

***Government Information (Public Access) Act
2009***

NOTICE OF DECISION

Applicant:	Anthony D'Adamo Public Service Association of New South Wales
File Ref:	FP 13/15
Decision-maker:	Joshua Kulawiec, Solicitor, Legal Policy Branch, Legal Aid NSW
Date of decision:	2 July 2013

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1. Summary of access application

On 19 June 2013, Legal Aid NSW received your access application under the *Government Information (Public Access) Act 2009* (GIPA Act), in which you sought access to the following information:

"The Internal Audit Bureau report is called: Audit into flex and leave management at Legal Aid NSW. The report was dated 2012."

2. Processing of application

Under the GIPA Act, agencies must conduct reasonable searches for government information requested in an access application. In certain circumstances, they must also consult third persons to see whether they object to the information sought being released.

2.1 Searches conducted

A search of Legal Aid NSW's records has been undertaken for the document falling within the scope of your application.

I have determined that Legal Aid NSW holds the following document which falls within the scope of your request:

528 Audit Administration and Recording of Leave
(dated October 2012) ("the Report")

2.2 Consultation

Legal Aid NSW has not been required to consult with any third person's in relation to the information sought.

3. Decision to provide access

I am authorised by the principal officer, for the purposes of s. 9(3) of the GIPA Act, to decide your access application. I have examined the document falling within the scope of your application, as referred to in part 2.1 above.

3.1 Notice of decision

I have decided, under s. 58(1)(a) of the GIPA Act, to provide access to the document sought in your access application, except for a partial redaction as described below.

Under s. 58(1)(d) of the GIPA Act, Legal Aid NSW has a right to refuse to provide you with access to certain documents where there is an overriding public interest against its disclosure. In accordance with s. 61 of the GIPA Act, I advise you of:

- (a) the reasons for my decision and the findings on any material questions of fact underlying those reasons (see part 3.2 of this Notice), and

- (b) the general nature and format of the records containing the information sought, with reference to the relevant public interest considerations against disclosure (see the attached Schedule of Information Not Provided).

This decision is reviewable under s. 80(d) of the GIPA Act (see part 4 of this Notice for information about your review rights).

3.2 Reasons for decision

Under s. 9(1) of the GIPA Act, you have a legally enforceable right to be provided with access to the information sought, unless there is an overriding public interest against disclosure of the information. In making such a determination, agencies must apply the public interest test under s. 13, which provides that there will only be an overriding public interest against disclosure where public interest considerations in favour of disclosure are, on balance, outweighed by those against disclosure. Under s. 5 of the *GIPA Act*, there is a presumption in favour of disclosing government information.

I have applied the public interest test and have determined that there is an overriding public interest against disclosure of the information identified in the Schedule of Information Not Provided. The reasons for my decision are set out in the Schedule.

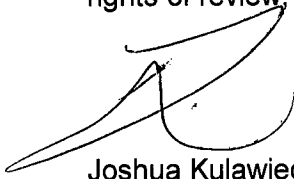
4. Your rights of review

If you are aggrieved by any of the reviewable decisions in this Notice of Decision, you may seek a review under Part 5 of the GIPA Act. Before you do so, I would encourage you to speak with the officer responsible for your access application, whose contact details are below.

For your information, there are three avenues of review: internal review by an officer no less senior, external review by the Information Commissioner or external review by the Administrative Decisions Tribunal ("Tribunal"). Attached to our previous letter was a fact sheet published by the Office of the Information Commissioner (OIC), entitled *Your review rights under the GIPA Act*, which details your rights of review under the GIPA Act. Frequently asked questions are also available on the OIC website.

You should note that the time for seeking an internal review is 20 working days or, for external review, 40 working days from the date you were notified of this decision. You may obtain further information about your rights under the GIPA Act by contacting the OIC on freecall 1800 INFOCOM (1800 463 626) or by visiting: www.oic.nsw.gov.au.

If you have any queries about this notice or require further information on your rights of review, please contact Joshua Kulawiec, on 02 9219 5195.

A handwritten signature in black ink, appearing to be 'JK', written over a horizontal line.

Joshua Kulawiec
Solicitor, Legal Policy Branch
Legal Aid NSW

Schedule of Information Not Provided

No.	Description of record	Location of record in agency	Format of record	Public interest(s) against disclosure	GIPA Act sections
1.	The Report Attachment "G" – flex hours forfeited by staff (first column)	People & Organisational Development	Electronic	Disclosure of this information would reveal personal information of certain staff members. On balance, this consideration outweighs the public interest considerations in favour of disclosure.	s.58(1)(d); s.14 clause 3(a)

