creek Flood Study	March 2015	Partial access	Schedule 2.2(a)(ii)	
Total: 323 pages, 6 documents, 4 folios.							