



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 2018-0020

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Partially released
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	33
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: [TrafficCameraOffice](#)
To: [CMTEDD.FOJ](#)
Subject: [REDACTED]
Date: Monday, 29 January 2018 1:42:54 PM

From: [REDACTED]
Sent: Monday, 29 January 2018 11:22 AM
To: TrafficCameraOffice
Subject: FOI Request

To whom it may concern

I wish to make application for the purposes of the FOI Act.

I would like all documents, maintenance logs and certificates that relate to the speed camera incident (Infringement notice number [REDACTED])

Any and all information can be sent electronically to [REDACTED]

Many thanks

[REDACTED]



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2018-0020

[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 29 January 2018, in which you sought access to all documents, maintenance logs and certificates that relate to your speed camera infringement, notice number [REDACTED]

Authority

I am an Information Officer appointed by the Director-General of CMTEDD 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 19 March 2018.

Decision on access

Searches were completed for relevant documents and 3 documents were identified that fall within the scope of your request.

I have decided to grant partial access to all 3 documents. The information redacted in the documents I consider to be 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 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.

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 decision is below.

Statement of Reasons

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

- the Act, particularly section 17, schedule 2 section 2(a)(ii) and schedule 2 section 2(a)(xi);
- the content of the documents that fall within the scope of your request;
- the submissions made by relevant third parties; and
- the *Human Rights Act 2004*.

Exemption claimed

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

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 (Schedule 2.1)

- contribute to the administration of justice generally, including procedural fairness;
- promote open discussion of public affairs and enhance the government's accountability.

Factors favouring non-disclosure (Schedule 2.2)

- Prejudice the protection of an individual's right to privacy or other right under the *Human Rights Act 2004*;
- prejudice trade secrets, business affairs or research of an agency or person.

Having considered the factors identified as relevant in this matter, I consider that release of information contained in these documents may contribute to the administration of justice generally and promote open discussion of public affairs and enhance the government's accountability by allowing you to have a complete record of the testing and certification regime the ACT Government adheres to in relation to traffic safety.

However, when considering this finding against the factors favouring non-disclosure, I am satisfied that the protection of an individual's right to privacy, especially in the course of assisting in providing a service to a government agency, is a significant factor as the parties involved have provided their personal information for the purposes of meeting obligations to the ACT Government which, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter. 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. Considering the type of information to be withheld from release (names and signatures), I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved.

In addition, I have also considered the impact that the release of some of the information contained in the documents may have on relevant third parties. Taking into account the submissions put to me by the relevant third parties as part of the consultation undertaken in accordance with section 38 of the Act, I am satisfied that releasing this information would prejudice the business affairs of the third party as this information would disclose the proprietary testing processes used by the company undertaking compliance maintenance of speed camera equipment.

I therefore weight the factors for non-disclosure more highly than the factors in favour of release in this instance. As a result, I have decided that release of information pertaining to an individual could prejudice their right to privacy under the *Human Rights Act 2004*. Moreover, I am satisfied that release of information about testing equipment used could prejudice the business affairs of a third party.

Having applied the test outlined in section 17 of the Act and deciding that release personal information and information about business affairs contained in the documents are 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 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.

Folios 1-3 and 7-9 of the identified documents contain 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 folio's 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, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 22 March 2018. 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: ombudsman@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,

A handwritten signature in black ink, appearing to read 'Daniel Riley', written in a cursive style.

Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

16 March 2018



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	All documents, maintenance logs and certificates that relate to the speed camera incident (Infringement notice number [REDACTED])	2018-0020

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Certificate of Test of a Speed Measuring Device	23-Aug-2017	Partial release	Schedule 2 section 2(a)(ii) Personal Information Schedule 2 section 2(a)(xi) Business Affairs	Yes
2	2-8	SGS Australia Pty Ltd Calibration report	25-Aug-2017	Partial release	Schedule 2 section 2(a)(ii) Personal Information Schedule 2 section 2(a)(xi) Business Affairs	Yes
3	9	Work Order Number 0166-2017	02-Nov-2017	Partial release	Schedule 2 section 2(a)(xi) Business Affairs	Yes
Total No of Docs						
3						



SGS

CERTIFICATE OF TEST OF A SPEED MEASURING DEVICE IN ACCORDANCE WITH THE ACT ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) REGULATION 2000 IN FORCE UNDER THE ACT ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT 1999

Device Description:

Sch 2 s2(a)(xi)

Manufacturer:

Permanent Distinguishing Marks:

Sch 2 s2(a)(xi)

Date of test: 23/08/2017

Date of expiry of this certificate: 23/08/2018

I hereby certify that:

- (1) this laboratory is a testing authority as described in chapter 4 of the *ACT Road Transport (Safety and Traffic Management) Regulation 2000*
- (2) the tests were conducted by an approved person employed within the testing authority to test and seal traffic offence detection devices in accordance with chapter 4 of the *ACT Road Transport (Safety and Traffic Management) Regulation 2000*
- (3) this device was found to operate in accordance with the manufacturer's specifications for speed measurement. All readings of speed or speeds of 100km/h and under were accurate within a tolerance of 2km/h; and for speeds over 100km/h were accurate within a tolerance of 2%. Full details are given in SGS Australia Report TC170762.

Signature:

Sch 2 s2(a)(ii)

Date: 23/08/2017

Name of signatory:

Sch 2 s2(a)(ii)

Position of signatory:

Calibration Engineer

Testing Laboratory:

SGS Australia Pty Ltd, NATA Accredited Laboratory No. 18628
10/585 Blackburn Road, Notting Hill VIC 3168

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SGSPAPER

04634981





SGS Australia Pty Ltd

Calibration Report

Report Reference Number		TC170762
Test Scope		Certification of Radar Speed Measuring Device
Date of Issue		25/08/2017
Date of Test		23/08/2017
Compiled by	Sch 2 s2(a)(ii)	Sch 2 s2(a)(ii) Calibration Engineer
Approved by		Sch 2 s2(a)(ii) Senior Calibration Engineer
Testing Laboratory		
SGS Australia Pty Ltd, NATA Accredited Laboratory No. 18628		
10/585 Blackburn Road, Notting Hill VIC 3168		
Applicant		
ACT Traffic Camera Office		
29 Couranga Crescent, HUME, ACT 2620		
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Summary of Results

The device under test is Compliant with the requirements of AS2898.2 Section 2.2 and SGS test procedure PR-TE-626-1.

Comments:

- A compliant result indicates that the measurement results fall within specification by an amount at least equivalent to the uncertainty of measurement for all tests except for the end to end speed simulation test where the measurement results fall within the specification limits combined with uncertainty of the test.
- No adjustments were performed on the device.

Device Under Test Description

Description:

Sch 2 s2(a)(xi)

Item	Model/Part No	Serial No
DCU		Sch 2 s2(a)(xi)
Radar Antenna		

Software Version	Sch 2 s2(a)(xi)
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Condition:

- The device under test was found to be in a satisfactory physical condition.

Test Equipment

Item	ID	Calibration Due Date
Sch 2 s2(a)(xi)		

Environmental Conditions

The ambient temperature and humidity at the time of test are shown below:

Ambient temperature (°C) +/-1 °C	Relative humidity (%) +/-4%
19.8	45.3

Test Results

Antenna Frequency Test

Peak No	Measured Frequency (GHz)
1	24.14526

End to End Speed Simulation Test (Mill)

Simulated Speed (km/h)*	DUT Indicated Speed (km/h)	DUT Indicated Direction **
53.1	54	A
53.1	54	A
53.2	54	A
-50.8	51	R
-50.8	51	R
-50.8	49	R
70.2	68	A
70.3	68	A
70.3	68	A
-70.8	69	R
-70.8	69	R
-70.8	69	R
100.5	101	A
100.5	99	A
100.4	99	A
-100.5	102	R
-100.5	99	R
-100.5	99	R

* A negative speed indicates a receding vehicle and a positive speed indicates an approaching vehicle.

** A is approaching and R is receding.

Doppler Injection Speed Simulation Test

Simulated Speed (km/h)*	DUT Indicated Speed (km/h)	DUT Indicated Direction**
21.0	21	A
21.0	21	A
21.0	21	A
-21.0	21	R
-21.0	21	R
-21.0	21	R
50.0	50	A
50.0	50	A
50.0	50	A
-50.0	50	R
-50.0	50	R
-50.0	50	R
100.0	100	A
100.0	100	A
100.0	100	A
-100.0	100	R
-100.0	100	R
-100.0	100	R
150.0	150	A
150.0	150	A
150.0	150	A
-150.0	150	R
-150.0	150	R
-150.0	150	R
200.0	199	A
200.0	199	A
200.0	199	A
-200.0	199	R
-200.0	199	R
-200.0	199	R
240.0	239	A
240.0	239	A
240.0	240	A
-240.0	240	R
-240.0	240	R
-240.0	240	R
250.0	249	A
250.0	249	A
250.0	249	A
-250.0	251	R
-250.0	251	R
-250.0	251	R

* A negative speed indicates a receding vehicle and a positive speed indicates an approaching vehicle.

** A is approaching and R is receding.

Tamper Evident Seals

The device under test was sealed with SGS tamper evident seals A05160, A05161, A05162 and A05163.



Sch 2 s2(a)(xi)



Sch 2 s2(a)(xi)

Sch 2 s2(a)(xi)

Sch 2 s2(a)(xi)



Traffic Camera Office
EQUIPMENT WORK REQUEST/REPAIR FORM
Work Order Number: 0166-2017

Work Order Status History:

02-Nov-2017 -- 10:00 pm -- Initiated -- John Peti

Brief Summary of Work Required:

install Sch 2 s2(a)(xi) replacing device Sch 2 s2(a)(xi)

Fixed Site Affected: 1030-N

Radar -- Watson -- Federal Hwy between Zelling St & Antill Street -- Northbound Located Approx 200 Metres before Antill Street

Equipment Requiring Work:

Sch 2 s2(a)(xi) - SPARE -- Technician to install device

DETAILS OF WORK COMPLETED (Contractors must provide a summary report of the work completed.)

Four horizontal lines for entering work completion details.

PARTS SUPPLIED / REPLACED/ SERIAL NUMBER

Two horizontal lines for entering parts information.

Device estimated time back on line: _____

(Contractors must sign and date:)

Technicians Signature: _____ Date: _____

SECTION 2 (Office only use)

Traffic Camera Office action Traffic camera back in use, Time _____ Date _____

Signature: _____ Date: _____

Operations Supervisor Name: _____