On 20 October 2016,
I, Clarinda Campbell, of 33 James Craig Road, Rozelle, NSW affirm:

1. I am the Manager, Information and Privacy Unit within the Government and Information Service Branch at Roads and Maritime Services (Roads and Maritime). I have delegation from the Chief Executive of Roads and Maritime to make decisions responding to Government Information (Public Access) Act 2009 (GIPA Act) applications. I have held this position for approximately 2 years.

2. On 1 July 2016 the GIPA Act application from Phillip Walker (Application) was received by the Resource and Compliance Unit (RCU) at Transport for New South Wales (TfNSW). The RCU is responsible for the initial processing and acknowledgment of GIPA Act applications across the transport cluster (Roads and Maritime, TfNSW, Sydney Trains, NSW Trains and State Transit Authority). A copy of the Application is at Annexure 1. The Application sought:

   Conclusions of design an costing for overpass proposal (c/- Member Rob Stokes) Mona Vale Road East Upgrade, at intersection with Samuel St and Ponderosa Pde (estimated at $50 million)

3. The Application was acknowledged by the RCU and was provided to the Information and Privacy Unit at Roads and Maritime.

4. Upon receipt of the Application, the matter was allocated by me to Janet Bak who is a Senior Access and Compliance Officer within the Information and Privacy Unit at Roads and Maritime.
5. Roads and Maritime is split into eight Divisions, each responsible for an area of Roads and Maritime's functions. I determined that any documents responding to the Application were likely to only be held in the Infrastructure Development Division because:

a. This is the Division responsible for the Mona Vale Road East Upgrade;

b. This is the Division largely responsible for major infrastructure projects (noting some that maintenance projects are completed by the Asset Maintenance Division);

c. Other areas of Roads and Maritime are unlikely to be involved in assessing proposals of this nature;

d. This Division had previously provided documents in response to a similar application relating to the same Project; and

6. The above view is based on the knowledge I have gained of Roads and Maritime's functions in the last 2 years, and the evident link between the Application and the work of the Infrastructure Development Division.

7. On Monday 4 July 2016, Ms Bak sent an email to Jeff McCarthy, the Director of Roads and Maritime's Infrastructure Development Division. On 4 July 2016, Mr McCarthy's Executive Assistant asked Ms Bak to liaise with Michael Tansey, the then Acting General Manager Greater Sydney Program Office. A copy of this email chain is Annexure 2.

8. On 4 July 2016, Ms Bak emailed Mr Tansey requesting that he have searches undertaken to respond to the Application. A copy of that email is Annexure 3.

9. On 8 July 2016, Ms Bak emailed Mr Tansey to confirm the terms of the Application. A copy of that email is Annexure 4.

10. On 8 July 2016, Ms Bak received an email from Mr Tansey which attached a Record of Searches. A copy of that email and attachment are Annexure 5.

11. The Record of Searches was signed by Mr Tansey and Mr Matty Mathivanar, Project Manager. The document indicated to me that Mr Mathivanar had taken five hours to complete searches for documents responding to the Application. Mr Mathivanar had also made the following comment in the document:

There was no consideration given for grade separation of Mona Vale Road and Ponderosa Parade/Samuel Street intersection.

During the preparation of the REF, the Applicant requested and [sic] alternative alignment for the road upgrade that went through Ingleside. This option is addressed in the REF.

12. REF is an acronym for 'Review of Environmental Factors' which I understand is a document produced in the course of obtaining approvals for infrastructure projects. I understood that the reference to the REF related to a separate suggestion put forward by the Applicant and that document was not relevant to the Application.

13. In light of the searches carried out by Mr Mathivanar as documented in the search certificate, I was satisfied that reasonable searches had been conducted and there were no documents responding to the Application.
14. Consequently, on 18 July 2016, I exercised my delegation to determine the Application and, based on the outcome of the searches conducted by others, decided that the requested information was not held by Roads and Maritime. A copy of the decision is at Annexure 6.

Signature:  

Filed By: Roads and Maritime Services
20-44 Ennis Road
MILSONS POINT NSW 2061

On behalf of: Respondent
## Applicant details

<table>
<thead>
<tr>
<th>Title:</th>
<th>Mr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Given names:</td>
<td>Philip</td>
</tr>
<tr>
<td>Surname:</td>
<td>WACKER</td>
</tr>
</tbody>
</table>

| Company name: | |
| Postal address: | WOOLLADEE BAY |
| State: | NSW |
| Postcode: | 2103 |

| Email address: | |
| Daytime phone number: | |

- [ ] I prefer to receive correspondence at the above email address

## Identification documents

When seeking access to your own personal information, we will need to establish your identity before providing you with any information. If this applies to you, and you are not lodging the form in person at a Motor Registry or with Service NSW where your identity will be verified, please attach a certified* copy of one of the following:

- Australian driver licence
- Current Australian passport
- Other photo identification

If you are completing this form on behalf of someone else, please attach evidence of your authorisation to do so.

*Certified means that the document has been verified, signed and dated by an authorised person (JP, doctor, pharmacist, legal practitioner, Postmaster Australia Post).

## Transport agency from which you are seeking information

Transport for NSW centrally administers all information requests made to the transport agencies listed below. If you require information from a particular agency, please choose from the agencies below. Otherwise please leave blank. The GIPA Act requires payment of a $30 application fee. If you tick multiple boxes below you are making separate applications to each agency, which each require a $30 fee.

- [ ] Transport for NSW
- [ ] Roads and Maritime Services
- [ ] Sydney Trains
- [ ] NSW Trains
- [ ] WestConnex Delivery Authority
- [ ] State Transit Authority

## Terms of your request

Please describe the information you would like to access.

Conclusions of design & costing for overpass proposal (c/- Member Rob Stokes) Woolandale Road East upgrade at intersection with Samuel St. & Anderson Pde. (Estimated at $50 million)

### NOTE:
Please be as precise as possible. If you do not give enough detail about the information you are looking for we may not be able to find it. You can only apply for access to information that is already held by the agency. Attach to this form any additional information that you feel will support your claim for access to the document/information.
RI:CEIPT/TAX INVOICE

Service NSW
L2 66 Harrington St
The Rocks, NSW 2000

PHILIP WALKER
184 Warriewood Rd
WARRIEWOOD, NSW 2102 Australia

Purchase Details

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Payment Details

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<td>$60.00</td>
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<tr>
<td>TOTAL PAID</td>
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<td></td>
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</tbody>
</table>

NSW
Making access to your government transactions easier.
For NSW Government transactions call our 24 hour phone service on 13 77 88 or visit www.service.nsw.gov.au
Processing fee discount

You may be asked to pay a charge for processing the application ($30/hour). Some applicants may be entitled to a reduction in their processing charges. If you wish to apply for a discount, please indicate the reason:

- Financial hardship - please attach supporting documentation (e.g., a pension or Centrelink card) AND/OR
- Special benefit to the public.

Access to information

How do you wish to access the information?

- Inspect the document/s
- Be provided with a copy of the documents
- Access in another way (please specify):
- If possible, I wish to receive information by email at the above email address

Consultation

The Agency may be required to consult with third parties before deciding your application. If the information you are seeking contains information about another person, business or government agency, we are required by law to ask whether they have an objection to the disclosure of their information. For the purposes of such consultation, please indicate in the boxes below whether you consent to the release of the following information to any third parties.

Your name and/or company name: [ ] Yes [ ] No
Your reason for making this application: [ ] Yes [ ] No

Disclosure log

If the information sought is released to you and would be of interest to other members of the public, details about your application (excluding your personal information) may be recorded in the agency's 'disclosure log'. This is published on the agency's website.

Do you object to this? [ ] Yes [ ] No

Application fee

I attach payment of the $30 application fee by: (select one)

- Cheque (enclose a cheque made payable to Transport for NSW)
- Money order (enclose a money order made payable to Transport for NSW)

There may be additional processing charges in relation to your application - we will notify you if this is required. Please do NOT send cash through the post.

NOTE: This application can be lodged in person at a NSW motor registry or Service NSW Office. Credit card and cash payments can be made at these offices.

Applicant's signature: ____________________________ Date: __/__/2016

Where to send your application

Mail to:
Information and Privacy Unit
Transport for NSW
PO Box 9659
Haymarket NSW 1240

Privacy notice

Transport for NSW and the Transport agencies are subject to the Privacy and Personal Information Protection Act 1998 in respect of your personal information. Your personal information is being collected to process your application for information under the Government Information (Public Access) Act 2009. The provision of personal information is voluntary, however if you do not provide it we may not be able to process your application. Transport for NSW and the Transport agencies may use and disclose your personal information for the purposes of processing your application. Otherwise, we will not disclose your personal information without your consent unless authorised or required by law. Your personal information will be held by Transport for NSW at 18 Lee Street, Chippendale NSW 2008, which is where all applications are initially received.

Generally, you have the right to access and correct the information if you believe that it is incorrect. If you wish to do so please telephone the Transport for NSW Privacy Officer on 8202 3768 or email privacy@transport.nsw.gov.au and we will provide you with the details of the relevant agency privacy officer.
**Mona Vale Road upgrade work**

**Mona Vale Road East upgrade:** Investigations are under way for the 3.2km upgrade of Mona Vale Road to four lanes between Manor Road and Foley Street. Work to build two lanes in each direction between Foley and Daydream Streets is expected to form the first stage.

**Mona Vale Road West upgrade:** Investigations are continuing for the upgrade of Mona Vale Road to four lanes between McCarrs Creek Road and Powder Works Road.

**Community comment:** The community would be invited to comment on an early concept design for the proposed upgrades later this year.

**Upgrade work** was completed following the fatal crash including improved linemarking, speed surveys, new speed limit signs, improved curve signs on the steep descent and warning signs on the approach to the **Ponderosa Parade / Samuel Street roundabout**. Roads and Maritime plans to improve traffic flow by widening Mona Vale Road to two lanes westbound from **Foley Street through the Ponderosa Parade roundabout** and to two lanes eastbound through the roundabout and install an additional safety barrier.
Hi Janet,

Please liaise directly with Michael Tansey, A/General Manager, GSPO.

Regards,

Catherine Chillari
Executive Assistant to the Director of Infrastructure Development

T 02 9462 6501
catherine.chillari@rms.nsw.gov.au

Every journey matters

Roads & Maritime

EnSafe 1300 131 469 | InjuryNET 1300 307 418
EAP & Critical Incident Counselling 1300 360 364
Roads and Maritime Services
20 – 44 Ennis Rd, Milsons Point NSW 2061

IMPORTANT NOTICE: This email and any attachment to it are intended only to be read or used by the named addressee. It is confidential and may contain legally privileged information. No confidentiality or privilege is waived or lost by any mistaken transmission to you. Roads and Maritime Services is not responsible for any unauthorised alterations to this email or attachment to it. Views expressed in this message are those of the individual sender, and are not necessarily the views of Roads and Maritime Services. If you receive this email in error, please immediately delete it from your system and notify the sender. You must not disclose, copy or use any part of this email if you are not the intended recipient.
Dear Mr McCarthy

Roads & Maritime Services has received a GIPA Act application from Mr Philip Walker, for the following information:

**Conclusions of design and costings for overpass proposal (c/- member Rob Stokes) Mona Vale Road exit upgrade, at intersection with Samuel Street and Ponderosa Parade (estimated at $50 million).**

Can you please advise whether your Division holds any information in respect of this application and if so, nominate the General Manager/s or Regional Manager within your Division that would hold information to respond to this request.

In order for us to comply with the strict timeframes contained within the GIPA Act, I need your nominations by **COB Tuesday, 5 July 2016**.

Kind regards

Janet Bak
Senior Access and Compliance Officer
Information & Privacy | Customer Engagement & Planning
T 02 9563 8571
*Every journey matters*

Roads and Maritime Services
33 James Craig Road Rozelle NSW
Dear Michael

Your area has been nominated as one possibly relevant area to conduct a search in relation to a GIPA Application.

The Information & Privacy Unit has received the following GIPA Application:

**Applicant:** Mr Philip Walker  
**GIPA Reference No.:** RWC-001604

The GIPA Act requires that all necessary searches to be conducted to locate all the information an applicant has requested.

Please conduct a search for the following information:

*Conclusions of design and castings for overpass proposal (c/- member Rob Stokes) Mona Vale Road exit upgrade, at intersection with Samuel Street and Ponderosa Parade (estimated at $50 million).*

Detailed records of searches done are important for the agency to be able to account to the applicant for the steps it has taken to locate the documents. Please complete the following attached Tables:

1. **Table A:** Record of Search Undertaken for GIPA Application
2. **Table B:** Records/Documents Located listing all the records identified as falling within the scope of the application and noting any concerns your business area may have about releasing each record to the applicant. At the end of this Table is a “Certification” section which must be completed by the searching officer and appropriate manager.

Due to strict timeframes, please undertake this search and return the attached forms to me within **5 working days (11 July 2016).**

If you are unable to meet this timeframe, please contact the Information and Privacy Unit within 2 working days.

Kind regards

Janet Bak  
Senior Access and Compliance Officer  
Information & Privacy | Customer Engagement & Planning  
T 02 9563 8571  
*Every journey matters*

**Roads and Maritime Services**  
33 James Craig Road Rozelle NSW

---

From: CHILLARI Catherine  
Sent: Monday, 4 July 2016 3:25 PM  
To: TANSEY Michael C
Hi Janet,

Please liaise directly with Michael Tansey, A/General Manager, GSPO.

Regards,

Catherine Chillari
Executive Assistant to the Director of Infrastructure Development

T 02 9462 6501
catherine.chillari@rms.nsw.gov.au

Every journey matters

Roads & Maritime

EnSafe 1300 131 469 | InjuryNET 1300 307 418
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Roads and Maritime Services
20 – 44 Ennis Rd, Milsons Point NSW 2061

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From: BAK Janet
Sent: Monday, 4 July 2016 2:03 PM
To: MCCARTHY Jeff P
Cc: CHILLARI Catherine; BALAKRISHNAN Kalyanaraman
Subject: RWC-001604 GIPA Act Application- Response Required

Dear Mr McCarthy

Roads & Maritime Services has received a GIPA Act application from Mr Philip Walker, for the following information:

Conclusions of design and costings for overpass proposal (c/- member Rob Stokes) Mona Vale Road exit upgrade, at intersection with Samuel Street and Ponderosa Parade (estimated at $50 million).
Can you please advise whether your Division holds any information in respect of this application and if so, nominate the General Manager/s or Regional Manager within your Division that would hold information to respond to this request.

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Kind regards

Janet Bak
Senior Access and Compliance Officer
Information & Privacy | Customer Engagement & Planning
T 02 9563 8571
www.rms.nsw.gov.au
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Roads and Maritime Services
33 James Craig Road Rozelle NSW
From: BAK Janet  
Sent: Friday, 8 July 2016 10:06 AM  
To: TANSEY Michael C  
Subject: RE: RWC-001604 Search Request- GIPA Application

Dear Michael,

Further to my email to you on Monday, the applicant has clarified that he is seeking information regarding the "Mona Vale Road East upgrade", not the "Mona Vale Road Exit upgrade".

Thank you.

Kind regards

Janet

From: BAK Janet  
Sent: Monday, 4 July 2016 3:25 PM  
To: TANSEY Michael C  
Subject: RWC-001604 Search Request- GIPA Application

Dear Michael,

Your area has been nominated as one possibly relevant area to conduct a search in relation to a GIPA Application.

The Information & Privacy Unit has received the following GIPA Application:

Applicant: Mr Philip Walker  
GIPA Reference No.: RWC-001604

The GIPA Act requires that all necessary searches to be conducted to locate all the information an applicant has requested.

Please conduct a search for the following information:

**Conclusions of design and costings for overpass proposal (c/- member Rob Stokes) Mona Vale Road exit upgrade, at intersection with Samuel Street and Ponderosa Parade (estimated at $50 million).**

Detailed records of searches done are important for the agency to be able to account to the applicant for the steps it has taken to locate the documents. Please complete the following attached Tables:

1. Table A: **Record of Search Undertaken for GIPA Application**.
2. Table B: **Records/Documents Located** listing all the records identified as falling within the scope of the application and noting any concerns your business area may have about releasing each record to the applicant. At the end of this Table is a "Certification" section which must be completed by the searching officer and appropriate manager.

Due to strict timeframes, please undertake this search and return the attached forms to me within **5 working days (11 July 2016)**.

If you are unable to meet this timeframe, please contact the Information and Privacy Unit within 2 working days.

Kind regards
Hi Janet,

Please liaise directly with Michael Tansey, A/General Manager, GSPO.

Regards,

Catherine Chillari
Executive Assistant to the Director of Infrastructure Development

T 02 9462 6501
catherine.chillari@rms.nsw.gov.au

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Dear Mr McCarthy

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Conclusions of design and costings for overpass proposal (c/- member Rob Stokes) Mona Vale Road exit upgrade, at intersection with Samuel Street and Ponderosa Parade (estimated at $50 million).

Can you please advise whether your Division holds any information in respect of this application and if so, nominate the General Manager/s or Regional Manager within your Division that would hold information to respond to this request.

In order for us to comply with the strict timeframes contained within the GIPA Act, I need your nominations by COB Tuesday, 5 July 2016.

Kind regards

Janet Bak
Senior Access and Compliance Officer
Information & Privacy | Customer Engagement & Planning
T 02 9563 8571
www.rms.nsw.gov.au
Every journey matters

Roads and Maritime Services
33 James Craig Road Rozelle NSW
Hi Janet,

Please find the attached Record of Search Undertaken for the subject GIPA application.

Regards

Michael Tansey
Principal Program Manager
Greater Sydney Program Office
T 02 9352 9544 M 0411 258 807
www.rms.nsw.gov.au
Every journey matters

Roads and Maritime Services
71-79 Pyrmont Bridge Road | PO Box 609 | Pyrmont NSW 2009

Dear Michael

Further to my email to you on Monday, the applicant has clarified that he is seeking information regarding the “Mona Vale Road East upgrade”, not the “Mona Vale Road Exit upgrade”.

Thank you.

Kind regards

Janet
The GIPA Act requires that all necessary searches to be conducted to locate all the information an applicant has requested.

Please conduct a search for the following information:

Conclusions of design and costings for overpass proposal (c/- member Rob Stokes) Mona Vale Road exit upgrade, at intersection with Samuel Street and Ponderosa Parade (estimated at $50 million).

Detailed records of searches done are important for the agency to be able to account to the applicant for the steps it has taken to locate the documents. Please complete the following attached Tables:

1. Table A: Record of Search Undertaken for GIPA Application
2. Table B: Records/Documents Located listing all the records identified as falling within the scope of the application and noting any concerns your business area may have about releasing each record to the applicant. At the end of this Table is a “Certification” section which must be completed by the searching officer and appropriate manager.

Due to strict timeframes, please undertake this search and return the attached forms to me within 5 working days (11 July 2016).

If you are unable to meet this timeframe, please contact the Information and Privacy Unit within 2 working days.

Kind regards

Janet Bak
Senior Access and Compliance Officer
Information & Privacy | Customer Engagement & Planning
T 02 9563 8571
www.rms.nsw.gov.au
Every journey matters

Roads and Maritime Services
33 James Craig Road Rozelle NSW

From: CHILLARI Catherine
Sent: Monday, 4 July 2016 2:38 PM
To: BAK Janet
Cc: TANSEY Michael C; BALAKRISHNAN Kalyanaraman
Subject: RE: RWC-001604 GIPA Act Application- Response Required

Hi Janet,

Please liaise directly with Michael Tansey, A/General Manager, GSPO.

Regards,

Catherine Chillari
Executive Assistant to the Director of
Infrastructure Development
T 02 9462 6501
catherine.chillari@rms.nsw.gov.au

Every journey matters
Dear Mr McCarthy,

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Can you please advise whether your Division holds any information in respect of this application and if so, nominate the General Manager/s or Regional Manager within your Division that would hold information to respond to this request.

In order for us to comply with the strict timeframes contained within the GIPA Act, I need your nominations by COB Tuesday, 5 July 2016.

Kind regards,

Janet Bak
Senior Access and Compliance Officer
Information & Privacy | Customer Engagement & Planning
T 02 9563 8571
www.rms.nsw.gov.au
Every journey matters

Roads and Maritime Services
33 James Craig Road Rozelle NSW
Table A: Record of Search Undertaken for GIPA Application

Detailed records of searches done are important for the agency to be able to account to the applicant for the steps it has taken to locate the documents.

<p>| Date: 07/07/16 | Name of officer: Matty Mathivanar | Position/Business Unit: Project Manager, Greater Sydney Program Office | Location searched: Program Offices in Parramatta and Pyrmont | Description of Searches, including search terms used: Project Development Managers worked on the project during the preparation of the REF were consulted | No. of records located &amp; estimated number of pages: None | Time taken to conduct search: 5 hours, from 9am to 2pm | Comments/reasons why not located: There was no consideration given for grade separation of Mona Vale Road and Ponderosa Parade/Samuel Street intersection. During the preparation of the REF, the Applicant requested and alternate alignment for the road upgrade that went through Ingleside. This option is addressed in the REF. |</p>
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File Reference: RWC-001604
Table B: List of Documents

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<th>Item No:</th>
<th>Description of Item:</th>
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<td>N/A</td>
<td>None</td>
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</tr>
</tbody>
</table>

CERTIFICATION

1. Searching Officer
I certify that I conducted a reasonable search to locate all information that is relevant to the information requested under the Government Information (Public Access) Act 2009.

Signature: 
Date: 8th July 2016
Name: Matty Mathivanar
Position: Project Manager

2. General Manager, Principal Manager or Regional Manager
I certify that I am aware that information has been provided to the I&P Unit and am satisfied that a reasonable search has been conducted for all relevant information in my Division.

Signature: 
Date: 8/7/2016
Name: Michael Tans
Position: Principal Program Manager

File Reference: RWC-001604
Notice of decision on your access application under the

Applicant: Mr Philip Walker
File reference: RWC-001604
Decision maker: Clarinda Campbell
Due date: 29 July 2016
Date of decision: 18 July 2016

1. Your access application

1.1 On 1 July 2016 we received your access application under the GIPA Act for the following information:

Conclusions of design and costings for overpass proposal (c/- Member Rob Stokes) Mona Vale Road East Upgrade, at intersection with Samuel St and Ponderosa Pde (estimated at $50 million).

2. Searches for information

2.1 Under the GIPA Act agencies must conduct reasonable searches to locate the requested government information. We requested information from the Roads and Maritime Infrastructure Development Division.

3. Decision

3.1 I am authorised by the Principal Officer for purposes of section 9(3) of the GIPA Act to decide your access application.

3.2 Under section 58(1)(b) of the GIPA Act I decided that Roads and Maritime does not hold the requested information.
4. Reasons for Decision

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

4.2 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.

4.3 The Infrastructure Development Division has provided the following comments in response to searches for the information you have requested:

"There was no consideration given for grade separation of Mona Vale Road and Ponderosa Parade/Samuel Street intersection.

During the preparation of the REF, the Applicant requested an alternate alignment for the road upgrade that went through Ingleside. This option is addressed in the REF."

5. Review rights

If you disagree with my decision, you may apply for it to be reviewed 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 NCAT.

6. More information

For your information and assistance I enclose a fact sheet explaining your rights to have our decision reviewed.

More information about the GIPA Act is also available by contacting the NSW Information and Privacy Commission on 1800 472 679 or via www.ipc.nsw.gov.au.

Please do not hesitate to contact Janet Bak on 02 9563 8571 or by email at: janet.bak@rms.nsw.gov.au if you have any questions about this letter.

Yours sincerely

Clarinda Campbell
Manager
Information & Privacy Unit