



24 July 2017

Our ref: TRA-000463

Dr John Pickard  
PO Box 3195  
ASQUITH NSW 2077

Via email: [john.pickard@bigpond.com](mailto:john.pickard@bigpond.com)

Dear Dr Pickard,

**Notice of decision on your access application under the  
Government Information (Public Access) Act 2009 (GIPA Act)**

<b>Applicant:</b>	Dr John Pickard
<b>File reference:</b>	<b>TRA-000463</b>
<b>Decision maker:</b>	Wayne Kosh
<b>Received date:</b>	20 June 2017
<b>Due date:</b>	18 July 2017
<b>Extended due date:</b>	1 August 2017
<b>Date of decision:</b>	24 July 2017

## 1 Your access application

1.1 On 20 June 2017 we received your access application under the GIPA Act for the following information:

*I am seeking information on the identification of the 20,000 bits of rock found on the Randwick Light Rail line...I am requesting copies of all documents (in whatever form or format) relevant to the identification of the gravel, and its provenance. This includes, but is not limited to, the following:*

- 1. A full lithological analysis of the gravel. The analysis to be accompanied by the name(s), qualifications and signature(s) of the author(s).*
- 2. A full analysis of the provenance of the gravel, including evidence supporting any conclusions about the origin of the gravel. The analysis to be accompanied by the name(s), qualifications and signature(s) of the author(s).*
- 3. Any other analyses that provide information on the provenance of the gravel. The analyses to be accompanied by the name(s), qualifications and signature(s) of the author(s).*

1.2 On 14 July 2016, the due date was extended by agreement until 1 August 2016. Thank you for your cooperation in this regard.

## 2 Searches for information

2.1 Under the GIPA Act, we must conduct reasonable searches to locate the government information for which you have applied. The following areas of this agency have conducted searches:

- Sydney Light Rail Delivery Office (SLRDO)
- CBD Coordination Office

2.2 Information has been identified as falling within the scope of your application.

## 3 Decision

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

3.2 Please see below a summary of my decision:

Page Ref.	Information	Act Ref.	Access
N/A	Draft report	Table to section 14, 4(e)	Refused

## 4 Reasons for Decision

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.

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.

### 4.1 **Public interest test**

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:

- identifying any public interest considerations in favour of disclosure;
- identifying any relevant public interest considerations against disclosure;
- attributing weight to each consideration for and against disclosure; and
- deciding where the balance between them lies.

### 4.2 **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.

I find the following considerations in favour of disclosure are relevant to your application:

- Disclosure of the information could reasonably be expected to promote open discussion of public affairs, enhance Government accountability or contribute to positive and informed debate on issues of public importance.

### 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 to section 14 of the GIPA Act.

I have identified the following considerations against disclosure as being relevant to your application:

Clause 4 of the Table to section 14 of the Act relevantly reads:

#### 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:*

- (e) *prejudice the conduct, effectiveness or integrity of any research by revealing its purpose, conduct or results (whether or not commenced and whether or not completed).*

### 4.4 Balancing the public interest considerations

4.4.1 I have considered the relevant public interest considerations in favour of and against disclosure of the information that you have requested.

4.4.2 I am informed by CBD Coordination that they are currently mid-way through a detailed plan of management and technical analysis of a significant find of aboriginal artefacts at Randwick.

I am advised that the report is in draft and that analysis of materials and cultural mapping is currently being validated and will ultimately be subject to a peer reviewed journal article as part of the validation process.

I am advised that the release of the information before it is finalised would jeopardise the validation process and prejudice the integrity of the research by revealing its results before they have been appropriately validated.

Due to this I have attributed significant weight to the public interest considerations against release in this instance.

4.4.3 Having weighed up the considerations, I have decided that there is an overriding public interest against disclosure of the information.

I note however that Transport for NSW intends to release information once it is finalised and validated. Transport for NSW also intends to prepare displays and use the research findings for educational purposes as it is a significant piece of aboriginal history.

### 5 Processing Charges

Under section 64 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.

I have decided not to impose any additional processing charges for dealing with your application.

### 6 Review rights

If you disagree with my decision, you may apply for this decision 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).

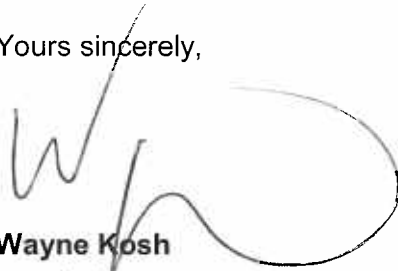
You have 20 working days from the date of this letter to apply for an internal review and 40 working days to apply for an external review by the NSW Information Commissioner or the NCAT.

**7 Further information**

For your information and assistance, I have enclosed a fact sheet explaining your rights to have my decision reviewed.

Please do not hesitate to contact Nicci Jerrett by phone on 8202 2052 if you have any questions about this letter

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Wayne Kosh', written over a large, faint circular stamp or watermark.

**Wayne Kosh**

A/ Principal Manager, Information and Privacy