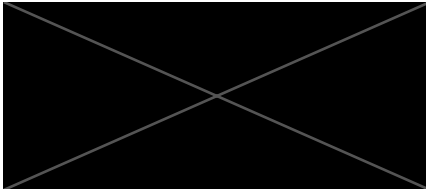




6 May 2025

Our ref: 25T-1226



By email:



Dear



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

**Applicant:**



**File reference:**

**25T-1226**

**Decision maker:**

Melissa Armstrong

**Received date:**

14 February 2025

**Due date:**

14 March 2025

**Extended due date:**

6 May 2025

**Date of decision:**

6 May 2025

**1 Your access application**

1.1 On 14 February 2025, Transport for NSW (TfNSW) received your access application under the GIPA Act for the following information:

*'In November 2024 Mr Van Le the TfNSW representative on the City of Sydney Traffic Committee, told the Committee that TfNSW had "no plans to introduce a 30km speed limit in the City". When asked by Community representatives to explain why TfNSW had made this decision Mr Le said it was "because of business concerns".*

*I have already twice requested additional information from Julie.Sundqvist@transport.nsw.gov.au-Director Eastern City, Community & Place,*

OFFICIAL

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**Transport for NSW**

PO Box K659, Haymarket NSW 1240

T 02 8202 2200 | F 02 8202 2494 | W [transport.nsw.gov.au](http://transport.nsw.gov.au) | ABN 18 804 239 602

Greater Sydney, arguing that proactive disclosure was in the public interest TfNSW. Ms Sudqvist has not responded to my emails, I am therefore submitting a GIPA request.

The objective of the GIPA process is to promote transparency and accountability in government by providing the public with access to government information. It ensures that decisions, policies, and actions of public agencies are open to scrutiny, while balancing the need to protect sensitive information. The process encourages proactive disclosure, supports informed public participation, and upholds the right to access government-held information, unless there is an overriding public interest against disclosure.

My request:

"All documents of all kinds created or received between June 2024 and present relating to 30km/h speed limits that include the geography or affect the City of Sydney including any documents referred to or relied on in any decision or discussion not to support 30km/h speed limits.

Examples include but not limited to:

1. Reports, briefings, or internal assessments prepared by or for TfNSW. For example these may include understanding of the feasibility, benefits, or risks of implementing 30km/h speed limits.
2. Correspondence (including emails, letters, and meeting minutes) between any people or agencies including but not limited to TfNSW and the City of Sydney, NSW Police, NSW Government ministers, or any other relevant stakeholders.
3. Policy documents or guidelines that relate to 30km/h speed limits.
4. Road safety and efficiency studies or modelling or case studies that relate to 30km/h speed limits.
5. Any ministerial directions, advice, or instructions relating to TfNSW's position on 30km/h speed limits in Sydney.

If any of the requested documents are already publicly available, please provide links or references to where they can be accessed. If parts of the information are deemed sensitive, I request partial release of documents where possible, in line with Section 6 of the GIPA Act.

Please let me know if any additional fees apply, and I look forward to your response within the required statutory timeframe.'

- 1.2 On 12 March 2025 you provided the following clarification concerning the terms of your request by email:

*"I am happy to exclude correspondence between TfNSW and City of Sydney and Bicycle NSW. I am already aware of any correspondence with these third parties.*

*I am only interested in TfNSW internal records, and correspondence with any other third parties."*

- 1.3 On 5 March 2025, we notified you that processing charges for dealing with your application were required. In particular, you were notified that it had already taken 8.5 hours to deal with your application and it was estimated that it would take a further 11.5 hours to analyse the information, perform third party consultation and respond to the terms of your request.
- 1.4 On the basis of the estimate, it was anticipated that dealing with your application would likely cost \$570.00 calculated at \$30.00 per hour (the processing charge).
- 1.5 In the same letter, under section 68(1) of the GIPA Act, we requested that you make an advance payment of the processing charge (as an *advance deposit*) in the amount of

\$285.00, by no later than 2 April 2025. The period within which the application was required to be decided stopped running until receipt of payment.

- 1.6 On 11 March 2025 we received your advance deposit of \$285.00. The new due date for a decision on your application was 20 March 2025.
- 1.7 On 13 March 2025 we informed you that we were required to consult third parties in relation to your application. In accordance with section 57(2) of the GIPA Act, we extended the timeframe for deciding your application to 3 April 2025.
- 1.8 On 31 March 2025 you consented over the telephone to an extension of time for deciding your application. In accordance with section 57(4) of the GIPA Act, we extended the timeframe for deciding your application to 6 May 2025. Thank you for agreeing to this extension of time.
- 1.9 On 31 March 2025 you also informed me that you did not require correspondence between TfNSW and 'Walk Sydney'. I have therefore removed this information as 'out of scope'.
- 1.10 In your access application you indicated a preference for receiving correspondence by email at [REDACTED]. We confirm that throughout the course of your application we have corresponded with you in relation to your access application using the email address provided by you and therefore direct this Notice to that email address.

## 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.
- 2.2 Searches were requested from the following areas of TfNSW:
  - Coordinator General (CG)
    - Operations Planning
  - Planning, Integration and Passenger (PIP)
    - Active Transport & Vibrancy
    - Sydney Integration and Place
    - Community & Place
  - Safety, Policy, Environment and Regulation (SPER)
    - Transport Safety
  - Strategy Branch (SB)
    - Secretary Approvals
  - People, Communications and Workplaces (PCW)
    - Ministerial Briefings & Liaisons
- 2.3 Search responses were received from 13 subject matter experts (SMEs) who performed searches across Outlook, shared and local network drives, personal drives and the *Safer Roads Program Management System* using the following search terms: '30km/hr', 'COS', 'City of Sydney', '30km/h', '30km/h speed limits', '40km/h speed limits', '40km/h speed zones', 'speed zoning', '30km', '30 km', 'City of Sydney 30' and 'Fort Street'.
- 2.4 An additional two SMEs confirmed they did not hold information responsive to the terms of the request.

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

2.6 I have also decided to provide access to additional information which I consider may be of interest to you, pursuant to section 76 of the GIPA Act.

### 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 I have decided:

- to provide access to some information under section 58(1)(a);
- to refuse to provide access some information under section 58(1)(d); and
- that some information is already available to you under section 58(1)(c).

3.3 Please see below a summary of my decision:

Item No	Page Ref.	Information	Act Ref.	Access
01	1-3	Email chain 3 June 2024 to 7 June 2024 re Final Pyrmont-Ultimo Transport Plan & Consultation Summary Report - Live <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
01a	N/A	Attachment: Pyrmont-Ultimo Transport Plan May 2024: <a href="https://www.transport.nsw.gov.au/system/files/media/documents/2024/Pyrmont-Ultimo-Transport-Plan-May-2024.pdf">https://www.transport.nsw.gov.au/system/files/media/documents/2024/Pyrmont-Ultimo-Transport-Plan-May-2024.pdf</a>	s58(1)(c) s59(1)(e)	Already available
01b	N/A	Attachment: Pyrmont-Ultimo Consultation Summary Report May 2024: <a href="https://www.transport.nsw.gov.au/system/files/media/documents/2024/Pyrmont-Ultimo-Transport-Plan-Consultation-Summary-Report-May-2024.pdf">https://www.transport.nsw.gov.au/system/files/media/documents/2024/Pyrmont-Ultimo-Transport-Plan-Consultation-Summary-Report-May-2024.pdf</a>	s58(1)(c) s59(1)(e)	Already available
02	4-6	Email chain from 24 June 2024 to 2 July 2024: RE: For St Public School Access DoE Update <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
02a	7-10	Attachment: Department of Education Briefing: Fort Street Public School – Access Arrangements June 2024 <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
02b	11-17	Attachment: Work Shop Instruction – Watson Road, Upper Fort Street and shared path, Millers Point July 2024 <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
03	18	Email dated 24 July 2024: Fort Street Public School	s58(1)(a)	Full

04	19-20	Email chain from 4 July 2024 to 27 July 2024: Upper Fort Street School proposed treatments   TfNSW & SINSW <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
05	21	Email chain from 4 July 2024 to 18 July 2024: Upper Fort Street School proposed treatments   TfNSW & SINSW <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
05a	N/A	Attachment: Fort Street Public School – Access Arrangements June 2024 (refer to <b>Item 02a</b> ) <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
05b	N/A	Attachment: Watson Road, Upper Fort Street and Shared Path next to the Kent Street on-ramp to the Harbour Bridge, Millers Point – Draft – For Discussion with SINSW (refer to <b>Item 02b</b> )	s58(1)(a) s74	Full
06	22-30	Email chain from 10 July 2024: City of Sydney local roads speed limits <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
06a	31-32	Attachment: Business Sydney Letter dated 10 July 2024 <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
06b	33-35	Transport for NSW Media Enquiry received 1.30pm Wednesday, 10 July <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
07	36-37	Email chain from 8 August 2024: Fort Street Public School <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
08	38-40	Email chain from 6 September 2024: Fort St – Sec meeting <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
09	41-65	Email chain from 15 July 2024 to 16 September 2024: Urgent Work request – Fort Street Public School, Millers Point <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
09a	66-67	Photographs: Speed Reduction Photos – Fort Street Public School, Millers Point <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full

10	68-69	Email dated 19 September 2024: NSW Speed Zoning Standard Independent Review & Next Steps	s58(1)(a)	Full
10a	70-156	Independent Review of the NSW Speed Zoning Standard 2023 – Report <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
10b	157-184	Independent Review of NSW Speed Zoning Standard 2023 - Presentation <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
11	N/A	DRAFT – HFN - Speed Zones	s58(1)(d) Sch 1, cl 4 (c)	Refused
12	185	City of Sydney Briefing (updated September 2024) – Draft <b>A new record of information has been created pursuant to section 75(1) of the GIPA Act</b>	s58(1)(a) s75(1)	Full
13	186-187	Email chain from 24 October 2024 to 4 November 2024: CCC Qs for compilation and issue to TfNSW <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
13a	188-190	Attachment: Fwd: Email from Graeme Milton <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
14	N/A	Email 28 November 2024 at 5.20pm: FWD: Copy of HFN 349 – Speed Zone Standards	s58(1)(d) Sch 1, cl 4(c)	Refused
14a	N/A	HFN -349 - Speed Zone Standards	s58(1)(d) Sch 1, cl 4(c)	Refused
15	191	Email chain dated 22 January 2025: RE: Request for information re TfNSW decision not to implement 30km in the Sydney CBD <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
15a	N/A	Media Article: “Weak support for speed cuts: Consultation fail on Clover’s go-slow” Daily Telegraph Sydney 17 July 2024: <a href="https://www.dailytelegraph.com.au/">https://www.dailytelegraph.com.au/</a>	s58(1)(c) s59(1)(c)	Already available

15b	N/A	Media Article “Minns Blasts ‘over the top’ city speed cut” Newcastle Herald, Newcastle 11 July 2024: <a href="https://www.newcastleherald.com.au/">https://www.newcastleherald.com.au/</a>	s58(1)(c) s59(1)(c)	Already available
15c	N/A	TfNSW Secretary Radio Interview 17 July 2024: <a href="https://www.2gb.com/ben-fordham-sydney-live-podcasts/">https://www.2gb.com/ben-fordham-sydney-live-podcasts/</a>	s58(1)(c) s59(1)(e)	Already available
16	192-195	New Sydney Fish Markets – Community Questions Table <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
17	196-197	Email chain dated 3 February 2025: Macquarie St East – State Library Public Domain Project – Ministerial Requests and the Works Authorisation Deed Process <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
17a	198-199	AECOM Presentation: Macquarie Street East Precinct <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
18	N/A	Design of Roads and Streets Manual TS 00066:1.0: 24 October 2024  <a href="https://standards.transport.nsw.gov.au/_entity/annotation/c5bf520d-ad91-ef11-8a6a-000d3a6b1b0b">https://standards.transport.nsw.gov.au/_entity/annotation/c5bf520d-ad91-ef11-8a6a-000d3a6b1b0b</a>	s58(1)(c) s59(1)(e)	Already available
19	200-204	Email chain 10 July 2024: Urgent media inquiry for Premier standup <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
20	205-208	Email chain 10 July 2024: City of Sydney local roads speed limits <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
21	N/A	Email at 12.03pm on Friday, 30 August 2024: Fort St Info	s58(1)(d) Sch 1, cl 4(c)	Refused
22	209-213	Briefing: Fort Street Public School, Millers Point – Access Arrangements and Safety Improvements <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	
22a	214-215	Fort Street Public School – Access & Safety Improvements – Map/Diagram <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full

23	216-217	Letter to Department of Education 12 September 2024 (Draft) <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
24	218-221	Internal Briefing: Fort Street Public School June 2024 <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
25	222-234	Internal Secretary Briefing: Fort Street Public School Access Update September 2024 <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
26	N/A	Email chain dated Friday 30 August 2024: Fort St Info	s58(1)(d) Sch 1, cl 4(c)	Refused
27	235-236	Email chain from 24 June 2024 to 25 June 2024: Fort St Public School DoE Update 24 June 2024.ppt <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
28	237-238	Email chain dated 24 January 2025: Request for information re: TfNSW decision not to implement 30 km in the Sydney CBD <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
29	239-243	Email chain from 10 July 2024 to 11 July 2024: PLS Advise: ABC - City of Sydney plan to cut speed limits <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
30	244-246	Email chain dated 10 July 2024: Speed Zone Reviews	s58(1)(a)	Full
30a	N/A	Journal Article: The Impact of Lowered Speeds in Limited Urban Areas by Jeffrey Archer, Nicola Fotheringham, Mark Symmons and Bruce Corben published by Monash University Academic Research Centre:  <a href="https://www.monash.edu/_data/assets/pdf_file/0007/216736/The-impact-of-lowered-speed-limits-in-urban-and-metropolitan-areas.pdf">https://www.monash.edu/_data/assets/pdf_file/0007/216736/The-impact-of-lowered-speed-limits-in-urban-and-metropolitan-areas.pdf</a>	s58(1)(c) s59(1)(e)	Already available
31	247-254	Email chain from 6 June 2024 to 7 June 2024: Fort Street Public School <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
32	255-257	Email chain from 24 July 2024 to 27 July 2024: Fort Street Public School <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full

33	258-259	Email chain from 4 July 2024 to 8 August 2024: Upper Fort Street School proposed treatments   TfNSW & SINSW <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
34	260	Email chain from 4 July 2024 to 25 July 2024: Upper Fort Street School proposed treatments   TfNSW & SINSW <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
35	261-262	Email chain from 20 June 2024 to 23 June 2024 <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
36	263	Email dated 8 August 2024: Fort Street Public School: Fort St - DoE Update <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
37	264	Email dated 23 July 2024: Fort Street Public School	s58(1)(a)	Full
38	265	Email dated 24 January 2025: Request for information FW: Request for information re: TfNSW decision not to implement 30 km in the Sydney CBD <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
39	266-267	Email chain from 11 June 2024 to 26 June 2024: For Urgent ED Approval – Extension COB 19/06: ADDITIONAL INFORMATION NEEDED – Road Safety Motion – Millers Pt – City of Sydney <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
40	268-269	Email chain dated 23 July 2024: Fort Street Public School <b>Information not relevant to the information applied for has been deleted pursuant to section 74</b>	s58(1)(a) s74	Full
41	270-271	Email chain dated 24 January 2025: Request for information re: TfNSW decision not to implement 30 km in the Sydney CBD	s58(1)(a)	Full
42	272	Email chain from 30 January 2025 to 3 February 2025: Request for information re: TfNSW decision not to implement 30 km in the Sydney CBD	s58(1)(a)	Full
43	273-274	Meeting Notes – City of Sydney Council – 4 October 2024 <b>A new record of information has been created pursuant to section 75(1) of the GIPA Act</b>	s58(1)(a) s75(1)	Full

## **Out of Scope Information – Section 74 of the GIPA Act**

- 3.4 Under section 74 of the GIPA Act, when providing access to a copy of a record in response to an access application, TfNSW can delete information from the copy of the record which is not relevant to the information applied for. As noted in the table above, I have found some information to be irrelevant to your application.
- 3.5 **Items 1, 2, 4, 6, 6a, 6b, 8, 9, 9a, 10a, 10b, 13, 13a, 17, 19, 20, 23, 25, 27, 28, 29, 31, 32, 33, 34, 38 and 39** contain the personal information and contact details of third parties including names, signatures, phone numbers, residential addresses, vehicle registration and images of third parties, together with the mobile phone numbers and contact details of Transport and Public Service employees and names and contact details of Ministerial staff. I have considered that the substance of your application seeks information pertaining to 30km/hr speed limits in the locality of the City of Sydney, and that you do not require the personal information of third parties, personal contact details of Transport and Government Service employees or names and contact details of Ministerial staff. I have therefore marked this information as ‘out of scope’ pursuant to section 74 of the GIPA Act.
- 3.6 **Items 2, 2a, 2b, 4, 5, 6, 6b, 7, 8, 9, 13, 13a, 16, 17, 17a, 19, 22, 22a, 23, 24, 25, 27, 33, 34, 36, 38, 39 and 40** include correspondence and briefings between TfNSW and various third parties. As I have understood that your application seeks information regarding 30km/hr speed limits, particularly within or affecting the locality of the City of Sydney, I have understood that you do not require information which is unrelated to 30km/hr speed limits. I have therefore removed information which does not relate to the substance of your request in accordance with section 74 of the GIPA Act.
- 3.7 I note that some additional information which may not be directly related to the substantive nature of your request has been included in the documents which are set out in the Table at paragraph 3.3 above. As I am not aware of any applicable public interest considerations preventing their disclosure to you, I have decided to release this information to reduce the processing time, and I also consider some of this additional information may be of interest to you.

## **4 Reasons for Decision**

- 4.1 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.
- 4.2 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.

## **Information Already Available – Items 01a, 01b, 15a, 15b, 15c, 18 & 30a**

- 4.3 Under section 58(1)(c) of the GIPA Act, an agency may decide that information is already available to an applicant if the information meets one of the following criteria under section 59(1)(e) of the GIPA Act:

### **59 Decision that information already available to applicant**

- (1) *An agency can decide that information is already available to an applicant only if the information is –*

...

*(c) contained in a document that is usually available for purchase*

...

*(e) publicly available on a website*

...

- (2) An agency is not required to provide access to information that the agency has decided is already available to the applicant but notice of the decision must indicate why the agency believes the information is already available to the applicant and, if necessary, how the information can be accessed by the applicant.

4.4 In that regard, I am informed that the following documents regarding speed limits in NSW (including the City of Sydney) which are relevant to the terms of your request can be accessed online using the following links:

- **Item 01a:** Pyrmont-Ultimo Transport Plan May 2024 (published in June 2024):  
<https://www.transport.nsw.gov.au/system/files/media/documents/2024/Pyrmont-Ultimo-Transport-Plan-May-2024.pdf>
- **Item 01b:** Pyrmont-Ultimo Consultation Summary Report May 2024 (published in June 2024):  
<https://www.transport.nsw.gov.au/system/files/media/documents/2024/Pyrmont-Ultimo-Transport-Plan-Consultation-Summary-Report-May-2024.pdf>
- **Item 15c:** TfNSW Secretary Radio (2GB) Interview 17 July 2024:  
<https://www.2gb.com/ben-fordham-sydney-live-podcasts/>
- **Item 18:** Design of Roads and Streets Manual TS 00066.1.0 dated 24 October 2024:  
[https://standards.transport.nsw.gov.au/\\_entity/annotation/c5bf520d-ad91-ef11-8a6a-000d3a6b1b0b](https://standards.transport.nsw.gov.au/_entity/annotation/c5bf520d-ad91-ef11-8a6a-000d3a6b1b0b)
- **Item 30a:** Journal Article: The Impact of Lowered Speeds in Limited Urban Areas:  
[https://www.monash.edu/\\_data/assets/pdf\\_file/0007/216736/The-impact-of-lowered-speed-limits-in-urban-and-metropolitan-areas.pdf](https://www.monash.edu/_data/assets/pdf_file/0007/216736/The-impact-of-lowered-speed-limits-in-urban-and-metropolitan-areas.pdf)

4.5 In addition to the above, I understand that the following information relevant to the terms of your request is available for purchase from the relevant copyright owner which can be accessed through the following links:

- **Item 15a:** “Weak Support for speed cuts: Consultation fail on Clover’s go slow” published by the Daily Telegraph, Sydney on 17 July 2024:  
<https://www.dailytelegraph.com.au/>
- **Item 15b:** “Minns Blasts ‘over the top’ city speed cut” published by the Newcastle Herald, Newcastle on 11 July 2024:  
<https://www.newcastleherald.com.au/>

4.6 Accordingly, I have decided under section 58(1)(c) in accordance with sections 59(1)(c) and 59(1)(e) that **Item 01a, Item 01b, Item 15a, Item 15b, Item 15c, Item 18 and Item 30a** are already available to you.

4.7 I am also informed that the following information which is publicly available may be of interest to the subject matter of your request

1. NSW Speed Zoning Standard dated 10 July 2023:  
<https://standards.transport.nsw.gov.au/search-standard-specific/?id=TBA%20-%200004459:2022>
2. City of Sydney ‘A City for Walking’ Strategy and Action Plan – Continuing the Vision

dated July 2024:

<https://www.cityofsydney.nsw.gov.au/-/media/corporate/files/publications/strategies-action-plans/city-walking-strategy-action-plan-continuing-vision/a-city-for-walking-strategy-and-action-plan-continuing-the-vision.pdf?download=true>

**Conclusive presumption of an overriding public interest against disclosure - Items 11, 14, 14a, 21 and 26**

4.8 Section 14(1) of the GIPA Act provides:

*It is to be conclusively presumed that there is an overriding public interest against disclosure of any of the government information described in Schedule 1.*

---

4.9 Clause 4 of Schedule 1 of the GIPA Act relevantly reads:

**4 Contempt**

*It is to be conclusively presumed that there is an overriding public interest against disclosure of information the public disclosure of which would, but for any immunity of the Crown:*

(c) *infringe the privilege of Parliament.*

4.10 Having reviewed the information located in response to your request for information, I have determined that **Items 11, 14, 14a, 21 and 26** are subject to parliamentary privilege for reasons I set out below.

4.11 When determining that parliamentary privilege applies to information, the information must relate to a “*debate or proceeding in Parliament*”, as referred to in article 9 of the *Bill of Rights 1688* (applied in Australia through the *Imperial Acts Application Act 1969*).<sup>1</sup>

4.12 According to section 16(2) of the *Parliamentary Privileges Act 1987*, for the purposes of article 9 of the *Bill of Rights*, ‘*proceedings in Parliament*’ includes all acts done in the course of, or for the purposes or incidental to, the transacting of the business of a House or of a committee and includes both:

“...

(b) *the presentation or submission of a document to a House or committee*

(c) *the preparation of a document for purposes of or incidental to the transacting of any such business.”*

4.13 Moreover, as stated by Austin J in the matter of ‘*OPEL Networks’ Pty Ltd (in liq)*:

*‘It seems to me necessarily true, and not dependent upon the evidence of the particular case, that if briefings and draft briefings to Parliamentarians for Question Time and other Parliamentary debate are amenable to subpoenas and other orders for production, the Commonwealth officers whose task it is to prepare those documents will be impeded in their preparation, by the knowledge that the documents may be used in legal proceedings and for investigatory purposes that might well affect the quality of information available to Parliament...’<sup>2</sup>*

4.14 In my view, OPEL Networks therefore affirms that there is a conclusive presumption against disclosure of documents prepared for Parliamentary debate or questions on

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<sup>1</sup> IPC Review Report dated 22 November 2016, ‘*Applicant v Department of Industry*’ (IPC Ref IPC16/R000581)

<sup>2</sup> *OPEL Networks Pty Ltd (in liq)* [2010] NSW 142 at [118]

notice, either in final or draft form, as the disclosure of this information would, but for any immunity of the Crown, infringe the privilege of Parliament.

4.15 This approach was adopted in *Tziolas v NSW Department of Education and Communities* [2012] NSWADT 69 by the former Administrative Decisions Tribunal (ADT). When considering the Supreme Court's comments in *OPEL Networks*, the ADT remarked that:

*'...another relevant consideration is that, while the use of Parliamentary information provided to a court pursuant to court procedures such as discovery and subpoena may be controlled (...) disclosure of information pursuant to the GLPA Act is necessarily unconditional and therefore cannot be controlled.'*<sup>3</sup>

4.16 Accordingly, the Tribunal determined that there is a conclusive presumption of an overriding public interest against disclosure of information prepared to respond to the House of Parliament or a Parliamentary Committee.

4.17 Having regard to the above discussion, it occurs to me that the Tribunal and the NSW Supreme Court have held that clause 4(c) of Schedule 1 applies in relation to the following types of information:

- House folder notes, which include speech notes and a briefing,<sup>4</sup>
- Information in an email that was to be included in a House folder note,<sup>5</sup>
- Party room briefings,<sup>6</sup> and
- Briefings to parliamentarians for question time.<sup>7</sup>

4.18 **Item 11** is a draft version of a House Folder Note which includes speaking notes and a briefing to the Minister about Speed Zones. It occurs to me that this information was created for the sole purpose of briefing the Minister to respond to questions in Parliament about the Speed Zones.

4.19 **Items 14 and 14a** include a covering email together with a version of a House Folder Note which includes speaking notes and a briefing to the Minister about Speed Zone Standards. From my review of the information, it is apparent the information was created for the sole purpose of briefing the Minister to respond to questions in Parliament about Speed Zone Standards. I also consider that the email contained in **Item 14** was created for the purposes of enabling the relevant subject matter expert to input information into the relevant House Folder Note for the purposes of Briefing the Minister to respond to a Parliamentary Question. Accordingly, I am satisfied that **Items 14 and 14a** both attract the relevant parliamentary privilege identified by the Tribunal and the NSW Supreme Court.

4.20 Similarly, I note that **Items 21 and 26** include email communications between TfNSW and the Minister's Office. I note that **Items 21 and 26** each contain extracts of a House Folder Note regarding Walking and Cycling. I understand that the House Folder Note from which the information was extracted was created for the purpose of briefing the Minister to respond to questions in Parliament about matters including Fort Street Public School.

4.21 Having reviewed the information, including each of the individual email chains, it is apparent that the information contained in these emails is information prepared to enable the Minister to provide a formal response to questions in Parliament. This is because both internal TfNSW correspondence and external correspondence to the

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<sup>3</sup> *Tziolas v NSW Department of Education and Communities* [2012] NSWADT 69 at [38]

<sup>4</sup> *Ibid* at [36]

<sup>5</sup> *Tebbutt v Minister for lands and Water* (2015) NSWCATAD 95, at [68]

<sup>6</sup> *Gold and Copper Resource Pty Ltd v NSW Trade and Investment* [2016] NSWCATAD 267, at [96 – 97]

<sup>7</sup> *McKay v Transport for NSW* (2017) NSWCATAD 212, at [62]

Minister's Office contain information created for the purpose of TfNSW providing draft responses and locating background information in the course of briefing the Minister.

4.22 Having regard to the matters set out above, I am satisfied that clause 4(c) of Schedule 1 applies to **Items 11, 14, 14a, 21 and 26**.

4.23 As a conclusive presumption of an overriding public interest against disclosure applies to this information, I do not need to perform the public interest test in respect of this information, and I have decided to refuse access to this information under section 58(1)(d) of the GIPA Act.

#### **Public interest test**

4.24 To decide whether or not there is an overriding public interest against disclosure of the remaining information contained in the records identified in the Table at Part 3.3 above, I applied the public interest test, which is set out in section 13 of the GIPA Act.

4.25 I applied the public interest test by:

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

#### **Public interest considerations in favour of disclosure**

4.26 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.

4.27 In addition to the general public interest in favour of disclosure of government information, 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 and contribute to positive and informed debate about speed limits, particularly in the context of speed zone reviews and lowering speed limits within the locality of the City of Sydney.
- Disclosure of the information is likely to inform the public about speed limits, particularly in the context of reduced speed limits within the locality of the City of Sydney.

4.28 I have considered that there is a reasonable public interest in the reduction of speed limits across NSW, particularly the implementation of 30km/h speed limits within the City of Sydney. I therefore consider that disclosure of the information supports the objectives of the GIPA Act.

4.29 On this basis, I have applied moderate weight to these considerations in favour of disclosure.

#### **Personal factors of the application**

4.30 Under section 55 of the GIPA Act, I can also take into account any personal factors of your application. I have considered that you are an advocate for active transport within the City of Sydney and that you seek information in support of your advocacy for reduced speed limits within the City of Sydney.

4.31 I have attributed moderate weight to the personal factors of your application.

## **Consultation**

- 4.32 The information you requested includes personal and business information of 10 third parties. Under section 54 of the GIPA Act, I was therefore required to consult with those third parties before releasing the information.
- 4.33 There were no objections to disclosure of information considered within the scope of the application from nine (9) third parties.
- 4.34 There was no response received from one third party. The third party has therefore neither objected nor consented to the disclosure of their information to you. I have considered the third party's interests when applying the public interest test below where relevant.

## **Public interest considerations against disclosure**

- 4.35 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.
- 4.36 I have not identified any applicable considerations against disclosure as being relevant to the information identified as falling within the scope of your application.

## **Balancing the public interest considerations**

- 4.37 I have refused access to **Items 11, 14, 14a, 21 and 26** to which an overriding public interest against disclosure applies.
- 4.38 I have otherwise considered the relevant public interest considerations in favour of disclosure together with the personal factors which apply to the balance of the information that you have requested.
- 4.39 In the absence of any applicable public interest considerations against disclosure as being relevant to the information, I have decided to provide access in full pursuant to section 58(1)(a) to the balance of the information set out in the Table at paragraph 3.3

## **5 Access**

### **Form of access**

- 5.1 You will be provided with a copy of the information that has been identified for release by email in conjunction with this Notice.
- 5.2 In accordance with section 74 of the GIPA Act, information to which you have been refused access, or which falls outside the scope of your application, has been deleted from the information released.
- 5.3 Pursuant to section 75(1) of the GIPA Act, a new record of information has been created for **Item 12 and Item 43**. **Item 12 and Item 43** will be released electronically in conjunction with this Notice.

## **6 Processing Charges**

- 6.1 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 \$30 application fee counts as payment of one hour of the processing charges.
- 6.2 Please see below the Table of Processing Charges which details how time was spent

processing your application and the applicable charges.

Action	Time	Cost
<b>Consideration of the application</b> (including identification of the most efficient way to conduct searches for records)	0.5 hours	\$15
<b>Searching for records</b> (SMEs conducted searches for information relevant to the terms of the request and includes compiling, assessing, recording and providing to the decision-maker)	19.5 hours	\$585
<b>Consultation</b> 10 third parties consulted in accordance with section 54(2)	5 hours	\$150
<b>Providing access in response to the application and other functions</b> More than 500 pages of records reviewed to determine scope and public interest considerations for and against disclosure	8 hours	\$240
<b>Decision making</b> (drafting the decision letter and preparing information for release)	3 hours	\$90
<b>Total time and total processing charges:</b>	<b>36 hours</b>	<b>\$1,080</b>
Discounting application fee and first hour of processing:		-\$30
Advance deposit paid:		-\$285
<b>Balance:</b>		<b>\$765</b>

6.3 On 11 March 2025, TfNSW received payment of the advance deposit of processing charges for this matter. Pursuant to section 64(4) of the GIPA Act, access to the information detailed at Part 3.3 of this Notice would generally be contingent on payment of the balance of the processing charges .

6.4 Under section 127 of the GIPA Act, TfNSW is entitled to waive, reduce or refund any fee or charge payable or paid under this Act in any case that the agency thinks appropriate, subject to the Regulations.

6.5 I have decided to waive the balance of processing charges in this instance.

6.6 Whilst I note you have applied for a discount pursuant to section 66 of the GIPA Act, as I have decided to waive the balance processing charges pursuant to section 127, I do not need to consider whether the information is of special benefit to the public. I acknowledge the processing time for the application was extended by agreement and TfNSW appreciates your flexibility in agreeing to the extension in this instance.

## 7 Disclosure Log

7.1 If information that would be of interest to other members of the public is released in response to a formal access application, an agency must record certain details about the application in its 'disclosure log' (under sections 25 and 26 of the GIPA Act).

7.2 In the letter acknowledging receipt of your application, you were told about the disclosure log. You were also advised of your right to object to the inclusion of details about your access application in the disclosure log.

7.3 I note that you have not objected to such disclosure.

7.4 I have decided to include details about your access application in the disclosure log.

## **8 Review rights**

- 8.1 If you disagree with my decision, you may apply for this decision to be reviewed by seeking:
- an internal review by another officer of TfNSW, 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).
- 8.2 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.

## **9 Further information**

- 9.1 For your information and assistance, I have enclosed a fact sheet explaining your rights to have my decision reviewed.
- 9.2 Please do not hesitate to contact Melissa Armstrong by email at [mel.armstrong2@transport.nsw.gov.au](mailto:mel.armstrong2@transport.nsw.gov.au) if you have any questions about this letter.

Yours sincerely,



**Melissa Armstrong**

Senior Advisor, Access Applications