



**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 2024-062
Date of Application	1 March 2024
Date of Decision	15 April 2024
Processing time (in working days)	28
Fees	N/A
Decision on Access	Full Release
<b>Information Requested (summary)</b>	Activities undertaken by ACT Parking Operations in last two years.
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:** [JACS FOI](#)  
**To:** [CMTEDD FOI](#)  
**Subject:** Partial Transfer Request  
**Date:** Friday, 1 March 2024 1:31:13 PM  
**Attachments:** [JACS FOI Access](#) [redacted] [parking on nature strips.docx](#)

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OFFICIAL

Good afternoon team,

I refer to the attached FOI application. I believe some of the requested documents are with CMTEDD. Can you please confirm if CMTEDD accepts partial transfer of this request? I note that I will also be requesting a partial transfer from TCCS.

Please reach out if you have any questions.

Kind Regards,

Mashfi Rahman | Senior Coordinator – Freedom of Information  
Governance, Coordination and Reporting | Justice and Community Safety Directorate  
☎ (02) 6207 5433 | ✉ [mashfi.rahman@act.gov.au](mailto:mashfi.rahman@act.gov.au) | 📮 GPO Box 158, Canberra ACT 2601

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**From:** [redacted]  
**Sent:** Thursday, February 29, 2024 12:47 PM  
**To:** JACS FOI <[JACSFOI@act.gov.au](mailto:JACSFOI@act.gov.au)>  
**Subject:** FOI request relating to nature strips and parking operations

You don't often get email from [redacted] [Learn why this is important](#)

**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](#)

Hi,  
Please find attached an FOI request. Please feel free to call me if you have any questions that will make it more efficient for you to process the request.

thanks

[redacted]



**ACT**

Government

Justice and Community Safety

## Freedom of Information – Access Application Form

### PRIVACY NOTICE

The personal information you supply on this form will only be used for the purpose of processing your request. Your application must include an email or postal address to which the respondent can send notices under the Act. If all or some of this information is not collected, the Justice and Community Safety (JACS) Directorate may not be able to communicate with you, inhibiting their obligations under the Act. This could mean the request cannot be dealt with. Your personal information will not be disclosed to a third party without your consent unless statutory obligations require otherwise.

The JACS Directorate Privacy Policy contains information on how you can access or seek to correct any of your personal information that is held by the JACS Directorate, as well as the process for lodging a complaint about an alleged breach of the [Information Privacy Act 2014](#). The Privacy Policy can be found on the JACS Directorate website at <http://www.justice.act.gov.au/privacy>.

### Applicant details

I wish to make an access application to Justice and Community Safety Directorate under the [Freedom of Information Act 2016](#).

<b>Name</b>	
<b>Address</b> (where notices relating to this request can be sent – either postal or electronic)	
<b>Telephone Contact Residential</b>	
<b>Telephone Contact Mobile</b>	
<b>Email Contact</b>	

### What documents are you requesting under the Act?

- To help the JACS Directorate process your request, please include enough detail in your application so that we can fully understand what government information you want.
- You may wish to include a statement about how the release of information is in the public interest.
- If your application is for access to your own personal information you must include evidence of your identity. If you are an agent acting for an applicant, please supply evidence of your authorisation and evidence of the identity of the applicant.
- If for reasons in section 30 of the Act is not compliant and your application cannot be processed, the JACS Directorate will take reasonable steps to assist you and give you reasonable time to amend your application if you wish.



**ACT**  
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I would like information that describes the activities undertaken by ACT Parking Operations in the last two years on a community awareness of rules about illegal nature of parking on nature strips.

I would also like to information that answers the following:

In the last two years, how many reports were submitted via Access Canberra of illegal parking on nature strips?

In the last two years, how many people were cautioned for parking on nature strips?

In the last two years, how many people were fined for parking on nature strips?

In the last two years, how many permits were issued to park on nature strips?

If possible, can the above information be broken down by suburb.

I believe this is in the public interest. Tree canopy is lower in new suburbs within the ACT. TCCS linked refusal of tree planting to a desire of residents to keep parking on the nature strips, which is illegal in ACT. The ACT Government seeks to achieve 30 percent tree canopy cover by 2045.

Significant time and effort is required by TCCS to manage and minimise the risk of re-routes when residents objects to the planting of tree on nature strips and verges.

a copy of these documents sent to the above address

**OR**

to inspect these document



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However the interaction with other Act Government activities including parking operations, planning (with infill agenda) seems to not have been explored well in the recent Act Audit report on Tree Management.

I have a suspicion that tree refusal and instances of re-routing have been more common in higher density areas, particularly in newer suburbs with smaller blocks, narrower roads, and less established trees or in areas that have been ""infilled" with higher density leading to more demand for parking on verge and nature strips.

However, I am looking actual data on the education and enforcement activities taken regarding parking on nature strips.

Please note that I recently submitted an FOI request to TCCS seeking more granular data on tree refusal and "re-routing". "

I intend to provide the results to various media outlets.



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### Fee Waiver

If you wish to apply for a fee waiver, the Act sets out a number of provisions to do so:

- The information being requested was previously publicly available but no longer is.
- The information being requested is of special benefit to the public (Identified by the Ombudsman under section 66 of the Act).
- The applicant is a concession card holder and demonstrates a material connection with the information requested (concession cards include a current health care or pensioner card issued under the [Social Security Act 1991](#); a current pensioner concession card issued in relation to a pension under the [Veterans' Entitlements Act 1986](#) or the [Military Rehabilitation and Compensation Act 2004](#); a current gold card; or a card prescribed by regulation).
- The applicant is a not-for-profit organisation and the application relates to the activities or purposes of the organisation.
- The applicant is a member of the Legislative Assembly.

The JACS Directorate must waive any fees for providing information if the information was not publicly available and the agency makes the information publicly available before or within 3 working days after giving it to the applicant.

### Fee waiver application (fill in if applicable. Otherwise leave blank)

I would like to apply for a fee waiver because (state reason/s from the list above).

[provide details and evidence of how this reason applies]

APPLICANTS SIGNATURE

DATE OF REQUEST

9 Feb 2024



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2024-062



## **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 1 March 2024.

Specifically, you have sought access to the following information:

*“I would like information that describes the activities undertaken by ACT Parking Operations in the last two years on a community awareness of rules about illegal nature of parking on nature strips.*

- *I would also like information that answers the following:*
  - *In the last two years, how many reports were submitted via Access Canberra of illegal parking on nature strips?*
  - *In the last two years, how many people were cautioned for parking on nature strips?*
  - *In the last two years, how many people were fined for parking on nature strips?*
  - *In the last two years, how many permits were issued to park on nature strips?*

*If possible, can the above information be broken down by suburb.”*

### **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 **17 April 2024**.

### **Decision on access**

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

I have decided to grant full access to the relevant document.

## **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.

## **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 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.

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

Taking into consideration the information contained in the document found to be within the scope of your request, I have identified that the following public interest factor is relevant to determine if release of the information contained within this document is within the ‘public interest’.

### ***Factors favouring disclosure (Section 2.1)***

- *Section 2.1(a)(iii) - inform the community of the government’s operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.*

I have placed substantial weight on the above factor. I appreciate that statistical information regarding parking on nature strips will provide the Canberra community with greater insight into the parking operations of the ACT government.

I did not identify any factors in favour of nondisclosure.

## **Release of documents**

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



## 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.

## 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)

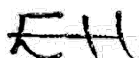
## ACT Civil and Administrative Tribunal (ACAT) Review

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



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

15 April 2024

**Parking - Nature Strip\***

<b>Suburb</b>	<b>Offences</b>	<b>Complaints</b>
ACTON	406	12
AINSLIE	25	27
AMAROO	54	34
ARANDA	6	9
BANKS	118	29
BARTON	38	9
BEARD	0	1
BELCONNEN	533	33
BONNER	77	29
BONYTHON	28	7
BRADDON	184	90
BRUCE	459	78
CALWELL	53	39
CAMPBELL	229	42
CANBERRA AIRPORT	216	0
CANBERRA CENTRAL	0	3
CAPITAL HILL	0	1
CASEY	80	73
CHAPMAN	1	11
CHARNWOOD	34	18
CHIFLEY	2	7
CHISHOLM	19	18
CITY	652	17
CONDER	58	26
COOK	4	4
COOMBS	243	64
CRACE	7	18
CURTIN	39	30
DEAKIN	37	30
DENMAN PROSPECT	198	18
DICKSON	215	75
DOWNER	6	30
DUFFY	10	17
DUNLOP	11	31
EVATT	50	22
FADDEN	9	4
FARRER	5	16
FISHER	11	22
FLOREY	45	9
FLYNN	5	37
FORDE	8	21
FORREST	81	18
FRANKLIN	175	26
FRASER	15	16
FYSHWICK	175	19
GARRAN	247	40
GILMORE	9	14
GIRALANG	88	35

**Parking - Nature Strip\***

<b>Suburb</b>	<b>Offences</b>	<b>Complaints</b>
GORDON	136	34
GOWRIE	6	34
GREENWAY	757	87
GRIFFITH	1,381	83
GUNGAHLIN	3,197	225
HACKETT	4	13
HALL	3	2
HARRISON	215	85
HAWKER	2	13
HIGGINS	5	14
HOLDER	1	23
HOLT	66	17
HUGHES	10	3
HUME	11	3
ISAACS	13	0
ISABELLA PLAINS	13	31
JACKA	4	1
KALEEN	106	55
KAMBAH	50	84
KINGSTON	253	55
LATHAM	23	18
LAWSON	178	99
LYNEHAM	318	28
LYONS	35	18
MACARTHUR	11	7
MACGREGOR	25	53
MACQUARIE	313	14
MAWSON	41	13
MCKELLAR	9	15
MELBA	89	12
MITCHELL	227	28
MOLONGLO VALLEY	0	1
MONASH	116	19
MONCRIEFF	40	40
NARRABUNDAH	93	83
NGUNNAWAL	74	147
Nicholls	137	54
OAKS ESTATE	0	5
O'CONNOR	28	44
O'MALLEY	2	7
OXLEY	0	3
PAGE	3	7
PALMERSTON	156	60
PARKES	0	6
PEARCE	20	9
PHILLIP	680	43
PIALLIGO	0	2
RED HILL	235	32

**Parking - Nature Strip\***

<b>Suburb</b>	<b>Offences</b>	<b>Complaints</b>
REID	38	87
RICHARDSON	12	21
RIVETT	1	10
SCULLIN	5	23
SPENCE	9	15
STIRLING	5	6
STRATHNAIRN	26	19
SYMONSTON	1	3
TAYLOR	121	65
THEODORE	17	30
THROSBY	13	13
TORRENS	33	9
TURNER	138	43
WANNIASSA	14	20
WARAMANGA	17	3
WATSON	131	47
WEETANGERA	74	28
WESTON	27	79
WESTON CREEK	0	1
WHITLAM	2	2
WRIGHT	67	31
YARRALUMLA	131	22
Blank	0	198
<b>Total</b>	<b>14,933</b>	<b>3733</b>

\* Offence = Stop on Path/Strip in Built-Up Area