



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 2023-323

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	N/A
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	21
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



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

07 Sep 2023 12:42:24 PM

ZMG57L78

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? *

The number of parking infringement notices issued, In the road related area, in the suburb or Lyneham, between Hall Street and Goodwin Street opposite 5 Hall Street in the last three years.

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)

This is in relation to a court case where I have been issues with an infringement. The infringement states I wa blocking footpath when no footpath e i t on that nature trip. A I have witne ed many other people park in the same spot, I believe there must be many other people unfairly prosecuted and forced to pay fines because they do not have time to take this matter to court.

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

Attach additional documents to support your application (optional)



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 **8 September 2023**. On 19 September 2023, you clarified the scope of your request and specifically sought access to the following information:

“Provide counts of infringements that match the following details:

- i. Infringement type: ‘stop on path/strip in built up area’ (parking on the nature strip)*
- ii. Location: corner of Hall Street and Wattle Street*
- iii. Search period: past 3 years...”*

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. A decision and response are due on **30 October 2023**.

Decision on access

Searches were completed for relevant information and the business area has identified the following statistical data that falls within scope of your request. I have decided to grant **full access** to the material. The information being released to you is provided below.

Year	Infringements Issued	Comments
2020	0	Nil.
2021	0	
2022	0	
2023 (to 21/09/2023)	3	The 3 offences that match the infringement type were recorded on Hall Street. <ul style="list-style-type: none">• 1 offence was located between Brigalow and Wattle Streets opposite Lyneham Street.• 1 offence was located between Brigalow and Wattle Streets opposite 9 Hall Street.• 1 offence was located between Hall and Wattle Streets opposite 66 Wattle Street.

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

Statement of Reasons

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, and
- 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.
- I did not identify any Schedule 1 provisions as relevant to this request.

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 non-disclosure.

Taking into consideration the information 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.*

I have placed substantial weight on the above factor favouring disclosure. It is reasonable to expect that information about this topic may be of interest to others within the Canberra community and contribute to informed debate about issues of interest.

I did not identify any factor favouring nondisclosure and have decided to release this information to you in full.

Charges

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50.

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 published on the 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

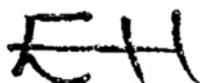
ACT Civil and Administrative Tribunal (ACAT) Review

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 the CMTEDD FOI Team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Emma Hotham
Information Officer
Chief Minister, Treasury and Economic Development Directorate

10 October 2023