



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 2019-044

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	18
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: [JACS FOI](#)
To: [CMTEDD FOI](#)
Cc: [JACS FOI](#)
Subject: FW: Freedom of Information Request [SEC=UNCLASSIFIED]
Date: Tuesday, 26 February 2019 2:37:29 PM
Attachments: [JACS - FOI Access Application Form.docx](#)

Good afternoon CMTEDD team,

Would you please review the attached FOI access application and advise your agreement for its transfer.

JACS business units have advised JACS does not hold CCTV footage related to this request scope.

Please note, on receipt of your acceptance under sec 57, we will then email the applicant to advise that the transfer has occurred.

Kind regards,

Julia Bowden

FOI Information Coordinator
Governance, Coordination and Reporting
Justice and Community Safety Directorate | ACT Government
Phone: 02 6207 4558 | Ground Floor, 12 Moore Street, Canberra City
GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: [REDACTED]
Sent: Monday, 25 February 2019 10:45 PM
To: JACS FOI <JACSFOI@act.gov.au>
Subject: Freedom of Information Request

Good evening

Please find attached request under the Freedom of Information Act 2016.

Kind regards
[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](#).

Name	[REDACTED]
Address (where notices relating to this request can be sent – either postal or electronic)	[REDACTED]
Telephone Contact Residential	[REDACTED]
Telephone Contact Mobile	[REDACTED]
Email Contact	[REDACTED]



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).

N/A

What documents are you requesting under the Act?

All requested documents relate to Infringement Notice 274 894 8907:

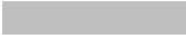
- Documents (eg: a certificate) relating to the testing of the speed measuring device (PS-698017) in accordance with the *Road Transport (Safety and Traffic Management) Regulation 2017* produced in the preceding 12 months to the offence date;
- Documents which outline the serial number, model number, brand, and technology (eg: laser, radar, piezo strip, or loop detector) of the speed measuring device (PS-698017);
- Procedural or guidance documents showing the correct operation of the speed measuring device (PS-698017), for example a user manual;
- Documents which demonstrate that Operator OP0105 has appropriate qualifications or experience in the operation of the digital camera detection device (Note: personal information of the officer may be omitted);
- Documents demonstrating that the camera detection device could not have been used to take an image of the vehicle from the front (s 24C of the *Road Transport (Safety and Traffic Management) Act 1999* refers)



ACT
Government

Justice and Community Safety

<p>I would like</p>	<p>a copy of these documents sent to the above address</p> <p>OR</p> <p>to inspect these document</p>
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APPLICANTS SIGNATURE	DATE OF REQUEST
	25/02/2019



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2019-044

Mr [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 26 February 2019, in which you are seeking access to the following documents relating to Infringement Notice 274 894 8907:

- Documents (eg: a certificate) relating to the testing of the speed measuring device (PS-698017) in accordance with the Road Transport (Safety and Traffic Management) Regulation 2017 produced in the preceding 12 months to the offence date;
- Documents which outline the serial number, model number, brand, and technology (eg: laser, radar, piezo strip, or loop detector) of the speed measuring device (PS-698017);
- Procedural or guidance documents showing the correct operation of the speed measuring device (PS-698017), for example a user manual;
- Documents which demonstrate that Operator OP0105 has appropriate qualifications or experience in the operation of the digital camera detection device (Note: personal information of the officer may be omitted);
- Documents demonstrating that the camera detection device could not have been used to take an image of the vehicle from the front (s 24C of the Road Transport (Safety and Traffic Management) Act 1999 refers).

Authority

I am an Information Officer appointed by the 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 by 27 March 2019. However, as a result of third party consultation, this deadline has been extended by 15 working days. The new deadline is 17 April 2019.

Decision on access

Searches were completed for relevant documents and 6 documents were identified that fall within the scope of your request.

I have decided to grant access in full to 1 document and partial access to 4 documents. I have decided to refuse access to 1 document as I consider it to be contrary to the public interest information under schedule 1.

The information redacted in the documents is information which I consider to be, on balance, 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;
- the content of the documents that fall within the scope of your request; and
- the *Human Rights Act 2004*.

Exemption claimed

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

Contrary to the public interest information under schedule 1 of the Act

I consider that one of the documents that you have requested contains information which falls within section 1.14 - Law enforcement or public safety information. Specifically, subsection (f) and (g) of section 1.14 exempts from release any information which could:

(f) prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; or

(g) prejudice the maintenance or enforcement of a lawful method or procedure for protecting public safety;

There is a reasonable prospect that a release of the requested document to you will jeopardise operational requirements, the safety of all operators stationed within the mobile speed vans and will jeopardise the operational requirements and functionality of

the ACT Governments Road Safety Camera Network. It is on these grounds that I have decided to withhold this document in its entirety.

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 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 interests lies. As part of this process I must consider factors favouring disclosure and factors favouring 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)

- Sch 2.1(a)(i) promote open discussion of public affairs and enhance the government's accountability;
- Sch 2.1(a)(ii) contribute to positive and informed debate on important issues or matters of public interest.

Factors favouring non-disclosure (Schedule 2.2)

- Sch 2.2(a)(ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*;
- Sch 2.2(a)(xi) 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 open, positive and informed debate on important issues or matters of public interest by allowing you to have a record of the documents associated with the issuing of Infringement Notice 274 894 8907.

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 their employment with a government agency, is a significant factor as the parties involved have provided their personal information for the purposes of employment 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.

I have also considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person.

Having applied the test outlined in section 17 of the Act and deciding that release of personal and business information contained in the documents is 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 that 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 1-6 and 10-11 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

Processing charges are not applicable for this request because the number of pages being released are less than 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, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 28 March 2019. Your personal contact details will not be published.

You may view the 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 a review of this outcome by the Ombudsman under section 73 of the Act within 20 working days from the day that my decision is published in the 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: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made by the Ombudsman under section 82(1), 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 'Sarah McBurney', written in a cursive style.

Sarah McBurney
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

25 March 2019



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
	<p>Documents relating to Infringement Notice 274 894 8907:</p> <ul style="list-style-type: none"> Documents (eg: a certificate) relating to the testing of the speed measuring device (PS-698017) in accordance with the Road Transport (Safety and Traffic Management) Regulation 2017 produced in the preceding 12 months to the offence date; Documents which outline the serial number, model number, brand, and technology (eg: laser, radar, piezo strip, or loop detector) of the speed measuring device (PS-698017); Procedural or guidance documents showing the correct operation of the speed measuring device (PS-698017), for example a user manual; Documents which demonstrate that Operator OP0105 has appropriate qualifications or experience in the operation of the digital camera detection device (Note: personal information of the officer may be omitted); Documents demonstrating that the camera detection device could not have been used to take an image of the vehicle from the front (s 24C of the Road Transport (Safety and Traffic Management) Act 1999 refers). 	2019-044

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Calibration Certificate	24-Nov-2017	Partial release	Sch 2.2 (a)(ii) Sch 2.2 (a)(xi)	Yes
2	2-7	Calibration Report	24-Nov-2017	Partial release	Sch 2.2 (a)(ii) Sch 2.2 (a)(xi)	Yes
3	8-9	Offence images	27-Aug-2018	Full release		Yes
4	10	Training Certification	20-Jun-2014	Partial release	Sch 2 s2.2 (a)(ii)	Yes
5	11	Training certification	23-Oct-2007	Partial release	Sch 2 s2.2 (a)(ii)	Yes
6		Procedural User Manual		Exempt	Sch 1.14(1)(f) Sch 1.14(1)(g)	No
Total No of Docs						
6						



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: Vitronic PoliScan Speed M1 HP
Sch 2.2(a)(xi)

Manufacturer: Vitronic

Permanent distinguishing marks: PoliScan Serial No.: Sch 2.2(a)(xi)

Date of test: 24/11/2017

Date of expiry of this certificate: 24/11/2018

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 TC170994

Sch 2.2(a)(ii)

Signature:

Date: 27/11/2017

Name of signatory: Sch 2.2(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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Calibration Report

Report Reference Number		TC170994
Test Scope		Certification of Scanning LIDAR Based Speed Measurement Device
Date of Issue		27/11/2017
Date and Time of Test		24/11/2017 @ 15:00
Sch 2.2(a)(ii)		
Compiled by		Sch 2.2(a)(ii) Calibration Engineer
Approved by		Sch 2.2(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		
Vitronic Machine Vision Australia Pty Ltd		
10/27-33 Thornton Cres, Mitcham, VIC 3132		
<p>This document is issued by the Company under its General Conditions of Service accessible at http://www.sgs.com/terms_and_conditions.htm. Attention is drawn to the limitation of liability, indemnification and jurisdiction issues defined therein. Any holder of this document is advised that information contained hereon reflects the Company's findings at the time of its intervention only and within the limits of Client's instructions, if any. The Company's sole responsibility is to its Client and this document does not exonerate parties to a transaction from exercising all their rights and obligations under the transaction documents. Any unauthorized alteration, forgery or falsification of the content or appearance of this document is unlawful and offenders may be prosecuted to the fullest extent of the law.</p> <p>Accredited for compliance with ISO/IEC 17025.</p> <p>The results of the tests, calibrations and/or measurements included in this document are traceable to Australian/national standards.</p> <p>NATA is a signatory to the APLAC mutual recognition arrangement for the mutual recognition of the equivalence of testing, calibration and inspection reports.</p>		

Summary of Results

The device under test is Compliant with the requirements of SGS test procedure PR-TE-027-1.

Comments:

- A compliant result indicates that the measurement results fall within specification limits by an amount at least equivalent to the uncertainty of measurement for all tests except for the speed simulation test where the measurement results fall within the specification limits combined with uncertainty of the test.
- Testing performed at Vitronic Machine Vision Australia Pty Ltd (10/27-33 Thornton Cres. Mitcham VIC 3132)

Device Under Test Description

Description:

Item	Model/Part No.	Serial No
PoliScan Speed M1 HP	Sch 2.2(a)(xi)	
Camera 1		
Camera 2		
Lidar		
Application Hash	Sch 2.2(a)(xi)	
Software Version		

Condition:

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

Test Equipment

Item	ID	Calibration Due Date
Sch 2.2(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%
31.7	29.9

Test Results

Functional Test:

Test	Verdict
Low Voltage	Sch 2.2(a)(xi)
OS Check	
Visual Inspection	

Time Accuracy Test

DUT Simulated Time (s)	Measured Elapsed Time (s)
1.000106	Sch 2.2(a)(xi)

Distance Test

Range (m)	DUT Indicated Range (m)
19.420	Sch 2.2(a)(xi)

Lidar/Camera Relative Angle Test (Uncompensated)

Item	Angle (mRad)
Vertical deviation Lidar/Camera1	Sch 2.2(a)(xi)
Horizontal deviation Lidar/Camera1	
Vertical deviation Lidar/Camera2	
Horizontal deviation Lidar/Camera2	

Lidar/Camera Relative Angle Test (Compensated)

Item	Angle (mRad)
Vertical deviation Lidar/Camera1	Sch 2.2(a)(xi)
Horizontal deviation Lidar/Camera1	
Vertical deviation Lidar/Camera2	
Horizontal deviation Lidar/Camera2	

Speed Simulation Test

Simulated Speed (km/h)	DUT Indicated Speed (km/h)	UOM (km/h)
30	30	Sch 2.2(a)(xi)
30	30	
30	30	
50	50	
50	50	
50	50	
100	100	
100	100	
100	100	
150	150	
150	150	
150	150	
200	200	
200	200	
200	200	

Tamper Evident Seals

The device under test was sealed with SGS tamper evident seals A03618, A03622, A3065, A3066, A3067, A3068, A3069, A3070, 014221 and 014296.



Sch 2.2(a)(xi)

Photo 1



Sch 2.2(a)(xi)


Photo 2

Uncertainty of Measurement

The estimated uncertainty of values quoted, at 95% confidence level, with a coverage “k” factor of 2 is:

- Elapsed time: $\pm 0.001218\text{s}$ at measured time
- Distance: $\pm 0.051\text{m}$ at measured distance
- Relative angle: $\pm 1.6\text{mRad}$ at measured angles

JAW-094

Date / Time	Location	Direction	Speed Limit	Speed Measured	
27/08/2018 19:08:42	0114 - 0114A-Groom Street-Hughes - Between Carruthers Street and Kent Street	T	80 km/h	68 km/h	



Device	Image Number	Operator Nr.
PS-698017	1808271833 - 1 - 1	OP0105

JAW-094

JAW-094



CERTIFICATE

This is to certify that
Sch 2.2(a)(ii)

of

ACT Traffic Camera Office

has successfully completed

TO10001 PoliScan^{speed} Mobile Operator Training

Covering the following topics:

- | | |
|---|---|
| Module 1: PoliScan^{speed} Basics | Module 6: PoliScan^{speed} Adjustment |
| Module 2: PoliScan^{speed} Measurement Principle | Module 7: PoliScan^{speed} Case Documentation & Evaluation |
| Module 3: Other Measurement Technologies | Module 8: PoliScan^{speed} Basic Maintenance |
| Module 4: PoliScan^{speed} Components | Module 10: Data Flow |
| Module 5: PoliScan^{speed} Operational Concept | Module 11: Safety |

The candidate has demonstrated proficiency in operating PoliScan^{speed}.

The candidate is certified for the following PoliScan^{speed} system and firmware combinations:

PoliScan^{speed} M1	Firmware versions 3.8
PoliScan^{speed} M1HP	Firmware versions 3.8

Place of training: Canberra, ACT

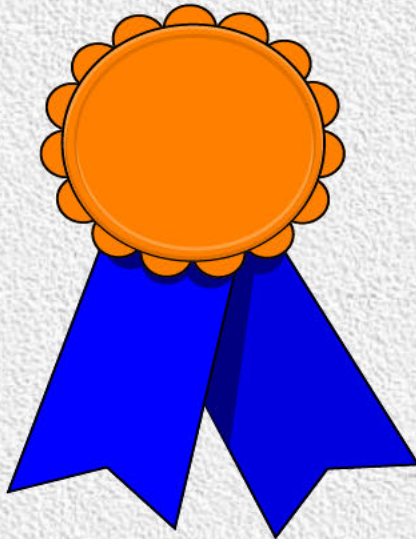
Date of training: 16-20.06.2014

Sch 2.2(a)(ii)

Vitronic Trainer

Approved Operator Digital Camera Detection Devices

This is to certify that Sch 2.2(a)(ii) [redacted] has successfully completed the training requirements pursuant to Regulation 107(2) of the *Road Transport (Safety and Traffic Management) Regulations 2000* and is hereby an approved person to use digital camera detection devices.



Certified by
Sch 2.2(a)(ii) [redacted]

Manager, Traffic Camera Office

Dated: 23 October 2007