



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 2024-192
Date of Application	6 June 2024
Date of Decision	9 July 2024
Processing time (in working days)	22
Fees	N/A
Decision on Access	Full Release
Information Requested (summary)	The number of parking fines issued to vehicles parked in Coveney Street Bruce between 1 January 2016 and 31 December 2023.
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](#)
Subject: RE: CMTEDDFOI 2024-192 - Freedom of Information request
Date: Friday, 7 June 2024 9:50:30 AM

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Thanks Sue.

I am trying to demonstrate that parking fines in Coveney Street are a rarity. I am happy to accept any period back from December 2023. I will extrapolate from there.

Regards

[REDACTED]

From: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Sent: Thursday, June 6, 2024 12:07 PM
To: [REDACTED]
Subject: RE: CMTEDDFOI 2024-192 - Freedom of Information request

OFFICIAL

Good afternoon [REDACTED]

Thank you for speaking with me earlier.

As discussed, can you please advise if you agree to the narrowing of the scope of your request to:

“The number of parking fines issued to vehicles parked in Coveney Street Bruce between 1 January 2016 and 31 December 2023.”

If you could respond as soon as possible, by return email, it would be greatly appreciated.

Please don't hesitate to contact me if you require further information or clarification.

Kind regards

Sue

Sue | Freedom of Information Coordinator | Information Access Team

Phone: 02 6207 7754 | Email: 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 | act.gov.au

From: no-reply@act.gov.au <no-reply@act.gov.au>

Sent: Thursday, June 6, 2024 11:10 AM

To: CMTEDD FOI <CMTEDDFOI@act.gov.au>

Subject: Freedom of Information request

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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:

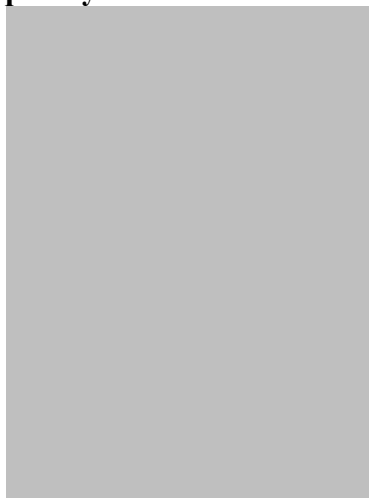
Suburb:

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):

The number of parking fines issued to vehicles parked in Coveney Street Bruce between 1 January 2007 and 31 December 2023.

I do not want to access the following documents in relation to my request::

Thank you.

Freedom of Information Coordinator

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.



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2024-192



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 27 May 2024.

Specifically, you have sought access to the following information:

- *The number of parking fines issued to vehicles parked in Coveney Street Bruce between 1 January 2016 and 31 December 2023.*

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 **19 July 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 one document.

The records identified as relevant to your application are listed in the schedule enclosed at **Attachment A**. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

Release of documents

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

Exemptions considered

Schedule 1: Information taken to be contrary to the public interest.

No relevant sections were identified.

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 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.

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)(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.*

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)

I did not identify any 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

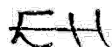
ACT Civil and Administrative Tribunal (ACAT) Review

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 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

9 July 2024

The number of parking fines issued to vehicles parked in Coveney Street Bruce between 1 January 2016 and 31 December 2023.

The majority of parking infringements issued under the Road Transport Regulation relate to a 'road related area'.

Please see below for an explanation on this definition under the Road Transport (General) Act 1999.

A road related area, for the road transport legislation or a provision of the road transport legislation (the relevant legislation)—

(a) means—

(i) an area that divides a road; or

(ii) a footpath or nature strip adjacent to a road; or

(iii) an area that is open to the public and is designated for use by cyclists or animals; or

(iv) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles; or

(v) a shoulder of a road; or

(vi) any other area that is open to or used by the public so far as a declaration under section 12 (Power to include or exclude areas in road transport legislation) declares that the relevant legislation applies to the area; but

(b) does not include an area that would otherwise be a road related area so far as a declaration under that section declares that the relevant legislation does not apply to the area.

Capturing the road related offences near Coventry Street during the period of 01/01/2016 to 31/12/2023 there was approximately 20 road related parking Infringements issued.

In addition, there have been 3 parking Infringements for an offence on Coveney Street during the period of 01/01/2016 and 31/12/2023.