



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 2024-297
Date of Application	16 September 2024
Date of Decision	9 October 2024
Processing time (in working days)	17
Fees	N/A
Decision on Access	Full Release
Information Requested (summary)	complaints for any regulated illegal activities opposite the following abodes: <ul style="list-style-type: none">• 70 Harold White Avenue Coombs 2611• 1 Bedbrook street Coombs 2611• 2 Bedbrook street Coombs 2611
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 type="checkbox"/> Published <input checked="" 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](#)
Cc: [REDACTED]
Subject: CMTEDDFOI 2024-297 - Request for FOI - reporting infringements
Date: Monday, 16 September 2024 11:32:01 AM

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.

Good morning team,

I am requesting the following statistics under FOi.

All complaints received through regulated channels for illegal parking and or any other regulated illegal activities enforced by Access Canberra through LPR and or physical engagement "human driver" opposite the following abodes;

- 70 Harold whit avenue Coombs 2611
- 1 Bedbrook street Coombs 2611
- 2 Bedbrook street Coombs 2611

Date range to cover - Jan 2019 to current date September 16 2024

The above parameters should be captured at the time of receiving a complaint and may assist in retrieving stats through reporting and or other methods engaged by AC or Infringments team.

Please note this is not a request for the particulars of the compliant but a tally and total number received, this is to reduce the workload and allow the FOI to be processed more quicker hopefully.

If they could be arranged in yearly columns that would be helpful.

Thank you

[REDACTED]

Sent from my iPhone



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 16 September 2024.

Specifically, you have sought access to the following information:

All complaints received through regulated channels for illegal parking and or any other regulated illegal activities enforced by Access Canberra through LPR and or physical engagement “human driver” opposite the following abodes;

- 70 Harold whit avenue Coombs 2611*
- 1 Bedbrook street Coombs 2611*
- 2 Bedbrook street Coombs 2611*

Date range to cover - Jan 2019 to current date September 16 2024.

Please include fix my street complaints received as a part of the stats.

On 23 September 2023, you agreed to the following amended scope:

Please provide the number of complaints received by Access Canberra, including from Fix My Street, related to illegal parking and/or any other illegal activities captured by LPR vehicles or physical engagement with a “human driver” opposite the following abodes:

- 70 Harold White Avenue Coombs 2611*
- 1 Bedbrook street Coombs 2611*
- 2 Bedbrook street Coombs 2611*

Date range to cover - 1 January 2019 to 16 September 2024. If possible, please provide the numbers of complaints broken down by month/year.”

I note you sent the same request for information to the Transport Canberra and City Services Directorate (TCCS). TCCS will respond to you regarding information they hold.

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 **29 October 2024**.

Decision on access

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

I have decided to grant **full access** to this information which is included at Appendix 1 of this letter.

Release of information

The information identified as relevant to your application is captured within this letter as Appendix 1.

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.

There are no Schedule 1 provisions relevant to the information within scope of this access application.

Exemptions claimed

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 interest 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 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 is within the 'public interest'.

Factors favouring disclosure (Section 2.1)

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability.*
- *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 of the opinion that the disclosure of this information could promote discussion of public affairs while also informing the community about the government's operation of Licence Plate Recognition vehicles.

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)

There are no 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.

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:

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:

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.

Yours sincerely



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

9 October 2024

Appendix 1

Complaints received by Access Canberra, including from Fix My Street, related to illegal parking and/or any other illegal activities captured by LPR vehicles or physical engagement with a “human driver” opposite the following abodes.

Date range covered - 1 January 2019 to 16 September 2024.

Address	Month / Year	No of complaints
70 Harold White Avenue Coombs 2611	2020 (August)	1
	2024 (February)	1
	2024 (August)	2
	TOTAL COMPLAINTS	4

No complaints have been received for:

- 1 Bedbrook Street Coombs 2611
- 2 Bedbrook Street Coombs 2611