

## Government Information (Public Access) Act 2009

### NOTICE OF DECISION

Applicant:	Ms Samantha Jonscher
File Ref:	2017/6687
Decision-maker:	Mr Alex Maitland, Group Secretary
Date of decision:	30 May 2017

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## 1. Summary of access application

The University received your access application under the *Government Information (Public Access) Act 2009* ("GIPA Act") on 15 May 2017.

Your application is as follows:

"Could you please send through the most recent documents on the Queen Mary Building's itemised income thus far".

## 2. Decision

I am authorised by the principal officer, for the purposes of section 9(3) of the GIPA Act, to decide your access application.

### 2.1. Reviewable Decision

I have decided:

- under section 58(1)(a) to provide access to the information

This decision is reviewable under section 80(d) of the GIPA Act.

In this Notice of Decision I will explain my reasons.

## 3. Searches for information

Under the GIPA Act, we must conduct reasonable searches for the information you asked for in your application. We asked the University's Corporate Finance unit to provide the information.

## 4. The public interest test

Under section 9(1) of the GIPA Act, you have a legally enforceable right to access the information you asked for, unless there is an overriding public interest against its disclosure.

Further, under section 5 of the GIPA Act, there is a presumption in favour of disclosing government information unless there is an overriding public interest against its disclosure.

To decide whether or not there is an overriding public interest against disclosure of the information you asked for, I applied the public interest test, which is set out in section 13 of the GIPA Act.

I applied the public interest test by:

- (a) identifying any public interest considerations in favour of disclosure;
- (b) identifying any relevant public interest considerations against disclosure;
- and

(c) deciding where the balance between them lies.

I did this in the way required by section 15 of the GIPA Act, which is:

- (a) in a way that promotes the objects of the GIPA Act;
- (b) with regard to any relevant guidelines issued by the Information Commissioner.
- (c) without taking into account the fact that disclosure of information may cause embarrassment to, or a loss of confidence in, the Government (as that fact is irrelevant);
- (d) without taking into account the fact that disclosure of information might be misinterpreted or misunderstood by any person (as that fact is irrelevant); and
- (e) with regard to the fact that disclosure cannot be made subject to any conditions on the use or disclosure of information.

#### **4.1. Public interest considerations in favour of disclosure**

Under section 12(1) of the GIPA Act, there is a general public interest in favour of disclosing government information. Section 12(2) of the GIPA Act sets out some examples of other public interest considerations in favour of disclosure. However, I am not limited to those considerations in deciding your application.

In my view the following public interest considerations in favour of disclosure apply when considering the information that you requested:

- The general public interest in favour of disclosure of government information

#### **4.2. Personal factors of the application**

Under section 55 of the GIPA Act I can also take into account any personal factors of your application. I am not aware of any personal factors in your application.

#### **4.3. Public interest considerations against disclosure**

When applying the public interest test, the only public interest considerations against disclosure that I can take into account are those set out in the Table at Section 14 of the GIPA Act. To show that they are relevant to the information you asked for, I need to consider whether they could reasonably be expected to have the effect outlined in the Table. I give the words "could reasonably be expected to" their ordinary meaning, that is reasonable, not irrational, absurd or ridiculous.

Public interest considerations against disclosure in the Table at Section 14 of the GIPA Act which are relevant to the information located to satisfy your application include:

#### *4 Business interests of agencies and other persons*

*"There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects:*

*...*

*(c) diminish the competitive commercial value of any information to any person*

*d) prejudice any person's legitimate business, commercial, professional or financial interests,*

*..."*

The information identified as meeting your request relates to the business and financial interests of the University. Release of this information might diminish the competitive commercial value of the information and might prejudice the University's legitimate business and financial interests in the market for the provision of student accommodation.

#### **4.4. Consultation**

No consultation under section 54 of the GIPA Act was required.

#### **4.5. Balancing the public interest test**

I have considered the relevant public interest considerations in favour of and against disclosure of the information you requested. I noted above that release of the information you sought might prejudice the University's legitimate business and financial interests in the market for student housing. However, as the University publishes the cost of accommodation in the Queen Mary Building any prejudice would not be sufficient to amount to an overriding public interest against disclosure. Greater weight must be given to the general public interest in favour of disclosure of University information and to my responsibility to apply the public interest test in a way that promotes the objects of the GIPA Act.

### **5. Access**

The information that you requested is attached in the form of a pdf document.

### **6. Disclosure log**

If information that would be of interest to other members of the public is released in response to a formal access application, an agency must record certain details about the application in its 'disclosure log' (under sections 25 and 26 of the GIPA Act).

I note you do not object to including details of your application in the University's disclosure log.

## 7. Review rights

If you disagree with any of the decisions in this notice that are reviewable, you may seek a review under Part 5 of the GIPA Act. Before you do so, I encourage you to contact Mr Tim Robinson to discuss your concerns. His contact details are set out below.

You have three review options:

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

You have 20 working days from the date of this Notice to apply for an internal review. If you would prefer to have the decision reviewed externally, you have 40 working days from the date of this Notice to apply for a review by the Information Commissioner or the NCAT.

To assist you, I have enclosed a fact sheet published by the Information and Privacy Commission (IPC), *Your review rights under the GIPA Act*. You will also find some useful information and frequently asked questions on the IPC's website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au).

You can also contact the IPC on freecall 1800 IPC NSW (1800 472 679).

## 8. Further information

If you have any questions about this notice or would like any further information, please contact Mr Robinson on 9351 4263.

Signed

Alex Maitland  
Group Secretary

## Queen Mary – Financial Information

	Jul15 to Dec15	Full year	Jan17 - Apr17
	<b>CY2015</b>	<b>CY2016</b>	<b>CY2017</b>
	<b>Actual</b> <b>(\$)</b>	<b>Actual</b> <b>(\$)</b>	<b>Actual</b> <b>(\$)</b>
<b>REVENUE</b>			
Room Rental	5,346,718	12,513,257	3,862,033
Other Rental Income	6,059	181,308	63,387
<b>TOTAL INCOME</b>	<b>5,352,777</b>	<b>12,694,564</b>	<b>3,925,420</b>