



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

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

FOI Reference: CMTEDDFOI 2023-130

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	20
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: no-reply@act.gov.au
To: [CMTEDD FOI](#)
Subject: Freedom of Information request
Date: Sunday, 16 April 2023 1:38:35 PM

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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.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

1) the date the government decision was made to change the 40 zone in Civic. 2) the official date the 40 zone came into effect. 3) the number of pedestrian and cyclists accidents with cars in the 40 zone in the two years prior to the 40 zone coming into effect. 4) the number of pedestrian and cyclists accidents with cars in the 40 zone from the date the 40 zone came into effect to date. 5) the number of jay walking tickets issued in the 40 zone two years prior to the 40 zone coming into effect. 6) the number of jay walking tickets issued in the 40 zone since the 40 zone came into effect to date. 7) the number of speeding fines issued in the 40 zone two years prior to the 40 zone coming into effect and the percentage that were tickets for speeding 10km and under. 8) the revenue from tickets issued in the 40 zone the two years prior to the 40 zone coming into effect. 9) the number of speeding fines issued in the 40 zone since the 40 zone came into effect and the percentage that were 41 to 45km, 46 to 50km and 50km, 51 to 59km and 60km and over. 10) the total revenue from infringements in the 40 zone received to date and the distribution of those funds/where the money has been allocated. 11) the time infringements have occurred in total from when the 40 zone came

into effect to date for 7:30am to 10:00am, 10:01am to 3:30pm,
3:30pm to 7:00pm, 7:01pm to 10:30pm, 10:31pm to 7:29am.

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

Thank you.
Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD FOI 2023-130



Dear 

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on **16 April 2023**, in which you sought access to:

- “1) the date the government decision was made to change the 40 zone in Civic.*
- 2) the official date the 40 zone came into effect.*
- 3) the number of pedestrian and cyclists accidents with cars in the 40 zone in the two years prior to the 40 zone coming into effect.*
- 4) the number of pedestrian and cyclists accidents with cars in the 40 zone from the date the 40 zone came into effect to date.*
- 5) the number of jay walking tickets issued in the 40 zone two years prior to the 40 zone coming into effect.*
- 6) the number of jay walking tickets issued in the 40 zone since the 40 zone came into effect to date.*
- 7) the number of speeding fines issued in the 40 zone two years prior to the 40 zone coming into effect and the percentage that were tickets for speeding 10km and under.*
- 8) the revenue from tickets issued in the 40 zone the two years prior to the 40 zone coming into effect.*
- 9) the number of speeding fines issued in the 40 zone since the 40 zone came into effect and the percentage that were 41 to 45km, 46 to 50km and 50km, 51 to 59km and 60km and over.*
- 10) the total revenue from infringements in the 40 zone received to date and the distribution of those funds/where the money has been allocated.*
- 11) the time infringements have occurred in total from when the 40 zone came into effect to date for 7:30am to 10:00am, 10:01am to 3:30pm, 3:30pm to 7:00pm, 7:01pm to 10:30pm, 10:31pm to 7:29am.”*

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.

Timeframes

In accordance of section 40 of the Act, CMTEDD was required to provide a decision on your access application by **15 May 2023**.

Decision on access

Searches were completed for relevant information that falls within the scope of your request. The information being released to you, is provided as a separate document.

Points 1 to 6 of your access application were transferred to the Transport Canberra and City Services Directorate (TCCS) on 27 April 2023 under section 57 of the Act.

Material considered

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

- the Act;
- the content of the information that falls within the scope of your request.

Public Interest Test under schedule 2 of the Act

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure (Schedule 2.1)

(a) Disclosure of the information could reasonably be expected to do any of the following:

(ii) contribute to positive and informed debate on important issues or matters of public interest;

(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.

Information concerning public safety measures, including the 40km zone used and maintained in the public can reasonably be expected to contribute to public debate. I have considered the information being released and believe it could also inform the community about policies and guidelines followed by government.

There are no factors favouring nondisclosure of this information.

Charges

Processing charges are not applicable for this request because the documents being released to you are less than 50 pages.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after **18 May 2023**. Your personal contact details will not be published. You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>

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 CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

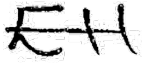
ACT Civil and Administrative Tribunal (ACAT) Review

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 the ACAT at:

ACT Civil and Administrative Tribunal
15 Constitution Avenue
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 02 6207 5433 or email CMTEDDFOI@act.gov.au.

Yours sincerely,

Handwritten signature of Emma Hotham, consisting of the letters 'EH' in a stylized, cursive font.

Emma Hotham

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

15 May 2023

Information Requested

Information Requested	Responses
1. The date the government decision was made to change the 40 zone in Civic.	Transferred to TCCS.
2. The official date the 40 zone came into effect	Transferred to TCCS.
3. The number of pedestrian and cyclists accidents with cars in the 40 zone in the two years prior to the 40 zone coming into effect.	Transferred to TCCS.
4. The number of pedestrian and cyclists accidents with cars in the 40 zone from the date the 40 zone came into effect to date.	Transferred to TCCS.
5. The number of jay walking tickets issued in the 40 zone two years prior to the 40 zone coming into effect.	Transferred to TCCS.
6. The number of jay walking tickets issued in the 40 zone since the 40 zone came into effect to date.	Transferred to TCCS.
7. The number of speeding fines issued in the 40 zone two years prior to the 40 zone coming into effect and the percentage that were tickets for speeding 10km and under.	<p>1,854 speeding fines were issued.</p> <ul style="list-style-type: none"> • Non-school zone exceed speed limit by <= 15km/h → 78.32% <p>This data is also available on the ACT Open Data Portal: https://www.data.act.gov.au/Transport/Traffic-camera-offences-and-fines/2sx9-4wg7 The relevant Location Codes are 1001, 1002 and 1020.</p>
8. The revenue from tickets issued in the 40 zone the two years prior to the 40 zone coming into effect.	<p>\$1,553,458 has been paid for the period of 1/07/19 to 30/06/21. Please note that this includes payments for non-speeding infringements as well as the request does not specify non speeding infringements only.</p>
9. The number of speeding fines issued in the 40 zone since the 40 zone came into effect and the percentage that were 41 to 45km, 46 to 50km and 50km, 51 to 59km and 60km and over.	<p>A total of 160,191 speeding fines were issued.</p> <ul style="list-style-type: none"> • Non-school zone exceed speed limit by <= 15km/h → 96.41% • Non-School Zone Exceed Speed Limit > 15 But <= 30 km/h → 3.51% • Non-School Zone Exceed Speed Limit By > 30 But <= 45 km/h → 0.06% • Non-School Zone Exceed Speed Limit By > 45 km/h → 0.02% <p>This data is also available on the ACT Open Data Portal: https://www.data.act.gov.au/Transport/Traffic-camera-offences-and-fines/2sx9-4wg7 The relevant Location Codes are 1001, 1002 and 1020.</p>

<p>10. The total revenue from infringements in the 40 zone received to date and the distribution of those funds/where the money has been allocated.</p>	<p>For infringements issued in the City 40km/h Speed Zone between 1 July 2021 and 31 March 2023, as at 19 April 2023 \$38,370,053 has been paid. Please note that this also includes payments for non-speeding infringements as the request does not specify speeding infringements only.</p> <p><i>All revenue in relation to the collection of these infringements is transferred to the Territory Banking Account. It is not possible to directly attribute these funds to specific programs as they are transferred alongside all other revenues collected on behalf of the Territory and contribute towards government expenditure overall.</i></p>
<p>11. The time infringements have occurred in total from when the 40 zone came into effect to date for 7:30am to 10:00am, 10:01am to 3:30pm, 3:30pm to 7:00pm, 7:01pm to 10:30pm, 10:31pm to 7:29am.</p>	<p>7:30am – 10:00am → 11.5% 10:01am – 3:00pm → 44.4% 3:31pm – 7:00pm → 19.6% 7:01pm – 10:30pm → 14.3% 10:31pm – 7:29am → 10.2%</p>