

OUR REFERENCE

DIRECTOR'S CHAMBERS

YOUR REFERENCE

DATE



25 August 2014

The Director, Justice Policy
Department of Justice
GPO Box 6, Sydney NSW 2001

Dear Ms Lo

Review of the Government Information (Public Access) Act 2009

Thank you for the opportunity to make a submission to this review, but as the ODPP receives very few applications pursuant to GIPA we are limited in the comments that we can make.

Last financial year the ODPP had only 8 applications pursuant to the GIPA Act all of which were invalid, as the request was for information about prosecutions typically for the brief of evidence, which is excluded information under the Act. In fact since the Act commenced the ODPP has only received 3 valid applications. The ODPP determination that the application was invalid has been taken on two occasions to the Administrative Decision Tribunal, *Turner v the Director of Public Prosecutions (GD)* [2013] NSWADTAP 27 and *Miller v the Director of Public Prosecutions* [2012] NSWADT 38. In both cases the determination was upheld by the Tribunal.

Overall the transition from the Freedom of Information regime to the GIPA regime has not brought about any significant change to the ODPP's work load or processes.

We are not submitting that there should be any changes to the Act.

Yours faithfully

Lloyd Babb SC
Director of Public Prosecutions