



**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 2023-201

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)	28
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:** Re: CMTEDD FOI - 2023-201 - Clarification of Scope  
**Date:** Friday, 9 June 2023 9:55:45 AM

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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. [Learn why this is important](#)

Dear Mashif,

I am seeking all parking tickets within Canberra from date 1/01/2015 - most recent tickets. If you require further clarification please don't hesitate to contact me.

Kind regards

[REDACTED]

On 6 Jun 2023, at 1:06 pm, CMTEDD FOI <[CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)> wrote:

OFFICIAL

Dear [REDACTED]

The Chief Minister, Treasury and Economic Development Directorate (CMTEDD) has received your *Freedom of Information* request from Transport Canberra and City Services (TCCS).

*"Parking infringements: Date of infringement (DD/MM/YYYY) - Time of infringement (hh:mm) - 24-hour format - Infringement code - Authorised Person Vehicle body type - Vehicle make - Address - (Suburb, street name, street number) - Issue medium (mobile vehicle, parking inspector)"*

In order to progress this application, we will need further clarification of the scope of your request. Could you please advise which parking infringement you are referring to? If you are seeking information regarding multiple infringements, could you please advise the dates and/or times of these infringements you are seeking?

Please be advised that in accordance with section 34(4) of the *Freedom of Information Act 2016* processing of this request remains suspended as of **6 June 2023**, until clarification of scope is provided.

Kind Regards,

**Mashfi | Freedom of Information Coordinator | Information Access Team**  
**Ph: 02 6207 5433 | Email: [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)**  
**Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government**

**Level 1, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT  
2601**

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This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.  
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# Freedom of Information - Access Application to Transport Canberra and City Services - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

02 Jun 2023 10:46:03 AM

JQ973SSH

Transport Canberra and City Services (TCCS)

GPO Box 158  
Canberra ACT 2601

Phone 02 6207 2987

Email TCCS.FOI@act.gov.au

## Applicant details

Title

Given name

Family name

Preferred name

Preferred method of contact

Phone

Email

Post

Contact phone number

Contact email address

## Contact postal address

Address line 1

Address line 2

Suburb

State

Postcode

Preferred method to receive information \*

Email

Post

Same as contact email address

## Information request

Who are you making the request on behalf of?

What type of information are you requesting access to? \*

What information are you requesting access to under the Act? \*

Parking infringements:  
Date of infringement (DD/MM/YYYY)  
Time of infringement (hh:mm) - 24-hour format  
Infringement code  
Authorised Person  
Vehicle body type  
Vehicle make  
Address (Suburb, street name, street number)  
Issue medium (mobile vehicle, parking inspector)

Attach a description or additional details about the information you are requesting access to (optional)

Do you have a similar or identical request currently under review by another ACT Government Directorate?

Yes  No

Are you enquiring as

A member of the public

Do you wish to apply for a waiver of fees associated with processing your application?

Yes  No

Provide a statement about how the release of information is in the public interest (optional)

Please see attached document entitled 'Freedom of Information request'.

Would you like to provide any additional information? (optional)

Attach additional documents to support your application (optional)

[Freedom of Information request.pdf](#)



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDD FOI 2023-201



## FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), transferred to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on **6 June 2023**. On 14 June 2023, you clarified the scope of your request and sought access to:

*“...data for all parking tickets within Canberra from date 14 June 2022”*

- i. Date of infringement (DD/MM/YYYY)*
- ii. Time of infringement (hh:mm) - 24-hour format*
- iii. Infringement code*
- iv. Authorised Person*
- v. Vehicle body type*
- vi. Vehicle make*
- vii. Address - (Suburb, street name, street number)*
- viii. Issue medium (mobile vehicle, parking inspector)*

### Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

### Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision within 30 working days. Following a scope refinement, a decision and response are due on **25 July 2023**.

### Decision on access

Searches were completed for relevant information and one document was identified that falls within scope of your request. I have decided to grant **partial access** to this document as I consider the disclosure of some information is contrary to public interest.

I note the scope of your request seeks access to eight specific data fields, six of which have been released to you in full. Some of the data fields you have requested are not included in the release, as this information is either exempt from release or not available.

Below, I have provided a description of the release type for each of the data fields you have requested:

Section of request	Release Type
i. <i>Date of infringement (DD/MM/YYYY)</i>	Full release
ii. <i>Time of infringement (hh:mm) - 24-hour format</i>	Full release
iii. <i>Infringement code</i>	Full release
iv. <i>Authorised Person</i>	<b>Exempt</b>
v. <i>Vehicle body type</i>	Full release
vi. <i>Vehicle make</i>	Full release
vii. <i>Address - (Suburb, street name, street number)</i>	Full release (Street number information not available)
viii. <i>Issue medium (mobile vehicle, parking inspector)</i>	<b>Information not available</b>

The document released to you is provided as **Attachment A** 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;
- the *Human Rights Act 2004*.

### Exemption claimed

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

### The public interest information 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 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.

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 this document 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:*

- (i) *promote open discussion of public affairs and enhance the government’s accountability;*
- (ii) *contribute to positive and informed debate on important issues or matters of*

*public interest;*

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

*(xvi) contribute to innovation and the facilitation of research.*

I have placed substantial weight on the above factors favouring disclosure. It is reasonable to expect that information about this topic may be of interest to other residents within the Canberra community. The release of this information could reasonably be expected to provide information that would inform the community, enhance debate, and inform members of the community about government operations. I note that this information could also aid the facilitation of research.

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.*

Having reviewed the document, I consider that the protection of an individual's right to privacy, especially the identity of frontline ACT Government employees, is a significant factor. When considering the information and factors in favour of nondisclosure, I have considered the unique identifiers contained within the material, which could prejudice the identity of some frontline ACT Government employees.

I consider it unreasonable to release information that could identify internal issuing officers of Access Canberra as I believe the release of this information may prejudice the protection of these individuals' right to privacy or any other right under the *Human Rights Act 2004*. I am satisfied that this factor favouring nondisclosure should be afforded significant weight as it relates to the individuals' privacy.

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 not to release 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 not applicable for this request because the number of pages to be 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. You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2023>



## **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 sent 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  
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 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



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

24 July 2023