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Our Ref: STW101345

The Director
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by email: justice.policy@agd.nsw.gov.au

Review of the Government Information (Public Access) Act 2009 (GIPA Act)

Reference is made to Mr Cappie-Wood's invitation to make a submission to the review of the GIPA Act.

The objective of the GIPA Act is to make government information more accessible to the public by requiring government agencies to make certain sorts of information freely available; encouraging government agencies to release as much other information as possible; giving the public an enforceable right to make access applications for government information; and restricting access to information only when there is an overriding public interest against disclosure.

The following comment and suggestion is provided to assist in the improvement of the objectives of the GIPA Act.

State Water was recently involved in a long standing commercial dispute over a construction contract with disputes to the value of tens of millions of dollars. A party to the dispute made a GIPA request to obtain certain information to possibly obtain an advantage in the proceedings over and above its legal rights to obtain relevant documentation. State Water believes that the GIPA request was made for purposes inconsistent with the objectives of the GIPA Act.

Can we please amend the Act to ensure, that any information, documents or materials that is otherwise not discoverable (as being privileged or confidential) under any legal proceedings, also not be accessible under a GIPA application.

If you require any further information please contact Jodi Butfield, Legal Services Coordinator on (02) 8245 2043 or jodi.butfield@statewater.com.au.

Yours sincerely



Tim Noy
Executive Manager Governance