



Mr Andrew Quah
O-vation Music
PO Box 5058
Greystaynes NSW 2145

29 December 2015

Dear Mr Quah,

Government Information (Public Access) Act 2009 application – GIPA01
Notice of internal review decision

I refer to your application under the *Government Information (Public Access) Act 2009* ('GIPA Act') for an internal review of the decision regarding your access application GIPA01. Your valid internal review application was received on 8 December 2015.

I am authorised for the purposes of section 9(3) of the GIPA Act to decide your internal review application.

This is a review of a decision made on 22 October 2015 by Ms Suzie Khnano in regards to the processing estimate provided to you by Ms Khnano for the information you requested. The GIPA Act requires that the reviewing officer be no less senior than the original decision maker. As Principal Program Officer, Recreation and Infrastructure, I am not less senior than Ms Khnano.

I have today decided to vary the original decision made by Ms Khnano in regards to the processing estimate for your request. While the estimate prepared by Ms Khnano was fair, I have decided to release the documentation without further charges. This decision is based on the fact that as a small organisation with limited staff resources any further review of the processing estimate is not in the best interest of either party. I have included the relevant documents as requested in your original application as identified by Ms Khnano. The following pages explain in detail the reasons for my decision.

If you are aggrieved by this decision, you may seek a review from the Information Commissioner or the Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal. Your review rights are summarised in the enclosed attachment. If you have any questions about my decision please contact me on (02) 9895 7500 (email: joshua.french@wspt.nsw.gov.au). Please note I will be on leave until the 11th January 2016.

Yours sincerely,

Joshua French
Principal Program Officer, Recreation and Infrastructure
WESTERN SYDNEY PARKLANDS

Enclosure

REASONS FOR DECISION

Internal Review Process

In undertaking the review I have independently reviewed the process of the original decision. I have also carefully considered the points you made in your internal review application letter.

Access Application

Your internal review application and \$40 application fee were received on 8 December 2015.

The internal review application is limited to the scope of the original request. Accordingly, your access application, received by the Office of Environment and Heritage (OEH) on 25th September 2015, requested access to the following information:

“Copies of tender documents received by the PPT in response to the call of EOIs for use of Mays Hill Gatehouse and relevant minutes of meetings held by PPT in regards to the ill-forced decision to award the site to a private tender”

Your subsequent request to Ms Khnano requesting this internal review was based around the proposed estimate for providing this information as advised by Ms Khnano on 22nd October 2015.

Internal review application

There are 13 categories of reviewable decisions under section 80 of the GIPA Act, and a person aggrieved by a reviewable decision is entitled to seek an internal review of such a decision under section 82 of the GIPA Act.

You have not stated under which of the 13 categories of reviewable decisions you are seeking internal review; however, it appears you have applied for a review of a decision to impose a processing charge or to require an advance deposit.

In your internal review application it is clear that you have raised objections to the original decision only in respect of the proposed processing charges of your access application.

The purpose of this internal review is therefore to decide whether you should be granted access to the above mentioned information with or without charges.

Relevant information

The key words used to search digital records were Mays Hill Gatehouse, Request for Proposal (RFP), company name of tenderers, assessment report, meeting and panel. The search involved hardy copy files, Objective records and emails.

Response to Internal Review Application

In your review application you state that you disagree with Ms Khnano’s estimation of time required to collect the relevant information and you note that this should take no more than 20 minutes of work.

In gathering the information requested by you, Ms Khnano was required to research all files (electronic and hard copies), contact each relevant third party in writing advising them of the request and release of information, liaise with each relevant third party in regards to any clarifications and seek permission to release information, examine relevant records, review

and redact parts of records as necessary. As you can imagine these tasks equate to much more than 20 minutes worth of work.

Internal Review Decision

I have today decided under section 58(1) of the GIPA Act to give you access to the information sought with no additional charges.

My reasons for making this decision is while I believe that the estimate prepared by Ms Khnano was fair, as a small organisation with limited staff resources any further review of the processing estimate is not in the best interest of either party.

My decision varies the original decision by not requesting you to pay the charges as outlined by Ms Khnano.

Information Released

I have examined all of the records gathered by Ms Khnano as per your original request. Ms Khnano has redacted some information in the documents. As this review is only about the processing estimate in relation to the records I have not made any changes to the documents gathered by Ms Khnano and I am releasing the documents to you without any further changes.

A total of 7 documents were identified by Ms Khnano as relevant to your access application. Ms Khnano contacted 7 relevant third parties to seek permission to release the documents. Some third parties declined to have the information released therefore total of 4 documents are being released in relation to the Mays Hill Tender –

1. Tenant Evaluation Sheet – Western Sydney Creative Centre
2. Tenant Evaluation Sheet – Think Planners Pty Ltd (the preferred proponent)
3. Tender Evaluation Scoresheet
4. 12th August 2015 Board Meeting Minutes

The 3 additional documents identified by Ms Khnano that are not being issued are 2 Tenant Evaluation Sheets for the other 2 Tenderers and a third document deemed not relevant to your search.

Fees and charges

The \$40 internal review application fee was paid by you. No processing charges apply to internal reviews and as such, no further charges apply.

Review Rights

If you are aggrieved by this decision, you have two avenues of review: external review by the Information Commissioner or by the NSW Civil and Administrative Tribunal (NCAT). Your review rights are summarised in the *enclosed* information sheet.

You should note that the time for seeking an external review is **40 working days** after the date you were notified of this decision.

Further information about your review rights under the GIPA Act is available by contacting the Information and Privacy Commission on free call 1800 472 679, or at their website: www.ipc.nsw.gov.au

The NCAT can be contacted by telephone on 1300 006 228 or information can be obtained from their website: www.ncat.nsw.gov.au