

10 November 2003

Ms C Petith
Hillside Action Committee
C/- 113 Smallwood Road
GLENORIE NSW 2157



Our Ref: 4968383 & 4877017

Dear Ms Petith

Rural Land Study

I refer to your letter of 19 September 2003 which was only received by Council on 3 November 2003.

Your letter was in response to my letter of 15 September 2003.

The purpose of my letter of 15 September 2003 was to give you an indication as to what determination I may be prepared to make in regard to your FOI application whilst at the same time giving you an opportunity pursuant to Section 25 of the FOI Legislation to refine your application particularly in regard to submissions from individuals.

In your letter of 19 September received on 3 November you indicate your request for an internal review. From a procedural point of view no internal review can be carried out until a determination has been made.

I understand that you have had several phone discussions with my Secretary Bernadette Woolacott, during a number of these phone conversations you have indicated that you may be contacting me direct. I have received no contact from you to date and I am of the view that a determination needs to be made in regard to this matter.

I have therefore determined that you be provided with qualified access. As indicated in my letter of 15 September 2003 I proposed to provide a summary of submissions from individual.

The Freedom of Information Legislation provides that where access is sought to documents which contain the personal affairs of a third party, then consultation needs to be held with that third party as to whether or not they have any objection to the release of those personal affairs. This process is often non definitive. Guidelines published some time ago by the Ombudsman provide that where access is sought to information held by Council which is a complaint, concern or enquiry, and that complaint, concern or enquiry was on the surface lodged in good faith, then personal affairs should not be released.



Based on the number of submissions received I believe it would be an unreasonable diversion of resources to remove from those submissions the personal affairs and any other information which might imply who lodged the submission. I also believe it would be an unreasonable diversion of resources to have to correspond and discuss with each person who lodged a submission the implications of your FOI application.

I therefore enclose a copy of the information sought by you on the qualified basis that submissions from individuals is a summarised version and not the individual submissions.

Should you not be satisfied with my determination then you have rights of review and appeal. Your right of internal review is to the General Manager, Baulkham Hills Shire Council, PO Box 75, Castle Hill NSW 1765, your rights of external review and appeal are as per the attached documentation.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'D Walker', written in black ink.

Dave Walker

DIRECTOR - CORPORATE SERVICES (PUBLIC OFFICER)