



Your reference:
Our reference: GIPA480
EPA178

Ms Donna Page
Newcastle Herald
Via email at dpage@fairfaxmedia.com.au

15 September 2014

Dear Ms Page

Government Information (Public Access) Act 2009 application – GIPA480 – EPA179
Notice of Decision

I refer to your access application under the *Government Information (Public Access) Act 2009* ('GIPA Act') received on 1 September 2014. Please find attached your receipt.

I am authorised under section 9(3) of the GIPA Act, to decide your access application and I have today decided to provide you full access to the relevant information.

The following documents are attached:

- A Notice of Decision;
- An information sheet explaining your review rights; and
- Copies of the released record.

If you disagree with my decision, you may seek review under Part 5 of the GIPA Act. Please refer to the attached information sheet and further details in the Notice of Decision about your review rights under the GIPA Act.

If you have any questions about your GIPA application, or your review rights, please contact me on (02) 9995 6080 (email: racho.donef@environment.nsw.gov.au Fax: (02) 9995 5491).

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Racho Donef', written over a horizontal line.

DR RACHO DONEF
Senior Governance Officer (Privacy and Information Access)

REASONS FOR DECISION

Your access application

On 1 September 2014, the Environment Protection Authority (EPA) received your application and the \$30 application fee. You sought access to the following information:

The final report of Ferrier Hodgson's lead abatement strategy carried out for land at and around Boolaroo; related to lead from the former Pasminco Smelter.

Relevant information

A search of EPA's records has been undertaken to identify all government information falling within the scope of your application. The search involved Contaminated Sites Section of Hazardous Incidents and Environment Health Branch.

One email has been received from Contaminated Sites Section. This record has been identified as relevant to your access application.

Decision

I have today decided to release to you, in full, the information relevant to the scope of your application. Please find attached the released record.

Consultation

The government information to which you seek access includes information that is of a kind requiring consultation under section 54 of the GIPA Act, as follows:

- Concerns another person's business, commercial, professional or financial interests

I consulted with the affected third parties to ascertain whether they have any objection to disclosure of some or all of the information and the reasons for such objection. On 11 September 2014, the third parties responded, stating that they have no objection to any of the records being released.

I have applied the public interest test and have determined that there is *no* overriding public interest against disclosure of the information. I have today decided that all information, including the pages that contain the business information of third parties, be released to you in full.

Form of access

You will be provided with access to the information I have decided will be released to you by way of email.

This decision is reviewable under section 80(i) of the GIPA Act. See below for further details about your review rights.

Processing charges

The \$30 application fee counts as a payment towards any applicable processing charges. There are no additional processing charges.

This decision is reviewable under section 80(j) of the GIPA Act. See below for further details about your review rights.

Disclosure log

My original decision included a decision that the information released to you may be of interest to other members of the public. Similarly, I have also decided that this additional information released under my further decision may be of interest to other members of the public.

Accordingly a description of the information will be included on the 'disclosure log', on a date no earlier than ten days after this notice is provided to you. The log will also indicate any information being made available to the public and how this information can be accessed. The disclosure log can be found on our website: <http://www.epa.nsw.gov.au/whoweare/disclosurelog.htm>

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

Review Rights

If you do not agree with the decisions that I have made, you may seek review under Part 5 of the GIPA Act. Before you do so, I would encourage you to speak with me if you have any questions about this notice or require further information on your rights of review.

You have three avenues of review: internal review by a senior officer of the Environment Protection Authority, external review by the Information Commissioner or external review by the Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal (NCAT). Please see the enclosed information sheet for more details about your review rights.

You should note that the time for seeking an internal review is 20 working days, or 40 working days for external review, after the date of this notice of decision. That means you have until **14 October 2014** to lodge an internal review, or until **11 November 2014** to lodge an application for an external review.

Further information about your review rights under the GIPA Act is available by contacting the Information and Privacy Commission on free call 1800 472 679, or from their website: www.ipc.nsw.gov.au

You can also contact the Administrative and Equal Opportunity Division of NCAT by telephone on 1300 006 228 or go to their website: www.ncat.nsw.gov.au

Further information

If you have any questions about this notice or would like any further information, please contact me.

A handwritten signature in blue ink, consisting of a stylized 'D' and 'R' followed by 'RACHO DONEF'. A vertical line extends from the bottom of the signature.

DR RACHO DONEF
Senior Project Officer (Privacy/GIPA)