



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 2019-192

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: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Freedom of Information request
Date: Saturday, 17 August 2019 8:38:16 PM

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):

Manuka Oval bollards: * documentation and ministerials on why the bollards were installed (including year of installation) * financial documentation for the hire and total cost of the bollards since installation * documentation and ministerials on the bollard blue and yellow bollard covers * financial documentation on the cost for the production of the bollard covers

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: CMTEDDFOI 2019-192

[REDACTED]

via email: [REDACTED]

Dear [REDACTED]

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 19 August 2019 seeking information about bollards at Manuka Oval.

Specifically, you are seeking:

- *documentation and ministerials on why the bollards were installed (including year of installation);*
- *financial documentation for the hire and total cost of the bollards since installation;*
- *documentation and ministerials on the bollard blue and yellow bollard covers; and*
- *financial documentation on the cost for the production of the bollard covers."*

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 with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 16 September 2019.

Decision on access

Searches were completed for relevant documents and six documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant full access to four documents and partial access to one document as I consider it to contain information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act. I have also decided to refuse access to one document and to provide partial access to one document as I consider the information contained in these documents contrary to the public interest information under Schedule 1 of the Act. No ministerial briefings or correspondence was found in the scope of your request.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

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

- the Act;
- the content of the documents that fall within the scope of your request; and
- the *Information Privacy Act 2014*.

Exemption claimed

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

Contrary to the public interest information under Schedule 1 1.14 of the Act

Document 6 and part of document 1 contain information about security risk assessments conducted in relation to Manuka Oval. The documents, if released, would provide information which could be exploited resulting in harm to individuals, or Manuka Oval. Having considered this information, I am satisfied that release of this information would be contrary to the public interest pursuant to Schedule 1 sections 1.14(c), 1.14(h) and 1.14(i) of the Act.

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests 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 in the public interest:

- (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; and*
 - (iv) *ensure effective oversight of expenditure of public funds.*

Factors favouring nondisclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
 - (ii) *Prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004; and*
 - (xi) *Prejudice trade secrets, business affairs or research of an agency or person.*

Having reviewed the documents found within the scope of your request, I consider that the release of the information contained within them could contribute the positive and informed debate on a matter of public interest, that being the bollards outside Manuka Oval and the expenditure of public money by showing you how much was spent on the installation of the bollards.

However, when considering this finding against the factor favouring non-disclosure, I am satisfied that the protection of an individual's right to privacy, especially in the course of assisting in a line of enquiry with a government agency, is a significant factor as the parties involved have provided their personal information for the purposes of providing a service to the ACT Government. In my opinion, the protection of personal privacy outweighs the benefit which may be derived in releasing this information. These individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Accordingly, I have chosen to remove the name of an external person from document 4.

The documents identified also contain cost per unit break downs of hiring the bollards from external vendors. In the case of *Re Mangan and The Treasury [2005] AATA 898* the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Schedule 2 section 2.2 allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person. I consider the cost per unit price to be the business affairs of the vendors. The release of this information could prejudice the business affairs of the vendors by reveal their costs for the hire of equipment to competitors.

Having applied the test outlined in section 17 of the Act and deciding that release of personal 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.

Document four of the identified documents contains information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number of pages to be released to you does not exceed 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, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log three working days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/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 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.

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(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

Level 4, 1 Moore St

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 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Daniel Riley

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

16 September 2019



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	<p>Manuka Oval bollards:</p> <ul style="list-style-type: none"> documentation and ministerials on why the bollards were installed (including year of installation); financial documentation for the hire and total cost of the bollards since installation; documentation and ministerials on the bollard blue and yellow bollard covers; and financial documentation on the cost for the production of the bollard covers. 	CMTEDDFOI 2019-192

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Email chain	24-Nov-2016	Partial release	Schedule 1 1.14 – Law enforcement or public safety information	Yes
2	4-5	Invoice	13-Dec-2016	Full release	N/A	Yes
3	6	Invoice	25-Apr-2017	Full release	Schedule 2 2.2(a)(xi) – Business affairs	Yes
4	7-12	Quotation	12-Dec-2018	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business affairs	Yes
5	13	Invoice	13-Feb-2019	Full release	Schedule 2 2.2(a)(xi) – Business affairs Out of scope information removed	Yes
6	14-72	Crowded Places Physical Security Risk Assessment and Prioritised Upgrade Action Plan draft	20-Nov-2018	Exempt	Schedule 1 1.14(1)(c) Schedule 1 1.14(1)(h) Schedule 1 1.14(1)(i)	No
Total No of Docs						
6						

From: "Pottie, Megan"
Sent: 24/11/2016 5:51 AM
To: "Sims, Paul" <Paul.Sims@act.gov.au>
Cc: "Elkins, Matthew" <Matthew.Elkins@act.gov.au>
Subject: RE: Hire of Concrete Barriers for Manuka Oval [SEC=UNCLASSIFIED]

Hi Paul,

Please proceed

Kind regards

Megan Pottie | Acting Venue Manager - Manuka Oval |
Fax 02 6253 2085 | Mobile 0406 376 700

Venues Canberra

GIO Stadium Canberra | Manuka Oval | Stromlo Forest Park | Exhibition Park in Canberra
Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
Battye Street Bruce ACT 2617 |
PO Box 666 Jamison ACT 2614 | www.act.gov.au

www.giostadiumcanberra.com.au | www.manukaoval.com.au
www.stromloforestpark.com.au | www.epic.act.gov.au

From: Sims, Paul
Sent: Thursday, 24 November 2016 3:48 PM
To: Pottie, Megan
Subject: FW: Hire of Concrete Barriers for Manuka Oval [SEC=UNCLASSIFIED]
Importance: High

Hi Megan

As discussed today, I will need your approval before I can raise a work order for the installation of the barriers on the 1st of December and removal on the 8th of December.

Kind Regards

PAUL SIMS | **PROJECT OFFICER** | **PROPERTY PROJECTS & SERVICES** | ACT PROPERTY GROUP | CHIEF MINISTER, TREASURY AND ECONOMIC
DEVELOPMENT DIRECTORATE | ACT GOVERNMENT | www.act.gov.au
P: +61 2 62130703 F: +61 2 62130735 M: 0481 035 579 E: paul.sims@act.gov.au

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From: Sims, Paul
Sent: Tuesday, 22 November 2016 3:08 PM
To: Pottie, Megan
Subject: FW: Hire of Concrete Barriers for Manuka Oval [SEC=UNCLASSIFIED]
Importance: High

Hi Megan

I have received a price for the supply and installation of the Vehicle Barricades for the upcoming one day international.

Estimated cost is \$5,113.92

These barricades would be installed on or before the 2nd of December as indicated. Removal date to be advised by you.

It has been suggested by the contractor to inspect the barricades to ensure you are happy with the standard of them. I am available to take you at any stage. It would be good to do it as early as possible to ensure you are happy and book them in soon.

Please contact me if you have any questions.

Kind Regards

PAUL SIMS | PROJECT OFFICER | **PROPERTY PROJECTS & SERVICES** | ACT PROPERTY GROUP | CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE | ACT GOVERNMENT | www.act.gov.au
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From: Sims, Paul
Sent: Tuesday, 22 November 2016 1:54 PM
To: Pottie, Megan
Subject: FW: Hire of Concrete Barriers for Manuka Oval [SEC=UNCLASSIFIED]
Importance: High

Hi Megan

Could you give me a call on 0481 035 579 please. In regards to the vehicle barricades.

Kind Regards

PAUL SIMS | PROJECT OFFICER | **PROPERTY PROJECTS & SERVICES** | ACT PROPERTY GROUP | CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE | ACT GOVERNMENT | www.act.gov.au
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From: Pottie, Megan
Sent: Saturday, 19 November 2016 4:40 PM
To: de Boni, Andrew
Subject: Hire of Concrete Barriers for Manuka Oval

Hi Andrew,

I hope you are well

Jared Rando passed on your contact details as the best person to assist me with my enquiry.

We have an upcoming International cricket match on 6th December, and like GIO Stadium recently, **Sch 1 1.14**

Is it possible for you to attend site early next week so I can advise where these will need to be positioned? Essentially it will be according to the map below (in addition to a few barriers at the east gate) but explaining this in person may be better.



Are you able to confirm whether these would be available to be positioned on or before Friday 2nd December, and the cost for this exercise.

Thank you in advance. I look forward to hearing from you.

Kind regards

Megan Pottie | Acting Venue Manager - Manuka Oval |
Fax 02 6253 2085 | Mobile 0406 376 700

Venues Canberra

GIO Stadium Canberra | Manuka Oval | Stromlo Forest Park | Exhibition Park in Canberra
Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
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www.stromloforestpark.com.au | www.epic.act.gov.au

Tax Invoice Number **16007824**

Customer Code TERR6700
Invoiced To Territory Venues & Events
 Po Box 666
 JAMISON CENTRE ACT 2614

Job Site ACT_EVENTS
Delivered To Territory Venues & Events
 West Gate Manuka Oval
 Off Canberra Avenue
 MANUKA ACT 2603
LTD Waiver No **Site Days Chgd / Week** 6
Site Contact Megan Pottie
Site Tel Mob 0406 376 700
Hire Branch Details
 Coates Hire Queanbeyan (P)
 47 Alderson Place
 Hume NSW 2620
 Telephone: (02) 6152 5420
 Facsimile: (02) 6260 2542
 E-mail: branch.hume@coateshire.com.au
Served By Frank.Turner

Previous Invoice Number 15899384
Invoice Date 25/04/2017
Hire Schedule No 6320084
Hire Schedule Date 13/02/2017
Ordered By Megan Pottie
Orderer Tel Mob 0406 376 700
Order Number feb
Customer Ref.

PRODUCT INFORMATION						HIRE PERIOD INFORMATION				PRICING INFORMATION						
Line Numbers	Inv	HA	Qty	Description	P G Code	Item Code	Hire Period From	Hire Period To	Status	Off Hire No	Request By	Days/Mths Chgd	Rate	Rate Desc	Adj Rate	Line Total (ex GST)
1	11			Transport Charge 13/4/17 tilt tray hire- transport titan road barriers from Hume to Manuka oval return other road barriers from manuka oval to Hume		TRANSPORT			Onhire							
2	12			T Hire of barriers 15/4		TRANSPORT			Onhire							
3	13			T Hire of barriers 28/4		TRANSPORT			Onhire							
4				Environmental Charge		ENVIROCHARGE										

Sch 2 2.2(a)(xi)

www.coateshire.com.au
Payment Terms Strictly 30 Days

Other Charges	\$1,000.00
Price Excluding GST	\$1,000.00
GST	\$100.00
Invoice Total	\$1,100.00

Thank you for choosing Coates Hire Queanbeyan (P)

All Payments & Account Enquiries PHONE: 1800 04 66 99

Payment by mail GPO BOX 5120 MELBOURNE 3001	Payment by EFT (within Australia only) Acc Name: Coates Hire Operations Pty Limited Bank Name: Westpac Banking Corporation BSB: 037-831 Acc No: 10787422 Remittance: See Fax / E-mail details to the right	Payment by BPAY® Biller Code: 110247 Ref: 10787422	Payment by phone Visa, Mastercard, Amex, Diners	Payment via the Internet Log on to coateshire.com.au	Bank Branch Payments or Overseas Payments Acc Name: Coates Hire Operations Pty Limited Bank Name: Westpac Banking Corporation BSB: 034-002 Acc No: 247643	Remittances To E-mail: debtors@coates.com.au Fax: 03 9768 3015 Mail: GPO BOX 5120 MELBOURNE 3001
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Equipment with a 'CURRENT' status is still on hire indicating a progressive invoice.

Coates Hire Operations Pty Limited TERMS OF HIRE apply to this transaction. Subject to the state in which building & construction work is taking place, this invoice is a claim for payment under the Building & Construction Industry Security of Payment Act 1999 (NSW) or similar legislation in any other state or territory. In some instances our Goods come with guarantees that cannot be evaded under the Australian Consumer Law.

DB: NatLive Page 1 of 1

QUOTATION

TO	Vanessa Febo		
COMPANY	ACT Government – Venues		
FAX or EMAIL	Vanessa.febo@act.gov.au	PHONE	(02) 6205 2579
FROM	Sch 2 2.2(a)(ii)	QUOTE NO	Q27318
DATE	12 th December 2018	JOB NO	70375

**Manuka Oval Overlay Signage
Australia Vs Sri Lanka Test Match – February 2017**

Quotation Elements

1. Signage Production
2. Artwork Creation
3. Management, Labour and Transport

1.0 Signage Production**1.1 Temporary Fencing and Grandstands**

Out of Scope

Out of Scope

Out of Scope

1.4 Barrier Covers

Item	Usage/Description	Qty	Measurements	Finish	Unit Cost	Total Cost
Barrier Covers						
30	Water Barrier Covers	Sch 2 2.2(a)(i)	Coates Hire Concrete Barriers		Sch 2 2.2(a)(xi)	\$5,170.00
31	Concrete Barrier Covers		Coates Hire Water Filled Barriers			\$5,535.00
Total - Barrier Covers						\$10,705.00

1.5 Signage Production Summary

Item	Signage Elements	Cost
<h1>Out of Scope</h1>		
1.4	Barrier Covers	\$10,705.00
	Sub Total	Sch 2 2.2(a)(xi)
	GST	
	Total	

2.0 Artwork Creation

Out of Scope

Out of Scope

Item	Date	Activity	No. of Crew
Bump In			
Out of Scope			
2	Monday 21st January 2019	Bump In Scrim/Road Signs/Barrier Covers	6
3	Tuesday 22nd January 2019	Bump In Scrim/Road Signs/Barrier Covers	6
Bump Out			
4	Wednesday 6th February 2019	Bump Out Scrim/Road Signs/Barrier Covers	8

Qty	Item	Unit Price	Total Price
1	Management, Labour and Transport All works associated with the scope and production within this document, including; <ul style="list-style-type: none"> - Wayfinding signage - Road Signs - Temporary Fencing and Grandstands - Barrier Covers 	\$24,650.00	\$24,650.00
		Sub Total	\$24,650.00
		GST	\$212.50
		Total	\$2,337.50

Out of Scope

Out of Scope

To: Venues Canberra
Events ACT
Economic Development Directorate
GPO Box 158

Attention: Vanessa Febo

Tax Invoice 00010071
Date: 13/02/2019
Purchase Order #:
Payment Net 7

MANUKA OVAL TEST MATCH - EXTRA TO BUDGET

This invoice being for the supply of extra to budget goods and services in relation to the Manuka Oval Test Match, as requested and listed below:-

Out of Scope

- | | |
|---|-------------|
| 3. Concrete Barriers - ^{Sch 2 2.2(a)} concrete barrier covers ^{Sch 2 2.2(a)(xi)} each | \$1,880.00 |
| 4. Water Barrier Covers - Deduction for water barrier covers not produced | -\$5,535.00 |

Payment by Direct Deposit:-
Account Name: Sold Out National Event Management Pty Ltd
Bank Name: Commonwealth Bank of Australia
SWIFT: CTBAU2S
BSB Number: 062-136
Account Number: 1035 6804

Please note, credit card payments incur an additional 1.8% surcharge plus 25cents per transaction
Visa & Mastercard accepted only

Please forward remittance advice to accounts@soldout.com.au

Sub Total:
GST:
Total Inc GST:
Paid to Date:
Total Due:

^{Sch 2 2.2(a)(xi)}