

**GIPA
APPLICATION TO
OBTAIN THE
FOLLOWING
INFORMATION**

*Northern Beaches Hospital
French's Forest Fire
Engineers Report for*

- 1. Open Fire Stairs; and*
- 2. Cladding*

----- Forwarded message -----

From: **DAGGER, James** <James.DAGGER@moh.health.nsw.gov.au>

Date: Tue, Dec 19, 2017 at 3:53 PM

Subject: Notice of Decision for Access Application PA17-125

To: "cabalkarma@gmail.com" <cabalkarma@gmail.com>

Dear Mr Walker

Thank you for your call this afternoon.

Please see **attached** the notice of decision for you access application PA17/125. I have also sent a hard copy to you via express post (605 28218179 094).

As discussed, I will follow up with our Health Infrastructure and advise of the status of the requested reports.

Kind regards

James Dagger

Senior Information Officer

Government Information Public Access | **Executive and Ministerial Services Branch**

73 Miller St North Sydney

Tel 02 9391 9263 | GIPA2@doh.health.nsw.gov.au

www.health.nsw.gov.au



Government Information (Public Access) Act 2009

NOTICE OF DECISION

Applicant:	Mr Philip Walker
File Ref:	PA17/125
Decision maker:	James Dagger, Senior Information Officer
Date of decision:	26 October 2017

Table of Contents

1. Context.....1

2. Summary of access application1

3. Decision1

4. Searches for information.....1

5. Processing charges3

6. Disclosure log3

7. Review rights3

8. Further information.....4

Schedule of Documents.....5

Table of Processing Charges6

1. Context

The NSW Government has committed \$900m for the new Northern Beaches Hospital. The level 5 hospitals is being designed, built, operated and maintained by Healthscope, providing health service for both public and private patients. It is expected that the 488 bed hospital will be completed and operational by late 2018.

2. Summary of access application

On 23 October 2017, the NSW Ministry of Health ('the Ministry') received your access application under the *Government Information (Public Access) Act 2009* (GIPA Act). You asked for the following information:

Northern Beaches Hospital French's Forest Fire Engineers Report for

- 1. Open Fire Stairs; and*
- 2. Cladding*

3. Decision

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

I have decided, under section 58(1)(b) of the GIPA Act, by deciding that the information is not held by the agency.

In this Notice of Decision I will explain my reasons. To meet the requirements of section 61 of the GIPA Act, I need to tell you:

- (a) the reasons for my decision and the findings on any important questions of fact underlying those reasons; and
- (b) the general nature and format of the records containing the information you asked for, with reference to the relevant public interest considerations against disclosure (see the attached Schedule of Documents).

You can ask for a review of this decision. For details about how to do so, see part 9 of this Notice.

4. Searches for information

Under the GIPA Act, we must conduct reasonable searches for the government information you asked for in your application. I have searched our records to find any information that falls within the scope of your application.

Notice of Decision

Under the GIPA Act, the Ministry must conduct reasonable searches for the government information you asked for in your application. I have searched our records to find any information that falls within the scope of your application.

Section 53(2) of the GIPA Act provides that an agency must undertake such reasonable searches as may be necessary to find any of the government information applied for that was held by the agency when the application was received. The agency's searches must be conducted using the most efficient means reasonably available to the agency. The expression 'government information' is defined in section 4 of the GIPA Act as 'information contained in a record held by an agency.'

Before deciding that it does not hold information, the Ministry must comply with the requirements of section 53(2) of the Act. The requirements are:

- a. undertake such reasonable searches as necessary to locate the information requested; and
- b. use the most efficient means reasonably available to the agency.

In *Smith v Commissioner of Police* [2012] NSWADT 85, Judicial Member Isenberg said at paragraph 27:

In making a decision as to the sufficiency of an agency's search for documents which an applicant claims to exist, there are two questions: (a) are there reasonable grounds to believe that the requested documents exist and are the documents of the agency; and if so, (b) have the search efforts made by the agency to locate such documents been reasonable in all the circumstances of a particular case.

When considering whether there are reasonable grounds to believe that information exists and whether searches to locate information were reasonable, the facts, circumstances and context of the application are relevant.

Searches for documents were conducted by the two branches identified as holding documents that may be within the scope of your application: Executive and Ministerial Services and Health Infrastructure. I am satisfied that these are the branches within the Ministry which would hold the information and the documents identified.

A general TRIM search was undertaken against the following terms and their variations:

"Northern Beaches Hospital", "French's Forest", "Fire Engineers Report", "Open Fire Stairs" and "Cladding".

Executive and Ministerial Services did not locate the documents sought by the applicant. A further search was undertaken by Health Infrastructure who advised that they do not hold a fire engineers report for cladding and noted that they do not hold a final report for open fire escapes as the hospital is still being constructed. It is the recommendation of the Ministry that the applicant make an application for the Engineer's report for open fire stairs and cladding once the hospital has been completed.

5. Processing charges

Under sections 64(1) and (2) of the GIPA Act, we may require you to pay processing charges, at a rate of \$30 per hour, for the time spent dealing with your access application. The application fee of \$30 counts as payment of one hour of the processing charges.

You are requested to pay processing charges of \$0. Please find attached a Table of Processing Charges, which shows how time was spent processing your application and the charges that apply.

You can ask for a review of the decision to impose processing charges. For information about how to do so, see part 9 of this Notice.

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).

In the letter acknowledging receipt of your valid application, sent on 23 October 2017 you were told about the disclosure log. You were also advised of your right to object to the inclusion of details about your access application in the disclosure log, in certain circumstances (for example, if you seek access to your own personal information). You did not object to details about your application being included in the 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 me to discuss your concerns. My 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 NCAT.

To assist you, I have enclosed a fact sheet published by the Information and Privacy Commission NSW (IPC), entitled *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.

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 James Dagger, (02) 9391 9263.

.....
James Dagger

Senior Information Officer

Executive and Ministerial Services

Schedule of Documents

No.	Description of record that contains the information	Format of record	Location of record in agency	Released or withheld	Relevant public interest consideration(s) against disclosure
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Table of Processing Charges

Date	Action	Time spent	Cost
26.10.17	Writing Decision	1 hour	\$30
Discount:			
TOTAL:			\$0