

Mr Richard Smith  
4 High Street  
KENSINGTON NSW 2052

Enquiries: Justine Thalong  
Tel: (02) 8202 3081  
Our ref: TRA-000417

28 June 2017

Dear Mr Smith,

**Your application under the *Government Information (Public Access) Act 2009 (GIPA Act)***

On 19 April 2017, we received your application and \$30 application fee for the following information:

*a) Documents relating to assessments, observations or inspections made by TfNSW (either on a regularly scheduled or ad-hoc basis) of public transport passenger numbers, journey times and waiting times on bus services stopping at Central Station and UNSW (and vice-versa), for the period 1 Jan 2016 to 1 April 2017; and*

*b) Documents produced by TfNSW or commissioned by TfNSW relating to mitigation measures put into place to correct any negative impacts to public transport passenger numbers, journey times and waiting times on bus services stopping at Central Station and UNSW, for the period 1 Jan 2016 to 1 April 2017.*

In the letter to you dated 30 January 2017, we advised that your application would be decided by 18 May 2017.

On Wednesday 18 May 2017, the due date for deciding your application was extended by agreement to 1 June 2017.

On 30 May 2017 we advised that your request in its current terms would likely amount to a substantial and unreasonable diversion of the agency's resources. The period within which the application is required to be decided stopped running while you were given the opportunity to amend the application.

On 7 June 2017, you agreed to narrow the scope of your request to:

*a) Documents being either Draft Final Reports or Final Reports produced by TfNSW or commissioned by TfNSW describing public transport passenger numbers, journey*

*times and waiting times on bus services stopping at Central Station and UNSW (and vice-versa), for the period 1 Jan 2016 to 1 April 2017; and*

*b) Documents being either Draft Final Reports or Final Reports produced by TfNSW or commissioned by TfNSW relating to mitigation measures put into place to correct any negative impacts to public transport passenger numbers, journey times and waiting times on bus services stopping at Central Station and UNSW, for the period 1 Jan 2016 to 1 April 2017.*

On the same day, you also agreed to extend the due date for deciding your application to 15 June 2017.

On 15 June 2017, the due date was further extended by agreement to 27 June 2017.

On 22 June 2017, we requested an extension for deciding your application to 30 June 2017.

On 26 June 2017, we followed up on our request for an extension.

As at 28 June 2017, we have not received a response from you agreeing to grant an extension for deciding your application.

Under the GIPA Act, as I have not decided your application by the due date, your application is considered to have been refused (a deemed refusal). I will however continue to process your application and make a late decision. I will also arrange to refund your \$30 application fee.

### **Review rights**

As I have not determined your application within time, you may apply for a review of this 'deemed refusal' by seeking:

- an internal review by another officer of this agency, who is no less senior than me;
- an external review by the NSW Information Commissioner; or
- an external review by the NSW Civil and Administrative Tribunal (NCAT).

You have 20 working days from the date of this letter to apply for an internal review and 40 working days to apply for an external review by the NSW Information Commissioner or the NCAT.

If you wish to apply for an internal review, please write to us and send a cheque or money order (made out to Transport for NSW) for the \$40 application fee to:

**Principal Manager, Information & Privacy  
Transport for NSW  
PO Box K659  
Haymarket NSW 1240**

Please do not hesitate to contact me on the number above if you have any questions about this letter.

Yours sincerely

  
**Wayne Kosh**  
Manager, Information & Privacy Unit



## Your review rights under the GIPA Act

## Fact sheet

June 2014

The right to information system in NSW aims to foster responsible and representative government that is open, fair and effective.

You have the right to request a review of certain decisions made by government agencies about the release of information under the *Government Information (Public Access) Act 2009* (GIPA Act):

- a) a decision that an application is not a valid access application
- b) a decision to transfer an access application to another agency, as an agency-initiated transfer
- c) a decision to refuse to deal with an access application (including such a decision that is deemed to have been made)
- d) a decision to provide access or to refuse to provide access to information in response to an access application
- e) a decision that government information is not held by the agency
- f) a decision that information applied for is already available to the applicant
- g) a decision to refuse to confirm or deny that information is held by the agency
- h) a decision to defer the provision of access to information in response to an access application
- i) a decision to provide access to information in a particular way in response to an access application (or a decision not to provide access in the way requested by the applicant)
- j) a decision to impose a processing charge or to require an advance deposit,
- k) a decision to refuse a reduction in a processing charge
- l) a decision to refuse to deal further with an access application because an applicant has failed to pay an advance deposit within the time required for payment
- m) a decision to include information in a disclosure log despite an objection by the authorised objector (or a decision that the authorised objector was not entitled to object).

You generally have three review options.

### 1. Internal review

You have **20 working days** after the notice of a decision has been posted to you to ask for an internal review by the agency that made the decision.

If a Minister or their personal staff, or the principal officer of an agency made the decision, you cannot ask for an internal review, but you can ask for an external review (see below).

The review must be carried out by an officer who is no less senior than the person who made the original decision. The review decision must be made as if it was a fresh application.

There is a \$40 fee for an internal review application. No fee applies for an internal review if the decision is a 'deemed refusal' because the agency did not process your application in time or the internal review is conducted because the Information Commissioner has recommended the agency reconsider its decision under section 93 of the GIPA Act. In this case, you cannot be charged any review fee.

The agency must acknowledge your application within **five** working days of receiving it. The agency must decide the internal review within **15** working days (this can be extended by **10** working days if the agency has to consult with a third party, or by agreement with you).

### 2. External review by the Information Commissioner

If you disagree with any of the decisions listed above, you can ask for a review by the Information Commissioner.

If you are the person applying for access to information, you do **not** have to have an internal review of the decision before asking the Information Commissioner to review it.

If you are not the access applicant, you must seek an internal review before applying for review by the Information Commissioner. However, if an internal review cannot be sought (if a Minister or their personal staff, or the principal officer of an agency made the decision), you can seek a review by the Information Commissioner.

You have **40 working days** from being notified of the decision to ask for a review by the Information Commissioner.

On reviewing the decision, the Information Commissioner can make recommendations about the decision to the agency.

**Note:** You cannot ask the Information Commissioner to review a decision that has already been reviewed by the NSW Civil and Administrative Tribunal (NCAT).

### 3. External review by the NSW Civil and Administrative Tribunal (NCAT)

If you disagree with any of the decisions listed above, you can ask for a review by NCAT. You do not have to have the decision reviewed internally, or by the Information Commissioner before applying for review by NCAT.

You have **40 working days** from being notified of the decision to apply to NCAT for review. However, if you have applied for review by the Information Commissioner, you have **20 working days** from being notified of the Information Commissioner's review outcome to apply to NCAT.

### For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)