



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 2019-233

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)	21
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: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Freedom of Information request
Date: Friday, 11 October 2019 6:52:05 AM

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:

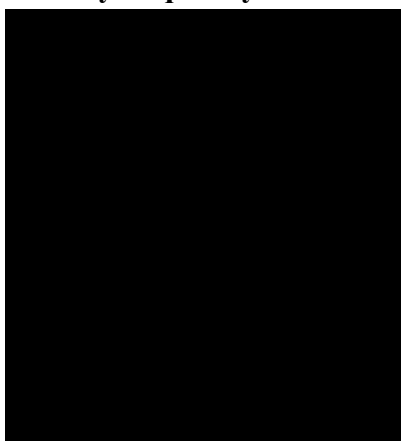
Suburb:

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):

Calibration information as of 28 August 2019 for fixed speed camera: Federal highway between Antill Street and Majura Road, Camera typefixed only speed camera, Camera location code 1031. Location (-35.22413°, 149.16758°)

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

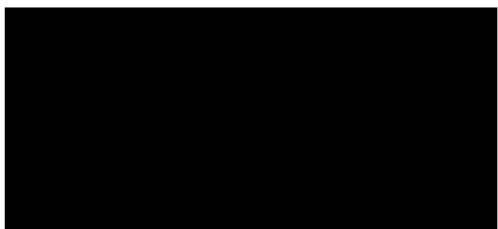
Thank you.
Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2019-233



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 11 October 2019, in which you sought access to:

- *Calibration information as of 28 August 2019 for fixed speed camera: Federal highway between Antill Street and Majura Road, Camera type fixed only speed camera, Camera location code 1031. Location (-35.22413°, 149.16758°)*

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 was required to provide a decision on your access application by 8 November 2019. On 18 October 2019, a letter was emailed to you detailing that third party consultation was under way and that the due date for your application had been extended by a period of 15 working days to 29 November 2019.

Decision on access

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

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.

I have decided to grant partial access to two documents relevant to your request.

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 decisions is below.

Statement of Reasons

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

- the Act;
- the views of the relevant third party;
- the content of the documents that fall within the scope of your request;
- the *Human Rights Act 2004*.

Exemption claimed

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

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

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 in the public interest under Schedule 2.1:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (i) *promote open discussion of public affairs and enhance the government's accountability;*
 - (xiii) *contribute to the administration of justice generally, including procedural fairness.*

Factors favouring nondisclosure in the public interest under Schedule 2.2:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004;*
 - (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 the administration of justice generally, including procedural fairness and promote open discussion of public affairs and enhance the government's accountability by allowing you to have a complete record of the documents associated with your request.

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, is a significant factor as the parties involved have provided their personal information (including, names, and signatures) for the purposes of their employment. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of these individuals. 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. As such I have decided to withhold access to information detailing testing methodology and proprietary testing equipment.

Having applied the test outlined in section 17 of the Act and deciding that release of personal 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 1-3 and 8 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 or they contain information which is out of scope.

Charges

Processing charges are not applicable for this request because the number of pages to be 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, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 14 November 2019. 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: actfoi@ombudsman.gov.au

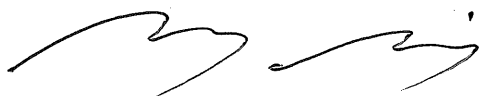
ACT Civil and Administrative Tribunal (ACAT) Review

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
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,



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

11 November 2019



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
	Calibration information as of 28 August 2019 for fixed speed camera: Federal highway between Antill Street and Majura Road, Camera type fixed only speed camera, Camera location code 1031. Location (-35.22413°, 149.16758°)	2019-233

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Certificate of Test of Speed Measuring Device	06-May-2019	Partial release	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
2	2-8	Calibration report TC190524	06-May-2019	Partial release	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
Total No of Docs						
2						



CERTIFICATE OF TEST OF A SPEED MEASURING DEVICE IN ACCORDANCE WITH THE ACT ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) REGULATION 2017 IN FORCE UNDER THE ACT ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT 1999

Device description: Loop Speed Measuring Instrument
Model: GTC-GS11 **Sch 2.2(a)(xi)**

Manufacturer: GATSOMETER

Permanent distinguishing marks: **Sch 2.2(a)(xi)**

Date of test: 03/05/2019

Date of expiry of this certificate: 03/05/2020

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 2017*
 - (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 2017*
 - (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 TC190524

Signature: **Sch 2.2(a)(ii)**

Date: 06 / 05 / 2019

Name of signatory: [Redacted]

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
15379828



SGS Australia Pty Ltd



Calibration Report

Report Reference Number		TC190524
Test Scope		Certification of Loop Speed Measuring Device
Date of Issue		06/05/2019
Date of Test		03/05/2019
Compiled by	Sch 2.2(a)(ii)	Sch 2.2(a)(ii) Calibration Engineer
Approved by	Sch 2.2(a)(ii)	Sch 2.2(a)(ii) 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		
<p>This document is issued by the Company under its General Conditions of Service accessible at http://www.sgs.com/en/Terms-and-Conditions.aspx. Attention is drawn to the limitation of liability, indemnification and jurisdiction issues defined therein.</p> <p>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 only. 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 - Calibration.</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-615-1.

Comments:

- A compliant result indicates that the measurement results fall within specification limits by an amount at least equivalent to the uncertainty of measurement.
- No adjustments were performed on the device.

Device Under Test Description

Description:
GATSOMETER GTC-GS11 Sch 2.2(a)(xi)

Item	Model/Part No.	Serial No
Camera	Sch 2.2(a)(xi)	
Loop Card 1		
Loop Card 2		

Loop Card 1 Software Version	Sch 2.2(a)(xi)
Loop Card 2 Software Version	
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%
20.1	57.9

Test Results

Speed Simulation Test

Lane 1

Simulated Speed (km/h)	DUT Indicated Speed (km/h)
20.0	20
20.0	20
20.0	20
40.0	40
40.0	40
40.0	40
50.0	50
50.0	50
50.0	50
60.0	60
60.0	60
60.0	60
70.0	70
70.0	70
70.0	70
80.0	80
80.0	80
80.0	80
100.0	100
100.0	100
100.0	100
150.0	150
150.0	150
150.0	150
200.0	199
200.0	199
200.0	200
240.0	239
240.0	240
240.0	240

Lane 2

Simulated Speed (km/h)	DUT Indicated Speed (km/h)
20.0	20
20.0	20
20.0	20
40.0	40
40.0	40
40.0	40
50.0	50
50.0	50
50.0	50
60.0	60
60.0	60
60.0	60
70.0	70
70.0	70
70.0	70
80.0	80
80.0	80
80.0	80
100.0	100
100.0	100
100.0	100
150.0	150
150.0	150
150.0	151
200.0	199
200.0	201
200.0	201
240.0	241
240.0	241
240.0	241

Lane 3

Simulated Speed (km/h)	DUT Indicated Speed (km/h)
20.0	20
20.0	20
20.0	20
40.0	40
40.0	40
40.0	40
50.0	50
50.0	50
50.0	50
60.0	60
60.0	60
60.0	60
70.0	70
70.0	70
70.0	70
80.0	80
80.0	80
80.0	80
100.0	100
100.0	100
100.0	100
150.0	150
150.0	150
150.0	150
200.0	200
200.0	200
200.0	201
240.0	239
240.0	240
240.0	240

Lane 4

Simulated Speed (km/h)	DUT Indicated Speed (km/h)
20.0	20
20.0	20
20.0	20
40.0	40
40.0	40
40.0	40
50.0	50
50.0	50
50.0	50
60.0	60
60.0	60
60.0	60
70.0	70
70.0	70
70.0	70
80.0	80
80.0	80
80.0	80
100.0	100
100.0	100
100.0	100
150.0	149
150.0	150
150.0	150
200.0	200
200.0	200
200.0	200
240.0	240
240.0	240
240.0	240

Tamper Evident Seals

The device under test was sealed with SGS tamper evident seals A09988.

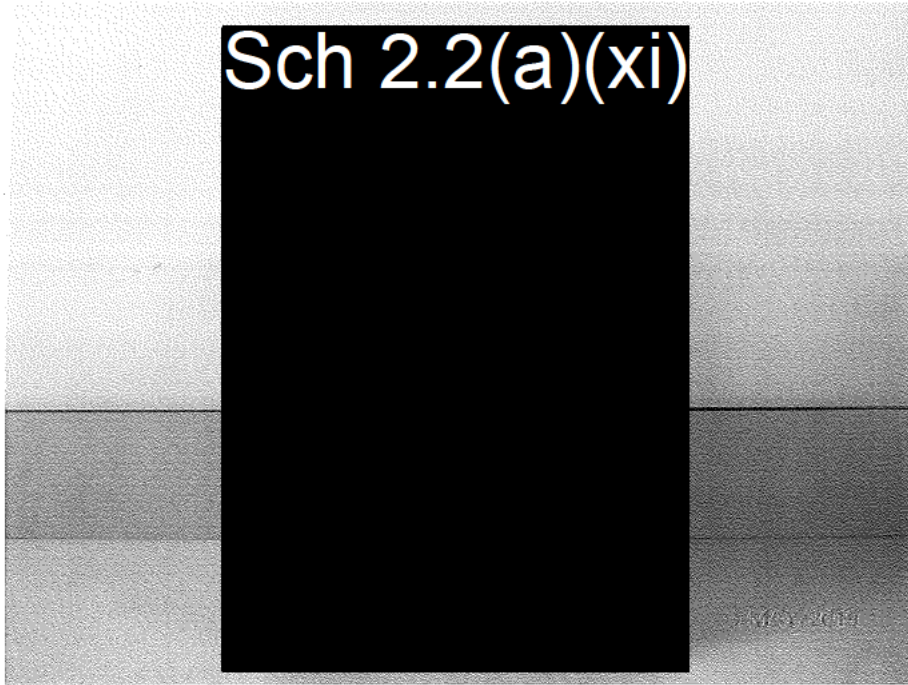


Photo 1

Sch 2.2(a)(xi)