



## FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: 22-036

| 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)              | 30 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:** [TCCS FreedomOfInformation](#)  
**Subject:** Ministerial Brief: Ride or Walk to School and It's Your Move Safe Cycle programs  
**Date:** Friday, 18 March 2022 9:54:42 PM

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**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.

Hello

Please provide me with a copy of the Ministerial Brief to the Minister Christ Steel, TCCS, on *Ride or Walk to School and It's Your Move Safe Cycle programs*.

The full reference to the information is provide below:

Reference: MIN S2021/00402

Title: Ride or Walk to School and It's Your Move Safe Cycle programs

From: EBM -Development Coord

Provided to MO: 23/06/2021

Recipient: Minister Steel

This reference was found in the TCCSFOI 21-073 "the subject line of all final ministerial briefs since 14 June 2021", released by Kristine Scheul on 17 August 2021, on page 11 of the PDF.

Thank you.

Regards,

[REDACTED]  
[REDACTED]

[REDACTED] [outlook.com](#)

Dear Mr [REDACTED]

### **Freedom of Information Request - Reference 22-036**

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 21 March 2022 seeking access to the following government information under the *Freedom of Information Act 2016* (FOI Act):

*“a copy of the Ministerial Brief to the Minister Christ Steel, TCCS, on Ride or Walk to School and It's Your Move Safe Cycle programs.*

*The full reference to the information is provide below:*

*Reference: MIN S2021/00402*

*Title: Ride or Walk to School and It's Your Move Safe Cycle programs*

*From: EBM -Development Coord*

*Provided to MO: 23/06/2021*

*Recipient: Minister Steel”*

### **Timeframes**

A decision was due on your access application by 20 April 2022. I thank you for agreeing to an extension until 5 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 relevant information has been identified.

Applying the public interest test under section 17 of the FOI Act, I have decided to provide you with partial access to the record.

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 A.

## **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:

### ***Schedule 1.2 – Legal professional privilege***

#### ***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; and
- 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)(xi) - prejudice trade secrets, business affairs or research of an agency or person.

In reviewing the relevant record, information which is subject to personal professional privilege has been identified. In accordance with schedule 1 of the FOI Act, the disclosure of this information is contrary to the public interest.

I have also identified information within this record which relates to the business affairs of a third party. I have considered that this information is not publicly known, and if disclosed, is likely to prejudice the business affairs of that third party.

I have found, on balance, the above listed factors favouring non-disclosure carries significant weight. I therefore find that the disclosure of this information is contrary to the public interest. I have found that the factors favouring disclosure can be satisfied the deletion of information which is contrary to the public interest.

A copy of the relevant information, with deletions applied to information, which is contrary to the public interest, is enclosed at Attachment A.

## **Charges**

No fees are applicable to this application as the number of pages being released are 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, this notice of decision and information disclosed to you 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.

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](mailto:actfoi@ombudsman.gov.au)

**ACT Civil and Administrative Tribunal (ACAT) review**

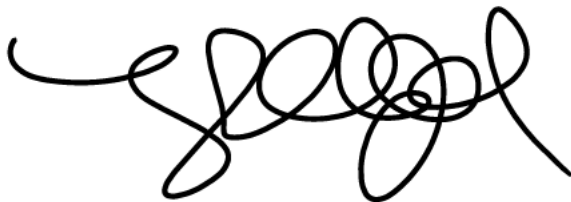
Under section 84 of the Act, if a decision is made under section 82 on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

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](http://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](mailto:tccs.foi@act.gov.au).

Yours sincerely



Meghan Oldfield  
Information Officer

5 May 2022

## Transport Canberra and City Services

|  |   |                               |
|--|---|-------------------------------|
| <b>To:</b>                                 | Minister for Transport and City Services  | Tracking No.: MIN S2021/00402 |
| <b>Date received in Minister's Office:</b> | 18/06/2021  |                               |
| <b>CC:</b>                                 | Chief Minister<br>Minister for Education and Early Childhood Development  |                               |
| <b>From:</b>                               | Executive Branch Manager, Development Coordination  |                               |
| <b>Through:</b>                            | Director-General, Transport Canberra and City Services (TCCS)<br>Deputy Director-General, City Services<br>A/g Executive Group Manager, City Operations |                               |
| <b>Subject:</b>                            | Ride or Walk to School and It's Your Move Safe Cycle programs   |                               |
| <b>Critical Date:</b>                      | 31/07/2021  |                               |
| <b>Critical Reason:</b>                    | To commence planning for the Ride or Walk to School and It's Your Move Safe Cycle programs in 2022  |                               |

### Recommendations

That you:

1. Note that TCCS is seeking funding through the ACT Budget process to deliver the Ride or Walk to School (RWTS) and It's Your Move Safe Cycle (IYMSC) programs in-house from the start of the 2022 calendar year. In-housing the programs is consistent with the Parliamentary and Governing Agreement commitment.

 **Noted / Please Discuss**

2. Note that the RWTS and IYMSC contracts with the Physical Activity Foundation (PAF) expire on 31 December 2021.

 **Noted / Please Discuss**

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- Note that the RWTS and IYMSC contracts are the only contracts that PAF currently have in place with the ACT Government.

**Noted / Please Discuss**

- Agree to send a copy of this brief to the Chief Minister and the Minister for Education and Early Childhood Development for their information.

**Agreed / Not Agreed / Please Discuss**

Chris Steel MLA .....

23/6/21

#### Minister's Feedback

Please provide me with a brief with further on how TCCS will deliver the programs and ensure a smooth transition for schools involved and the events planned.

Please prepare communications with withe public and PAF on a proactive and transparent basis about the decision.

#### Background

- The RWTS (primary school) and IYMSC (high school) programs were developed by the ACT Health Directorate in 2012 and 2016 respectively to support children to walk or ride to school. The program elements include a combination of teacher professional development and student learning.
- PAF is a not-for-profit organisation in the ACT that aims to reduce the incidence of sedentary lifestyles in children. PAF currently delivers the RWTS and IYMSC programs, and has previously delivered other ACT Government programs, including the Active Kids Challenge and PE Pulse.
- The ACT Health Directorate contracted PAF to deliver the RWTS program since 2015 and the IYMSC program since 2016. The contracts were transferred to TCCS in 2020.

#### Issues

##### RWTS and IYMSC contracts

- The existing RWTS and IYMSC contracts with PAF expire on 31 December 2021. There are no additional contract extension options in the current contracts.
- Both contracts with PAF have been varied and extended several times. If the programs were to continue to be outsourced, a tender process would be required to test the market and adhere to procurement regulations.

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Parliamentary and Governing Agreement

6. There is an item in the Parliamentary and Governing Agreement that states 'government services will not be contracted out where they could be performed by public servants.'
7. To meet this commitment, TCCS is planning to bring the RWTS and IYMSC programs in-house when the current contracts expire.

PAF

8. [REDACTED]
9. TCCS has consulted several stakeholders in other directorates to see if PAF are currently delivering any other government initiatives. TCCS has not been advised of any other contracts currently in place with PAF.
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]

**Financial Implications**

14. The current TCCS contracts with PAF to deliver the RWTS and IYMSC programs are valued at \$130,000 per year.
15. Funding for these programs is soon to expire and TCCS is seeking recurrent funding through the 2021-22 ACT Budget process to deliver the programs in-house. This funding would be used to manage and maintain the bike fleets, provide professional development to teachers and support the delivery of events.
16. A staff member at the ASO6 level is also being sought through the budget process to join the School Safety Program. This position would be responsible for delivering the RWTS and IYMSC programs, in addition to managing the school crossing supervisors if



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they are brought in-house. TCCS does not have staff resources available to support the in-house delivery of these programs, so bringing the programs in-house is subject to staff resources being funded through the budget process.

17. Office accommodation (equivalent of two workstations) and storage space is currently provided for PAF at the University of Canberra Sporting Commons via an agreement with Active Canberra within the Chief Minister, Treasury and Economic Development Directorate (CMTEDD). TCCS and Active Canberra understand the accommodation is rarely used since COVID-19, with both staff members predominately working from home.

## Consultation

### Internal

18. The Road Safety and Transport Regulation team was consulted to see if they have any contracts or grants in place with PAF.
19. PAF has previously approached the Place Management team within City Presentation about a potential project to support the delivery of community bike tracks. Place Management recently advised PAF they do not currently have funding available to outsource this initiative.
20. The Legal and Contracts team has been consulted and provided procurement advice regarding the existing RWTS and IYMSC contracts. Their advice is to test the market and establish new contracts if TCCS decides to outsource the programs again [REDACTED]  
[REDACTED]  
[REDACTED]
21. The Active Travel Office, People and Capability and Communications were provided a copy of this brief to keep them informed.

### Cross Directorate

22. TCCS consulted ACT Health (Health Promotion and Preventive and Population Health Policy), the Education Directorate (Wellbeing and Inclusion Policy and Service Design) and CMTEDD (Active Canberra and Healthier Work) to see if PAF have any other existing contracts with the ACT Government.
23. Active Canberra is being kept informed about the RWTS and IYMSC contacts given the accommodation implications.

### External

24. The School Safety Program discussed the programs and the budget process with PAF's CEO, Lucille Bailie, on 30 April 2021. TCCS explained to Ms Bailie that any future program funding is subject to the budget process, with the budget to be handed down in August 2021. As previously discussed with PAF, TCCS confirmed that a tender process would likely be required if funding was provided through the budget to outsource the program delivery again.

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**Benefits/Sensitivities**

- 25. In-house delivery of the RWTS and IYMSC programs will support secure ACT Public Service employment and will increase alignment with other active travel programs.
- 26. PAF has previously contacted the media to raise concerns about the ongoing program funding.
- 27. [REDACTED]

**Communications, media and engagement implications**

- 28. The TCCS communications team will be kept informed about any potential media implications arising relating to the RWTS and IYMSC programs.

Signatory Name: Geoffrey Davidson

Phone: x59799