



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 2024-245
Date of Application	5 August 2024
Date of Decision	13 September 2024
Processing time (in working days)	29
Fees	N/A
Decision on Access	Full Release
Information Requested (summary)	Information and documentation regarding Licencing and Compliance, Regulation and Enforcement for various Acts.
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

From: [REDACTED]
To: [CMTEDD FOI](#); [TCCS FreedomOfInformation](#)
Subject: CMTEDDFOI 2024-245 Request for information FOI PVC Act
Date: Monday, 5 August 2024 1:17:14 PM
Attachments: [FOI.rtf](#)

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.

Good afternoon TCCS and CMTEDD foi team,

Please find the attached word document containing a request for information.

If you have any questions or concerns please do not hesitate to contact me.



Good morning TCCS and CMTEDD foi team,

My name is [REDACTED], I am requesting the following information under the **Freedom of Information Act 2016** and or **Privacy Act 1988**.

For the purpose of transparency, this request is being sent to both directorates, **TCCS** and **CMTEDD**, both parties have been included as recipients in the forwarding of this email.

City Services **CS** and Access Canberra **AC** are statutory office holders and perform the function of Licencing and Compliance, Regulation and Enforcement for various Acts, including but not limited to Public Unused land Act 2013 and Road Transport General Act 1999.. etc...

1. What interface is available to the public for submitting a complaint in contravention of legislation? **TCCS**

a) Phone call? Yes/No/Add further comments including the allocated phone number(s)

b) Email? Yes/No/Add further comments including the email address(s)

c) Online portal? Yes/No/ Add further information including resource name or link

2. What interface is available to the public for submitting a complaint in contravention of legislation? **CMTEDD**

a) Phone call? Yes/No/Add further comments including the allocated phone number(s)

b) Email? Yes/No/Add further comments including the email address(s)

c) Online portal? Yes/No/ Add further information including resource name or link

3. The total number of Licence Plate Recognition **LPR** vehicles currently available for enforcement activities?

a)**TCCS**

b)**CMTEDD**

4. Do **LPR** designated vehicles operate on a roster, does this roster contain a set route and if so when a vehicle detracts from its normal course, is this detraction from normal duty recorded or logged by the operator of the vehicle. Please include the names of any existing internal and or publicly available policies or guidelines.

a)TCCS

b)CMTEDD

5. Are there currently any Service Level Agreements **SLA's** for the complaints that are received to each directorate from the public. Please include the names of any existing internal and or publicly available policies or guidelines.

a)TCCS

b)CMTEDD

6. Please advise if any current policies or guidelines exist that maintain or audit security and integrity around the complaints and enforcement system, ie from bad actors or from a conflict of interest, an employee that works within these directorates and has access to resources and employees that the general public does not.

a)TCCS

b)CMTEDD

7. Please provide the public appointee's for Executive Branch Manager **EBM**, for Licencing and compliance, Regulation and Enforcement and Investigations

a)TCCS

b)CMTEDD

8. What policies and or guidelines exist for the public to report matters of serious wrong doing by active employees of the ACT Government, in particular those whom have knowledge, expertise and or influence over the above mentioned statutory functions.

Regards,





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 5 August 2024.

Specifically, you have sought access to the following information:

- *What interface is available to the public for submitting a complaint in contravention of legislation?*
 - *Phone call? Yes/No/Add further comments including the allocated phone number(s)*
 - *Email? Yes/No/Add further comments including the email address(s)*
 - *Online portal? Yes/No/ Add further information including resource name or link*
- *The total number of Licence Plate Recognition LPR vehicles currently available for enforcement activities?*
- *Do LPR designated vehicles operate on a roster, does this roster contain a set route and if so when a vehicle detracts from its normal course, is this detraction from normal duty recorded or logged by the operator of the vehicle. Please include the names of any existing internal and or publicly available policies or guidelines.*
- *Are there currently any Service Level Agreements **SLA's** for the complaints that are received to each directorate from the public. Please include the names of any existing internal and or publicly available policies or guidelines.*
- *Please advise if any current policies or guidelines exist that maintain or audit security and integrity around the compliants and enforcment system, ie from bad actors or from a conflict of interest, an employee that works within these directorates and has access to resources and employees that the general public does not.*
- *Please provide the public appointee's for Executive Branch Manager **EBM**, for Licencing and compliance, Regulation and Enforcement and Investigations*
- *What policies and or guidelines exist for the public to report matters of serious wrong doing by active employees of the ACT Government, in particular those whom have knowledge, expertise and or inlfuence over the above mentioned statutory functions.*

I note you sent the same request for information to the Transport Canberra and City Services Directorate (TCCS). TCCS will respond to you regarding information they hold.

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.

Therefore, a decision is due by **16 September 2024**.

Decision on access

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

I have decided to grant **full access** to this information.

Release of information

The information identified as relevant to your application is captured within this letter as appendix 1.

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.

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.

There are no Schedule 1 provisions relevant to the information within scope of this access application.

Exemptions claimed

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 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.

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)(iii) - inform the community of the government's operations, including the policies, guidelines and codes of conduct followed followed by the government in its dealings with members of the community.*

While much of the information you have requested is publicly available, for the information that is not, I am of the opinion that the disclosure of this information could promote discussion of public affairs while also informing the community about the government's operation of Licence Plate Recognition vehicles.

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)

There are no factors favouring nondisclosure.

Charges

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 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 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

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.

Yours sincerely



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

13 September 2024

Appendix 1

Request	Information
<p>What interface is available to the public for submitting a complaint in contravention of legislation?</p>	<p>For general complaints regarding regulatory and other matters relating to Access Canberra, refer Feedback and Complaints - Access Canberra (act.gov.au)</p> <p>For complaints about services, policies, or processes of the Chief Minister, Treasury and Economic Development Directorate (CMTEDD), or behaviour of a Directorate employee, you can make a complaint:</p> <p>by mail: CMTEDD Complaints Officer CMTEDD Corporate Chief Minister, Treasury and Economic Development Directorate GPO Box 158 Canberra ACT 2601</p> <p>or email: CMTEDDComplaints@act.gov.au</p>
<p>The total number of Licence Plate Recognition LPR vehicles currently available for enforcement activities?</p>	<p>There can be up to 4 Licence Plate Recognition (LPR) parking enforcement vehicles in operation at any one time.</p>
<p>Do LPR designated vehicles operate on a roster, does this roster contain a set route and if so when a vehicle detracts from its normal course, is this detraction from normal duty recorded or logged by the operator of the vehicle. Please include the names of any existing internal and or publicly available policies or guidelines.</p>	<p>The LPR vehicles do not operate on a standardised roster. Patrols are allocated to areas based on risk and harm basis which is often informed by community complaints around unsafe or illegal parking.</p> <p>There is no set route that is required to be taken when patrolling allocated areas, this is up to operators on the day and can be informed by illegal parking they may identify when on the patrol.</p>
<p>Are there currently any Service Level Agreements SLAs for the complaints that are received to each directorate from the public. Please include the</p>	<p>There are no service level agreements for complaints received by CMTEDD.</p>

<p>names of any existing internal and or publicly available policies or guidelines.</p>	<p>An overview of the CMTEDD complaints process and Customer Service Standard is publicly available from https://www.cmtedd.act.gov.au/functions/feedback This page also includes access to the CMTEDD Complaint Management Procedures.</p> <p>For information about Access Canberra Feedback and Complaints, please visit https://www.accesscanberra.act.gov.au/contact-us/feedback-and-complaints</p>
<p>Please advise if any current policies or guidelines exist that maintain or audit security and integrity around the complaints and enforcement system, i.e. from bad actors or from a conflict of interest, an employee that works within these directorates and has access to resources and employees that the general public does not.</p>	<p>The ACT Government has established the <i>Cyber Security Policy</i> (2024). This is the official framework for ACT Government records, information or data being stored or processed in electronic form.</p> <p>The <i>Cyber Security Policy</i> supports the ACT Protective Security Framework, which was updated in 2019, reflecting the threats to ACT Government, including Cyber risks.</p> <p>ACT Cyber Security Policy and the ACT Acceptable Use Policy, guide ACTPS in the security and integrity of ICT systems and resources.</p>
<p>Please provide the public appointees for Executive Branch Manager EBM, for Licencing and compliance, Regulation and Enforcement and Investigations</p>	<p>The Access Canberra organisational information can be found here About Us - Access Canberra (act.gov.au) or refer image below.</p>
<p>What policies and or guidelines exist for the public to report matters of serious wrong doing by active employees of the ACT Government, in particular those whom have knowledge, expertise and or influence over the above mentioned statutory functions.</p>	<p>The <i>Public Interest Disclosures Act (2012)</i> supports the public to make disclosures regarding serious wrongdoing in the public sector.</p> <p>CMTEDD Public Interest Disclosure officers' contact details are available from the CMTEDD Functions pager https://www.cmtedd.act.gov.au/functions/contact</p>

Guidelines on Public Interest Disclosure are available

https://www.cmtedd.act.gov.au/_data/assets/pdf_file/0007/1439305/PID-Guidelines-2019.pdf

Access Canberra Executive Org Chart – Feb 2024

