



**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 2024-119   |
| Date of Application                            | 2 April 2024   |
| Date of Decision                               | 9 May 2024   |
| Processing time (in working days)              | 26   |
| Fees   | N/A  |
| Decision on Access                             | Full Release   |
| <b>Information Requested (summary)</b>         | Number of parking fines in Easty Street carpark (next to Callum Offices).  |
| 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:** [no-reply@act.gov.au](mailto:no-reply@act.gov.au)  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Tuesday, 2 April 2024 2:05:55 PM

---

**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](#)

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:

A large grey rectangular area redacting the user's personal details.

### 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.)**

Dear Officer, I am writing to request access to records held by Access Canberra which detail the number of parking fines issued in Easty Street carpark (next to Callam Offices), specifically within the "Permit Zone", despite individuals having paid for a parking ticket. My request concerns the period from 9 August 2022 to the current date. It has been observed that the signs demarcating the "Permit Zone" in the mentioned car park are not only obstructed but are facing away from the view of drivers. This situation unjustly leads to a higher number of parking fines being issued. Therefore, I would like to request the following information: 1. The total number of parking fines issues for parking in the "Permit Zone" of Easty Street carpark from 9 August 2022 to the present date, where the drivers purchased a parking ticket. 2. The total dollar value received by Access Canberra from parking fines in this matter. 3. The total number and description of all fine disputes relating to this matter. 4. Any policies or guidance documents related to the enforcement of parking fines in areas where signage may be obstructed or not clearly visible to drivers. 5. Steps being taken to ensure parking signs in Easty Street car park are clear and visible to prevent

Under the Freedom of Information Act 2016 I want to access the following document/s (\*required field):

future misunderstandings and unjust fines. I believe the release of this information is in the public interest as it concerns the clarity of parking regulations and the fairness of their enforcement. It potentially affects a significant number of individuals who use the Easty Street carpark. Additionally, I would like to inform you that I will be notifying my local member of parliament about this request to ensure there is transparency and accountability in the handling of the matter. Thank you for your time and attention to this matter. I look forward to your response. Sincerely, [REDACTED]

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

Thank you.  
Freedom of Information Coordinator



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2024-229



## **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 2 April 2024.

Specifically, you have sought access to the following information:

- 1. The total number of parking fines issues for parking in the "Permit Zone" of Easty Street carpark from 9 August 2022 to 2 April 2024, where the drivers purchased a parking ticket.*
- 2. The total dollar value received by Access Canberra from parking fines in this matter.*
- 3. The total number and description of all fine disputes relating to this matter.*
- 4. Any policies or guidance documents related to the enforcement of parking fines in areas where signage may be obstructed or not clearly visible to drivers.*
- 5. Steps being taken to ensure parking signs in Easty Street car park are clear and visible to prevent future misunderstandings and unjust fines.*

Please note that point 5 was transferred to Transport Canberra and City Services (TCCS) Directorate.

### **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 **15 May 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 followed by the government in its dealings with members of the community.*

I have placed substantial weight on the above factor. I appreciate that release of the information in scope will provide the Canberra community with some 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

9 May 2024

- 1. The total number of parking fines issues for parking in the "Permit Zone" of Easty Street carpark from 9 August 2022 to 2 April 2024, where the drivers purchased a parking ticket.**  
There is no data recorded for this offence which indicates the driver had a pay parking ticket displayed. A search for each infringement and viewing every photo attached to all infringements would be required, there may not be any images of the pay parking ticket. This will be an inaccurate search.
- 2. The total dollar value received by Access Canberra from parking fines in this matter.**  
Unable to determine, see previous comments.
- 3. The total number and description of all fine disputes relating to this matter.**  
Each dispute and matter are based on circumstances of the dispute.
- 4. Any policies or guidance documents related to the enforcement of parking fines in areas where signage may be obstructed or not clearly visible to drivers.**  
See attached pages.
- 5. Steps being taken to ensure parking signs in Easty Street car park are clear and visible to prevent future misunderstandings and unjust fines.**  
This point has been transferred to Transport Canberra and City Services (TCCS) as they look after urban trees and maintenance.

# Out of Scope

|                                  |  |                               |   |
|----------------------------------|--|-------------------------------|---|
| <b>Government Parking Permit</b> | Are issued for parking in restricted areas for vehicles used by the Commonwealth or ACT Governments or a Commonwealth or ACT authority while being used for official purposes. | They are valid for 12 months. | A vehicle with ACT Government's plate could be considered as an alternative permit.<br><br>Any vehicle with government plates from interstate are also able to use government parking permit areas as long as they have government plates on the vehicle. |
|----------------------------------|--|-------------------------------|---|

# Out of Scope

# Out of Scope

| What  | Who                        |
|---|----------------------------|
| <ul style="list-style-type: none"><li>• Check area signage, ensure they are clear and correct.</li><li>• Check the vehicle does not have the relevant permit.</li><li>• Collect images/evidence.</li><li>• If breach determined serve infringement.</li></ul> | Parking Compliance Officer |

# Out of Scope