

Schedule 2.2 (a)(ii)

via email: Schedule 2.2 (a)(ii)

Dear Schedule 2.2 (a)(ii)

FREEDOM OF INFORMATION REQUEST

I refer to your following applications under section 30 of the *Freedom of Information Act 2016* (the Act), received by Major Projects Canberra (MPC) between 12 November and 18 November 2021.

In your application of 12 November 2021 you sought access to:

Any correspondence, briefing materials, and other relevant documents from October 2012 to October 2016, regarding:

- *the selection of the CAF Urbos 3 LRV, and*
- *known issues and mentions of cracking with the CAF Urbos 3 LRV operating in other jurisdictions prior to and following acquisition.*

In your application of 16 November 2021 you sought access to:

Any correspondence, briefing materials, and other relevant documents from October 2016 to November 2019, regarding:

- *known issues and mentions of cracking with the CAF Urbos 3 LRV operating in other jurisdictions prior to and following acquisition.*

In your application of 18 November 2021 you sought access to:

Any correspondence, briefing materials, and other relevant documents from November 2019 to present, regarding:

- *known issues and mentions of cracking with the CAF Urbos 3 LRV operating in other jurisdictions prior to and following acquisition.*

After correspondence with your office, on 22 November 2021 it was agreed that MPC could regard these three requests as one combined request and scope should be considered as:

Any correspondence, briefing materials, and other relevant documents from October 2012 to October 2016, regarding:

- *the selection of the CAF Urbos 3 LRV.*

And

Any correspondence, briefing materials, and other relevant documents from October 2012 to present, regarding:

- *known issues and mentions of cracking with the CAF Urbos 3 LRV operating in other jurisdictions prior to and following acquisition.*

You have requested any draft documents also be included.

Authority

I am an Information Officer of MPC appointed by the Chief Projects Officer under section 18 of the Act to deal with access application made under Part 5 of the Act.

Timeframes

On 14 January 2022, you received a Notice of Decision letter informing you that I had decided to defer access to one (1) document that the affected third party had objected to disclosure. The third party had 20 working days to apply to the ACT Ombudsman for a review of my decision. The third-party review period expired on 11 February 2022. The third party did not request a review of my decision.

Third Party Consultation

In making this decision, I completed consultation in accordance with section 38 of the Act. The views of all third parties were considered when making this decision.

Decision on access

Attached to this decision is the relevant document that was previously withheld.

I have decided to partially release this the content of this document for the following reasons.

Statement of Reasons

In making my decision on disclosing government information, I must identify all relevant factors in schedule 2 of the FOI Act and determine, on balance, where the public interest lies. In reaching my access decision, I have taken the following into account:

Factors favouring disclosure in the public interest (Schedule 2, Section 2.1)

- Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability,
- Section 2.1(a) (ii) contribute to positive and informed debate on important issues or matters of public interest, and
- Section 2.1(a) (viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring non-disclosure (Schedule 1 Information disclosure of which is taken to be contrary to the public interest)

- Section 2.2(a)(ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*,
- Information that is outside the scope of your request.

Online Publishing – Disclosure Log

Under section 28 of the Act, MPC maintains an official online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in

response to you access application will be published in the MPC disclosure log three (3) to ten (10) business days after the date of the decision. Your personal contact details will not be published. You may view the MPC disclosure log at <https://www.act.gov.au/majorprojectscanberra>.

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 the MPC 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 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 Street
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 you request, please contact me by telephone on (02) 6205 5288 or email MPCFOI@act.gov.au.

Yours sincerely

Schedule 2.2 (a)(ii)

Kylie Bailey
Information Officer
Major Projects Canberra
14 February 2021

Shea, Patrick

From: Schedule 2.2 (a)(ii)
Sent: Friday, 5 November 2021 12:45 PM
To: Schedule 2.2 (a)(ii)
Cc: Church, Mick; Kilfeather, Jim
Subject: RE: retrofit of OESS

Out of Scope

[Redacted]

[Redacted]

[Redacted]

From: Kilfeather, Jim [mailto:Jim.Kilfeather@act.gov.au]
Sent: Friday, 5 November 2021 11:16 AM
To: Schedule 2.2 (a)(ii)
Cc: Church, Mick <Mick.Church@act.gov.au>; Schedule 2.2 (a)(ii)
Subject: RE: retrofit of OESS

UNOFFICIAL

Thanks for raising this [Redacted]. Yes, [Redacted] has had many discussions with the client on this and other aspects of the West Midlands project.

Regards
Jim

From: Schedule 2.2 (a)(ii)
Sent: Friday, 5 November 2021 11:34 AM
To: Kilfeather, Jim <Jim.Kilfeather@act.gov.au>
Cc: Church, Mick <Mick.Church@act.gov.au>; Schedule 2.2 (a)(ii)
Subject: re: retrofit of OESS

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Hi Jim,

I was just having a chat to a colleague familiar with a project in Birmingham in about 2018 which included a retrofit of OESS onboard CAF fleet. He said that there was issues with the door frames cracking after the additional weight was placed on the rooftop.

Is this something that has been raised before and has anyone contacted Birmingham reps for any lessons learnt etc?

[Redacted]

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The Tehnika Group

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Tehnika Pty Ltd - Transportation
www.tehnika.com.au

Apunga Pty Ltd - Farming
www.apunga.com

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