



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Disclosure Log Publication Coversheet

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

Application Details	
Ref. No.	CMTEDDFOI 2024-073
Date of Application	11 April 2024
Date of Decision	24 June 2024
Processing time (in working days)	49
Fees	Waived
Decision on Access	Partial Release
<b>Information Requested (summary)</b>	Information on the decision to reduce government taxi plate fees.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A



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## Case: 00874332

AC Internal Investigation	Access Canberra Owner	Michael Frew
Objective Reference No.	Feedback Assigned Status	Unresolved
Category	TCCS Status	Government > Other
Comment category	TCCS Case Number <sup>?</sup>	
Feedback Queues	Case Reference Number <sup>?</sup>	AC-00874332
Legacy Case ID	Contact Name	[Redacted]
AC Form Type	Contact Phone	[Redacted]
Rejected Reason <sup>?</sup>	Contact Email	[Redacted]
	Case Origin	Web
	Priority	Medium
	Content Document Ids	

### ▼ Case Overview

Subject	Access to Government Documents
Description	
Desired outcome	
AC Description	<p>Under the Freedom of Information Act please provide an access to the following documents. Some time ago, ACT Government had decided to reduce Government Taxi Plates Leasing Fee (series 300, 400 and 500) from \$ 20,000 to \$ 10,000 and subsequently to \$ 5,000 per annum. Please release all relevant documents which convinced the ACT Government to make this decision of the the reduction. The documents we are requesting would include: general public consultations, Taxi Industry members submissions, Stakeholders opinions, Government meetings minutes and decisions, Interest groups (like people with disabilities) contact correspondence and other related documents. I am making this request on behalf of [Redacted]</p> <p>[Redacted] Please provide requested documents in electronic and hard copies. [Redacted]</p>

### ▼ Case Location

Block No.	Unit Plan
Section No.	Postcode
Street Address	State
Suburb	Country
Longitude	Latitude
Formatted Address	Not Relevant

### ▼ Complaint Categorisation & Assessment

CMT Category Level 1	Other Directorate	Date/Time of incident
CMT Category Level 2	ACT Government Directorates	Complaint Start Date
CMT Category Level	CMTEDD	Contacted other

3

Voluntary Demographic Information?



Vehicle

Vehicle registration number

Drivers licence number or PVDAC

Vehicle Colour

Vehicle Make

Vehicle Model

Vehicle Moving

Vehicle Type

Audience type

party?

Employer's Insurer

Financial loss

Further damage risk?

Involves vulnerable person?

Is Complaint a Ministerial or Ombudsman

On going issue

Raised with third party?

Referred Agency

Vulnerable person type

Demographic Information

Age

Income

Post code

Employment

Gender

EDU - F&S Complaints & Feedback

Education Enquiry Type

EDU Complaint Category

EDU workflow

Type of School

School

Business Coordination

Preferred opening date

Business Type One

Business Type Two

Events

When do you plan on holding the event?

How many people attending event

Event start date

Non Profit or Community Organisation?

Event end date

Other event activities

Proposed activities for event

Parking Operations

Parking Hours

Follow Up (Date)

Parking Type

Day(s) it occurs

Time Frame

▼ Public Flexible Transport

Direction of Travel Bus Registration  
Route No. MyWay Card Number

▼ SES

Emergency Services Same issue? Sent to TCCS?  
Number of Stories Is this your residence?  
Permission to access exterior of home

▼ Other Fields

First Name Email  
Last Name Phone

▼ System Information

Created By Last Modified By Michael Frew, 6/03/2024 1:40 PM  
Case Record Type AC Feedback Status Unassigned

Contact Information

Contact Owner ACT Digital  
Name  
Account Name  
Contact Number  
Mobile  
Home Phone  
Other Phone  
Email  
Birthdate

▼ Address Information

Home Address

▼ System Information

Created By  
Custom Links [Google Search](#) [Google Maps](#) [Send Gmail](#)  
[Yahoo! Weather](#)

Case History

6/03/2024 1:40 PM

User Michael Frew

Action Changed CMT Category Level 3 to CMTEDD. Changed CMT Category Level 2 to ACT Government Directorates.

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6/03/2024 8:21 AM

User Nicole Wynants

Action Changed CMT Category Level 1 to Other Directorate.

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2/03/2024 5:31 PM

User [REDACTED]

Changed Case Owner from [REDACTED] to AC Feedback. Changed Case Reference Number to AC-

Action 00874332. Changed Account Name to [REDACTED]. Changed Contact Name to [REDACTED] Created.

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Re. Taxi Industry

Under the Freedom of Information Act please release all relevant documents as described below:

Some time ago, ACT Government decided to release Government Taxi Plates series 400 and later 500. We are interested in all documents including Government meetings briefs, consultations with Industry members and stakeholders, opinions and expertise from relevant bodies and other Government held related papers.

I am making this request on behalf of

  
 We are asking for both, electronic and printed versions.





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2024-073 (incl 074-075)



## FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

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 11 April 2024.

Specifically, you have sought access to the following information:

**Government briefs, minutes of meetings, and summary details of stakeholder engagement and responses, including with the taxi industry members:**

- The decision to reduce government taxi plate fees from \$ 20,000 to \$ 10,000 and subsequently to \$ 5,000 per annum.
- The decision to release government taxi plates "series 400" and later "series 500" at the time the fee was \$20,000 per plate.

You initially contacted this office on 4 March 2024 and requested three different access applications. Following consultation with you and the line area, you agreed to the above consolidated scope. This consultation was conducted in accordance with s31(2) and (3) of the Act.

### Authority

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

### Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application within 30 days.

As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the Act.

Therefore, a decision is due by **28 June 2024**.

### Decision on access

Searches of CMTEDD records have identified 28 documents within the scope of your request.

I have decided to grant **full access** to 18 documents. I have decided **partial access** to seven documents. Three documents are **exempt** from access.

The records identified as relevant to your application are listed in the schedule enclosed at **Attachment A**. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

## Release of documents

The information being released to you is provided at **Attachment B**.

Duplicate information has been deleted from the documents being provided to you. This includes multiple copies of the CIE report referred to in CAB2015/459, in addition to duplicates of the Taxi Industry Innovation Review and multiple copies of documents that have been withheld due to sensitivities. This removal of documents means that the page numbers at the top of each page in the binder will exceed the actual number of pages being released to you.

Information that is out of scope of your request has been redacted.

## Statement of Reasons

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request
- third party responses to consultation
- information already available in the public domain.

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in **Schedule 2** of the Act.

## Exemptions claimed

### **Schedule 1: Information taken to be contrary to the public interest**

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

- *Section 1.2 - Information subject to legal professional privilege.*
- *Section 1.6 - Cabinet Information.*

#### Section 1.2 – Information subject to legal professional privilege

Some information relevant to your access application relates to legal advice received and sought by the ACT Government in relation to this matter and it is not considered to be in the public interest to release. This information can only be released if the parties involved agree to waive that privilege. The parties have not waived privilege.

#### Section 1.6 – Cabinet Information

Information that has been submitted, or that a Minister proposes to submit, to Cabinet for its consideration and that was brought into existence for that purpose and information the disclosure of which would reveal any deliberation of Cabinet (other than through the official publication of a Cabinet decision) is exempt.

The purpose of this exemption is to maintain the confidentiality of the Cabinet process and to uphold the principle of collective ministerial responsibility.

However, under section 1.6(2), a decision maker must consider whether:

- the information is purely factual, and
- disclosure of the information would not involve the disclosure of a deliberation or decision of Cabinet, and
- the fact of the deliberation or decision has not been officially published.

Some of the information relevant to your request has been officially published following the Cabinet decision, therefore, even though it is present in documents provided to Cabinet, it is being released to you.

Other information relevant to your access application falls within section 1.6 of the Act as they contain information which has been commissioned by the Cabinet to guide it in its decision making and to assist it in its deliberations. This information is therefore exempt from release under the Act.

### **Public Interest Test**

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 nondisclosure.

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.

### **Schedule 2: Factors to be considered when deciding the public interest.**

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 (Section 2.1)***

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government’s accountability.*
- *Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

I consider the information you have requested would reasonably be expected to contribute to discussion about issues affecting the taxi industry, in addition to positive and informed debate on the issues of taxi fees and licensing in the Territory.

Additionally, I consider the release of the information could reveal reasons regarding government decisions affecting the transport industry in the Territory.

I am satisfied that these factors favouring disclosure carry some weight. However, these factors are to be balanced against the factors favouring nondisclosure.

### ***Factors favouring nondisclosure (Section 2.2)***

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*
- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*

Having reviewed the information, I consider that the protection of an individual's right to privacy, especially in the course of dealing with the ACT Government is a significant factor. Parties involved have provided their personal information for the purposes of working with the ACT Government and, this in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individuals' involved.

The information being released contain the names and contact information of ACT public servants. Where public servants' personal information is included in a document during the course of their usual duties, it would not be unreasonable to disclose this information unless special circumstances existed. This is because the information would reveal only that the public servant was performing their public duties.

Individuals and businesses in the ACT may expect that any sensitive business information they provide to the Government will be held in confidence. However, businesses that provide information to government do so with the knowledge that government held information may be subject to an access application made under Freedom of Information legislation. Those who do business with government must also recognise that governments have to balance the commercial interests of businesses with the principles of openness and transparency, and that the weight of the public interest in protecting business information will depend on a variety of factors, including how commercially sensitive the information is, its age, its current relevance and the extent to which it has entered the public domain.

I afford considerable weight to factors favouring nondisclosure for personal information and some weight for those of businesses that have dealt with the ACT Government.

Having applied the test outlined in section 17 of the Act and deciding that release of all personal information and some business information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

### **Charges**

Processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived.

### **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 and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

## 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 provided to you, 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](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(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  
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 the Information Access Team by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely



Katharine Stuart  
Information Officer  
Chief Minister, Treasury and Economic Development Directorate

24 June 2024



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

**FREEDOM OF INFORMATION  
REQUEST SCHEDULE**

# Deferred

Deferred

# Deferred