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The Director, Justice Policy
Department of Justice
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Dear Director

Thank you for the opportunity for the NSW Environment Protection Authority (EPA) to provide comments for consideration of the review of the Government Information (Public Access) Act 2009.

These comments are made in addition to, and in support of, the submission made by the Office of Environment and Heritage (OEH) on 15 August 2014.

All GIPA requests made to the EPA are managed by the OEH GIPA officers and in 2013-14 the OEH received 64 formal requests about the EPA's operations, from members of the public, media, private businesses, not for profit or community groups, and Members of Parliament.

In response to these requests, the EPA has provided comprehensive information to OEH GIPA officers who have consulted with all relevant parties and managed provision of information to the applicants.

The EPA receives numerous GIPA requests from the media (17 in 2013-14) who often use the information for commercial gain such as to write articles for publication in newspapers. In these instances, the material obtained from the EPA under GIPA has been used for commercial and profitable purposes. At present, for GIPA requests other than for personal information or internal review, the Charges for Access include a \$30 Application Fee and then \$30 per hour for Processing. The EPA considers this charge to be insufficient in that the hourly rate is not commensurate with the costs of staff time required to provide the information. The EPA requests that as part of the GIPA Act Review, for provision of information used for commercial interests, the charges be reviewed to reflect the actual costs and that the applicants be required to pay for full cost recovery. The present arrangements for personal information should continue.

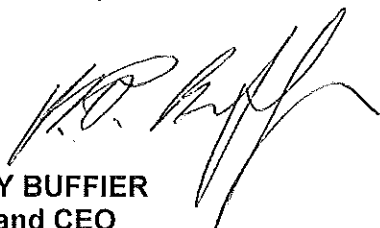
In supporting the active public release of government information, the EPA considers that information provided under GIPA could be released more widely on the internet or included in an agency's Annual Report. This would be beneficial for any additional persons interested in the same subject, by providing the details of the applicant, the request and the agency's actions. This could also mitigate against a third party releasing only partial or selective information, provided under GIPA, to support a specific point of view or any subsequent misinterpretation of the original information. The EPA recommends that the details of all GIPA requests and material except of a personal nature be publicly available.

The EPA may at times receive many requests on the same topic from an individual with a personal involvement or representative of a company, such as a journalist. The EPA would support this GIPA review examining the option of limiting the number of requests that can be made by in these circumstances.

The EPA has responsibilities and powers under a range of NSW environmental legislation. For legal or prosecution matters, the EPA will normally decline a GIPA application for the relevant information as this may prejudice proceedings. The EPA endorses the GIPA Act in these instances (GIPA ACT, Division 2, Section 14).

The EPA notes that the GIPA Act is administered by the Information Commissioner and considering the privacy matters related to GIPA information, sees benefit in amalgamating the roles and responsibilities of the Information Commissioner and the Privacy Commissioner.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Buffier', with a stylized flourish at the end.

BARRY BUFFIER
Chair and CEO
Environment Protection Authority