

Department of Planning, Housing and Infrastructure

Our ref: 25-3571

Via email: foi+request-11996-22c07bb5@righttoknow.org.au

11 September 2024

Subject: Acknowledgement of application - GIPA Refence No. 25-3571

To whom it may concern

Your access application under the *Government Information (Public Access) Act 2009* (GIPA Act) was received on 5 September 2024. You requested the Liverpool City Council - interim report for public inquiry.

Your application is not a valid application.

Section 41(1) of the GIPA Act sets out the requirements that have to be met, if an application is to be a valid application and are set out below:

*(1) An application or other request for government information is not a valid access application unless it complies with the following requirements (the **formal requirements**) for access applications-*

(a) it must be in writing sent by post to or lodged at an office of the agency concerned or made in the manner approved by the agency under subsection (2),

(b) it must clearly indicate that it is an access application made under this Act,

(c) it must be accompanied by a fee of \$30,

(d) it must state the name of the applicant and a postal or email address as the address for correspondence in connection with the application,

(e) it must include such information as is reasonably necessary to enable the government information applied for to be identified.

You have not met the requirements under s 41(1)(a) and s 41(1)(d).

In addition, the information you have requested is for excluded information under s 43 of the GIPA Act, which makes your application an invalid application.

Section 43 of the GIPA Act states:

43 Access application cannot be made for excluded information

(1) An access application cannot be made to an agency for access to excluded information of the agency.

Note. Information is excluded information of an agency if it relates to any function specified in Schedule 2 in relation to the agency.

(2) An application for government information is not a valid access application to the extent that the application is made in contravention of this section.

Schedule 2 of the GIPA Act states:

Schedule 2 Excluded information of particular agencies

Note. Information that relates to a function specified in this Schedule in relation to an agency specified in this Schedule is **excluded information** of the agency. Under Schedule 1 it is to be conclusively presumed that there is an overriding public interest against disclosure of excluded information of an agency (unless the agency consents to disclosure). Section 43 prevents an access application from being made to an agency for excluded information of the agency.

Clause 2 of schedule 2 lists the agencies whose complaints handling and investigation information would be excluded information. The Office of Local Government is listed as shown below:

The Office of Local Government (including the Chief Executive and other Departmental representatives }-complaint handling and investigative functions conferred by or under any Act on that Department.

Your application is therefore not a valid application and cannot be processed.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Yours sincerely



Ajanti Gunatillaka
Senior Information Access and Privacy Officer