

1. Application for internal review of decision under the GIPA Act

On the 8th of July 2026 I, on behalf of WalkSydney, I submitted a formal access application (TfNSW file reference 27T-0069) under the *Government Information (Public Access) Act 2009* (GIPA Act) for signal operations data that can be used to calculate pedestrian delay at signalised intersections (Item 1) as well as advice provided to Howard Collins or Josh Murray relating to previous WalkSydney requests for such data (Item 2).

On the 5th of August 2026 I was notified that Transport for NSW had decided that “the requested information [for Item 1] is already available to you [the applicant]”.

I am writing to request an internal review of the decision with respect to Item 1. Primarily, I submit that Transport for NSW has not satisfactorily established that the information is already available to me, for reasons detailed below. Secondly, I submit that the decision has erred on other matters also detailed below.

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2.0 Transport for NSW errs in claiming it does not hold the information applied for

Section 4.7 of the decision claims that “the traffic light phasing reports themselves are not ordinarily held by the agency and, as such, are dealt with outside of the GIPA process”.

This is contradicted by Transport for NSW's own Traffic Signal Portal terms¹, which claim that the portal “is owned and managed by Transport for NSW” and “is a repository of traffic data and related information, including a database of: (i) traffic patterns, reports”. The terms further claim that “Traffic Signal Information...is owned by TfNSW”. It is also contradicted by claims staff have made at public conferences.²

2.1 The application is for an existing record, not a new record

SCATS data is stored in various binary file formats: DET, HST, HIST, SM, and EVL are all listed by SCATS³. WalkSydney understands that the event logs applied for (containing timestamped phases and pedestrian demand actuation) are saved in the HST format (file extension .hst) on Transport for NSW systems. SCATS has developed at least two long-standing software applications, SCATS History Viewer and SCATS File Decoder, to convert SCATS data in binary file formats, including event logs in the .hst file format, to different file formats such as .csv and .json. Using SCATS History Viewer to convert .hst files to .csv files is analogous to using Microsoft Word to convert .docx documents to .pdf documents. WalkSydney understands that SCATS History Viewer is available to Transport for NSW staff to perform file format conversion with, and it is highly likely the SCATS File Decoder is also available to Transport for NSW staff.

The access application is for SCATS event logs in a file format that is machine readable using open-source tools, such as .csv or .json file formats. That is, the application is for an existing record converted into a different electronic file format.

The Information and Privacy Commissioner provides guidance on the creation of a new record⁴. According to this guidance, converting a record into a different electronic file format does not create a new record, for example converting a Word file to PDF. As such, the application is for an existing record, not a new record.

¹ <https://www.transport.nsw.gov.au/trafficsignal/traffic-signal-portal-terms>

² "So we take a snapshot of every intersection, every second of every day. We store that information, we know exactly what's happening. We've got the receipts." - Roy Brown, 2025-10-15

³ <https://www.scats.nsw.gov.au/solutions/productsold>

⁴ <https://www.ipc.nsw.gov.au/resources/fact-sheet-creating-new-records-under-gipa-act>

2.2 Transport for NSW has failed to establish that the information is already available in a document that is usually available for purchase

2.2.1 Transport for NSW has not established which document(s) contain the information applied for

Section 4.10 of the decision finds that “the requested information is already available to you [the applicant]” because the information is “contained in a document that is usually available for purchase”. However, the decision does not name which document the requested information is available in. Instead, the decision refers to a number of documents which are supposed to contain “a variety of information regarding traffic light phasing”. I submit that the decision must name which documents contain exactly which information I am applying for, for example by providing data dictionaries of the information found in each document available for purchase.

Your response must explain *why* the information is said to be *publicly* available by reference to any restrictions on access and use of that data, as set out below, and *how* WalkSydney is permitted to use the information to satisfy the object of the application (to calculate pedestrian delay and advocate for reduced delay), with regard to those restrictions, as required by section 59(2) of the Act.

2.2.2 SCATS history files in binary formats do not make the information available to the applicant

As noted in my original application, the document advertised by Transport for NSW that would contain SCATS event logs is the “SCATS history file (binary format)”. This information is in a closed, proprietary file format that the public cannot access or parse: the Traffic Signal Portal describes it as “SCATS history file (binary format - file requires specific software to be viewed)”. The software required for viewing it, SCATS History Viewer, is a proprietary software which must be purchased⁵. This information is therefore not already available to the applicant.

2.2.3 Pedestrian delay can only be calculated from SCATS event logs

As noted in my original application, I am seeking disclosure of event logs because it would achieve the lowest reasonable cost. This view seems to be shared by Transport for NSW, as section 4.9 of the decision quotes section 75 of the GIPA Act to emphasise that Transport for

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<https://www.aldridgetrafficcontrollers.com.au/scats/optional-software/optional-scats-client-software/history-reader>

NSW is not obliged to calculate pedestrian delay for WalkSydney if WalkSydney can do so itself from the raw event logs.

At intersections with actuated pedestrian green intervals, average pedestrian delay can only be calculated accurately over a given period using each cycle duration C_i and each pedestrian green interval g_i (possibly zero where the pedestrian green interval is not actuated), as such:

$$\text{mean pedestrian delay} = \frac{\sum (C_i - g_i)^2}{2 \sum C_i}$$

This information is only available from the SCATS event logs.

2.2.4 Interpreted SCATS history files contain summary statistics that systematically underestimate pedestrian delay

WalkSydney has obtained a copy of the “interpreted SCATS history files” advertised by Transport for NSW and note that a simple arithmetic mean is reported for both cycle duration and pedestrian green interval. The fallback option (Option 2) in my original application was explicit in requesting a time-weighted mean of both events because calculating pedestrian delay using a simple arithmetic mean always underestimates pedestrian delay, and the magnitude can be significant at crossings with highly variable cycle durations and actuated pedestrian green intervals. I therefore submit that the information applied for is not already available to the applicant in the “interpreted SCATS history files” advertised by Transport for NSW for purchase.

On account of the above considerations, I submit that the original decision has not satisfactorily established that the information applied for is available to the applicant in a document that is usually available for purchase.

2.2.5 The document cannot be purchased, only licensed, and may be revoked at any time

Notwithstanding that the decision failed to name which document(s) contain the requested information, the documents advertised by Transport for NSW on the Traffic Signal Portal are provided “at the discretion of the TfNSW Director Network Operations”⁶. I submit that a document provided at an individual’s discretion does not meet the definition of a “document that is usually available for purchase”.

Further, the terms under which the unnamed document is available for purchase⁷ allow Transport for NSW to not accept a purchase order, to license the document so as to restrict the purposes for which WalkSydney can use the document, allow Transport for NSW to arbitrarily revoke the licence and thereby effectively destroy the document, and make WalkSydney liable for any and all loss or damage incurred or suffered by Transport for NSW in connection to a breach of the licence.

⁶ <https://www.transport.nsw.gov.au/trafficsignal/traffic-signal-portal-terms>

⁷ <https://www.transport.nsw.gov.au/trafficsignal/traffic-signal-portal-terms>

For example, journalism or reporting on Traffic Signal Portal data may not qualify as traffic modelling or the other "sole" purposes allowed by the licence and would expose WalkSydney to costly legal action from Transport for NSW. The licence under which the document is made available for purchase would evidently have a chilling effect on political communication on this public policy issue (road space allocation). By contrast, the GIPA Act identifies "the open discussion of public affairs" as a public interest consideration in favour of disclosure of information, and section 73 of the act reflects that the act is intended to make access to information unconditional.

I submit that a highly restrictive and fully revocable⁸ licence to data does not qualify as a document that is usually available for purchase and conflicts with the principles of the GIPA Act – and as a minimum does not provide a clear pathway *how* the information may be accessed *for the purposes sought by the application*. It would be a narrow and technical interpretation (that the GIPA Act is designed to minimise, by contrast to FOI) to read s59(2) as referring only to the mechanisms by which it may be accessed and not the purposes and restrictions that enable that information to (not) be used for the purpose stated in the access application.

2.3 The decision to retail the information at excessive rates conflicts with the objects of the GIPA Act

Even if the interpreted history files actually contained the information applied for, and even if the files could be purchased rather than merely licensed, I submit that the current pricing for data extraction (a task, not a document) should not be per signal per day but per request, as the current approach frustrates the purpose of the Act. There is no reason why hundreds of records could not be extracted for the same cost, as set out in my original application and below.

As stated in my original application, purchasing the interpreted history files (which at any rate do not contain the requested information) for all sites in NSW for three representative days would cost WalkSydney \$6,415,200 (at the individual site fee). This is equivalent to work conducted under the GIPA Act (charged at \$30 per hour) over 213,840 hours, or 30,548 seven-hour business days, or 6,109 working weeks, or 117 continuous years of labour. By contrast, Transport for NSW advertises a turnaround time of 10 business days for orders placed on the Traffic Signal Portal.

I submit that making the data available to the applicant at such an excessive rate is therefore more a "penalty" than a "charge" and thus conflicts with the objects of the GIPA Act. This is government data created and held by Transport for NSW. The public has already paid for the infrastructure and expertise that generates this data. The information belongs to the people of NSW. Transparency and accountability are cornerstones of good governance.

⁸ Specifically (Traffic Signal Portal terms 6.4): "TfNSW grants you a revocable ... licence to use, copy and modify the Traffic Signal Information and Developed IP for the sole purpose of: ..."

By comparison, WA Main Roads published phasing and volume data for 1,070 sites for every day in July at exactly 10:01 AM on the 6th of August i.e. on the fourth business day after the end of the month of July. That is to say, within four business days and at no cost to end users, WA Main Roads published data for which Transport for NSW would have charged \$18,243,500. This demonstrates that the real cost of releasing this scale of data is a mere quantum of the cost at which Transport for NSW purports to make the information available.