



Joan Browning
PO Box 513
NEWCASTLE NSW 2300

emailed: joan.browning@gmail.com

Date: 17/08/2018

Our Ref: 2018-3658: KC
Your Ref: N/A

**Government Information (Public Access) Act 2009 (NSW) – Notice of Decision:
Released in part**

Dear Joan Browning,

1. Summary of access application

I refer to your access application made under the Government Information (Public Access) Act 2009 (NSW), (GIPA Act) which is attached for your reference.

2. Searches for Information

Under the GIPA Act, NSWPF must conduct reasonable searches to locate the government information you seek. A search of NSWPF records has been undertaken to identify all government information falling within the scope of your application. The results of these searches are listed in the Schedule of Documents included in this Notice of Decision.

3. Decision

I am authorised by the New South Wales Commissioner of Police to determine applications made under Section 9(3) of the GIPA Act. I have decided, under s 58(1)(d) of the GIPA Act, to provide access to the information you seek, except where there is an overriding public interest against disclosure.

4. Reason for decision

Under section 9(1) of the GIPA Act, you have a legally enforceable right to access the information you seek, unless there is an overriding public interest against its disclosure.

Under section 13 of the GIPA Act, the Public Interest Test is applied to all applications to identify considerations both in favour of and against disclosure of information to determine where the balance lies between them.

Public Interest considerations in favour of disclosure

In accordance with section 12 of the GIPA Act, I have taken into account the following public interest considerations in favour of disclosure of the information:

- The statutory presumption in favour of the disclosure of government information
- The general right of the public to have access to government information held by the agencies; and
- The information is personal information of the person to whom it is to be disclosed.

Public Interest considerations against disclosure

When applying the public interest test, the only public interest considerations against disclosure that

InfoLink
PoliceLink Command

Locked Bag 5102 Parramatta NSW 2124

T: (02) 8835 6888 **F:** (02) 8835 6811 **W:** www.police.nsw.gov.au **E:** gipaapp@police.nsw.gov.au

TTY: (02) 9211 3776 (Hearing/Speech impaired) ABN 43 408 613 180

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For non emergencies

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I can take into account are those set out in the table to Section 14 and Schedule 1 of the GIPA Act.

Responsible and effective government

Section 14 Table, clause 1(d)

Clause 1(d) of the section 14 Table states that there is a public interest consideration against disclosure if disclosure of the information could reasonably be expected to prejudice the supply to an agency of confidential information that facilitates the effective exercise of that agency's functions (whether in a particular case or generally).

The documents in the Schedule of Documents, refused/redacted under clause 1(d), disclose information that was provided in confidence by the victims. I believe that preserving the confidentiality of such information is integral to the NSWPF maintaining the community's trust in police matters. If that trust is breached, the flow of information to police officers could be jeopardised, which would severely impact this agency's function.

Individual rights, judicial processes and natural justice

Section 14 Table, clause 3(a)

Clause 3(a) of the section 14 Table states that there is a public interest consideration against the disclosure of information that would reveal an individual's personal information.

The documents listed in the Schedule of Documents, that were redacted/refused under clause 3(a), is personal information about other people that could identify them, such as opinion, name, address and date of birth. There is nothing in this agency's records or your application to suggest that you know the information, or that it is in the public domain – ie revealed. Therefore, disclosure would breach the rights of the people concerned to have their information protected.

On balance, I decided that these factors outweigh the section 12 factors and there is an overriding public interest against disclosure of the redacted/withheld information.

I have also considered section 74 of the GIPA Act, which allows an agency to redact (delete) information from a record if the deleted information is irrelevant to the application, or is not within the scope, or an agency has decided to refuse access to the information.

Section 54 - Consultation

There is no evidence within the documents under review to suggest that the persons who tendered information in relation to the incident consented to the disclosure of the information being provided to you. The decision to consult with involved parties, whether consent is provided or not from the applicant, remains the decision of the agency who holds the information, in this case the Police.

Attempts were made to contact the victims mentioned in the incident by telephone to ascertain whether they consent to the release of their personal information and incident version to you. No response was received, and as we were unable to clarify if they do consent to the release of their personal information and incident version, I have no option but to refuse access for the reasons previously explained in this decision.

5. Review rights

If you disagree with any of the decisions in this notice that are reviewable, you may seek a review under Part 5 of the GIPA Act. You have three review options:

- internal review by another officer of this agency,

EXTERNAL INFORMATION ACCESS UNIT

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Unclassified

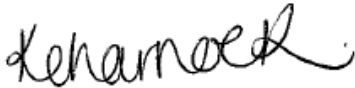
- external review by the Information Commission; or
- external review by the NSW Civil and Administrative Tribunal (NCAT).

More information is available on the Information and Privacy Commission NSW (IPC) fact sheet entitled Your review rights under the GIPA Act, which is available at:

https://www.ipc.nsw.gov.au/sites/default/files/file_manager/FS-Your-review-rights-June2014.pdf

If you have any queries about this Notice of Decision or require further information on your rights of review, please contact me on (02) 8835 6888.

Yours sincerely



Review Officer
External Information Access Unit

EXTERNAL INFORMATION ACCESS UNIT

PoliceLink Command

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TTY: (02) 9211 3776 (Hearing/Speech impaired) ABN 43 408 613 180

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EIAU Ref No:	Document Description	Format of Record	Location of record in agency	Released or Withheld	Relevant Public Interest consideration(s) against disclose
1 – 2	COPS Event Summary – E568133491	PDF	EIAU	Released in part	T3(a), T1(d)

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PoliceLink Command
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TTY: (02) 9211 3776 (Hearing/Speech impaired) ABN 43 408 613 180

EVE026P New South Wales Police Force Date : 15/08/18
COPS Time : 09:25:06

Event Ref No : E 568133491

Event Reference No : E 568133491

Event Summary Details

Date/Time Reported : 25/11/2017 18:02 Event Status : VERIFIED

Created By : NICHOLS, JEREMY DWAYNE - NEWCASTLE CITY

Updated By : NICHOLS, JEREMY DWAYNE - NEWCASTLE CITY

Incident Details

Incident Type : OCCURRENCE ONLY

Further Class. : OCCURRENCE

Incident Date/Time : 25/11/2017 09:10 to 25/11/2017 09:10

Incident Class. : ACCEPTED

Location : NOBBYS RD, near Int FORT DR, NEWCASTLE EAST, NSW,

Beat : NA NHW : NA

Involved Party Details

VICTIM

VICTIM

T3(a)

Narrative

Date/Time Created : 25/11/2017 18:22

Created By : SENCON JEREMY NICHOLS - NEWCASTLE CITY

T/D: 0910 on Saturday 25 November, 2017

LOC: Nobbys Road, Newcastle East

T3(a)

About 0910 on Saturday 25 November, 2017 both victim 1 and victim 2 where at Point F, 9.3, which is located on Nobbys Road, Newcastle East. At this time both victims where leaning against a metal framed fence, which was located about 2 metres back from the mort fence.

Whilst standing against this fence, a motorcar which was participating in the Newcastle 500 collided with a cement bollard on the track and subsequently lost a tyre. T1(d)

T1(d)

T1(d)

This tyre flew over a protective steel fence and hit both victims in their legs.

A medical unit attached to the supercars where informed and in attendance immediately, in addition to other New South Wales Ambulance Personal. The supercars medical personal treated both victims on scene before conveying them to the medical centre located within the supercars complex.

T3(a)

ROC 6 was apprised of the incident.

* * * END OF LIST * * *

3658



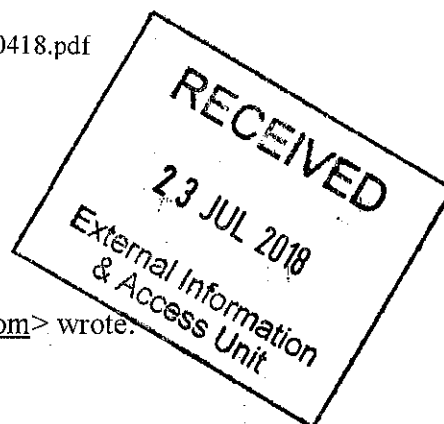
Re: Gipa Application re Newcastle 500 Collision November 25th 2017 Incident Report
joan browning
to:
gipaapp
23/07/2018 15:26
Hide Details
From: joan browning <joan.browning@gmail.com>
To: gipaapp@police.nsw.gov.au

2 Attachments



GIPA credit card auth.pdf NSWPF Access GIPA Application Form Final090418.pdf

Thank you for sending appropriate forms.
Hopefully, the attached are correct this time.
Please let me know if I need to correct anything
REGARDS
JOAN BROWNING



On 20 July 2018 at 14:48, joan browning <joan.browning@gmail.com> wrote:

Please ignore previous Access Application
Correctly completed Access Application attached
Credit card authorization as per previous email
Regards
Joan Browning

On 20 July 2018 at 14:07, joan browning <joan.browning@gmail.com> wrote:

Please find Application attached together with Credit Card Authorization form

NB. Although I have managed to sign the Credit card Authorization document I cannot get signature to work on GIPA application. Please accept the Credit Card signature for the GIPA as well. If this is not suitable please inform me together, with instructions, re-whatever is necessary.

Thank you

Joan Browning
Secretary NERG

All mail is subject to content scanning for possible violation of NSW Police Force policy, including the Email and Internet Policy and Guidelines. All NSW Police Force employees are required to familiarise themselves with these policies, available on the NSW Police Force Intranet.

INFORMATION YOU NEED TO KNOW BEFORE MAKING AN ACCESS APPLICATION

THE INFORMATION YOU ARE SEEKING MAY ALREADY BE AVAILABLE TO YOU

Details concerning decisions made by NSW Police Force (NSWPF) in response to an application made pursuant to the *Government Information (Public Access) Act 2009 (GIPA Act)*, that may be of interest to other members of the public, may be included on a Disclosure Log. The NSW Police Force's Disclosure Log provides details of:

- The date the application was decided;
- A description of the information to which access was provided;
- A statement as to whether the information is now available to other members of the public and
- How the information can be accessed.

Consultation will occur with an applicant prior to information being placed in the Disclosure Log.

Click here to access NSW Police Force (NSWPF) disclosure logs or visit:

https://www.police.nsw.gov.au/online_services/requesting_information/disclosure_logs

DO YOU NEED INFORMATION RELEVANT TO AN INSURANCE CLAIM?

If you are seeking a copy of a motor vehicle collision or crime incident report (event only) that you have reported for insurance purposes, this information can be obtained through the NSWPF Insurance Services Unit. Click here or visit: https://www.police.nsw.gov.au/online_services/insurance_services_unit_-_application_for_incident_reporting

UNDER GIPAA LEGISLATION, THERE ARE OCCASIONS WHERE INFORMATION MAY NOT BE MADE AVAILABLE TO AN APPLICANT – SUCH INSTANCES ARE DETAILED BELOW

There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects:

- (a) reveal an individual's personal information,
- (b) contravene an information protection principle under the *Privacy and Personal Information Protection Act 1998* or a Health Privacy Principle under the *Health Records and Information Privacy Act 2002*,
- (c) prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings,
- (d) prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness,
- (e) reveal false or unsubstantiated allegations about a person that are defamatory,
- (f) expose a person to a risk of harm or of serious harassment or serious intimidation,
- (g) in the case of the disclosure of personal information about a child—the disclosure of information that it would not be in the best interests of the child to have disclosed,
- (h) prejudice the prevention, detection or investigation of a contravention or possible contravention of the law or prejudice the enforcement of the law.

CORONIAL MATTERS

- If the information you require relates to a deceased person/s whose death was investigated by the State Coroner, please contact the Coroner's Office before completing this application, on telephone no. (02) 8584 7777, or visit the State Coroner www.coroners.justice.nsw.gov.au (as information in relation to Coronial matters can only be released by the Coroner's office).

Access Application

Government Information (Public Access) Act 2009

INSTRUCTIONS FOR COMPLETING YOUR APPLICATION

- Please complete this form to apply for access to information held by the NSWPF pursuant to the GIPA Act. Please mark the relevant boxes with a tick.
- If you require your personal information, you **MUST** provide a copy of your Proof of Identity
- If you are making this application on behalf of another person, you **MUST** ensure that person completes the 'Authorisation' section of this form or attach a separate authorisation

1. APPLICANT DETAILS

Title	Ms	Family Name	Browning		
Given Name/s	Joan				
Previous Names/Aliases (If applicable)					
Date of Birth (If your own application)	29th August 1944				
Company Name (If applicable)					
Company ABN (If Applicable)			Company Reference (If Applicable)		
Residential Address (Unit/street name/suburb)					
1/11 Zaara St					
Newcastle			State	NSW	Postcode 2300
Postal Address if different to residential address <u>or</u> As above <input type="checkbox"/>					
POB 513					
Newcastle			State	NSW	Postcode 2300
Contact No.	04 6636 8005				
Email Address	joan.browning@gmail.com				

2. AUTHORISATION TO OBTAIN INFORMATION ABOUT THE PERSON THE INFORMATION RELATES TO

Access Application

Government Information (Public Access) Act 2009

TO BE COMPLETED BY THE PERSON THE INFORMATION RELATES TO – OR ATTACHED SEPARATELY

I authorise the NSW Police Force to release information about me in matters relating to this access application, to the Person/Legal Representative/ Company/Agency named in Section 1

Your Full Name		Date of Birth	
Address			
Signature		Date	

3. INFORMATION REQUESTED

What information are you requesting?

Criminal History only		
<ul style="list-style-type: none"> • My criminal history • Criminal history of other person(s) 	<input type="checkbox"/> <input type="checkbox"/>	Please provide the name(s) and date(s) of birth of the person(s) in the Information Description box on page 4
Event report(s) only	<input checked="" type="checkbox"/>	Where you are requesting information for multiple events, please supply information for each event separately in the Information Description box on page 4
<ul style="list-style-type: none"> • Event number: • Where/who incident reported to (Officer name/Police Area Command/Police Assistance Line/other) (if known) • Date of incident (if known) • Involved party/parties (if known): 		<p>NEWCASTLE 500 SUPERCARS CRASH NOVEMBER 25 2017</p> <p>Two vehicles in the V8 Ute series collided during qualifying shortly After 9am in Nobbys Road Newcastle East. Two spectators were injured when they were struck by debris following the crash. A tyre had bounced over the safety barrier and hit a man and a woman near the track. Both people were treated by paramedics and taken away in an ambulance. For more information see https://www.smh.com.au/national/nsw/supercars-fans-hurt-by-flying-tyre-debris-at-newcastle-500-20171125-gzsr6l.html</p>
Event report(s) and related information	<input type="checkbox"/>	Please provide the event number(s) and specific information you are seeking, in the Information Description box on page 4

Describe the information you would like to access in the box below, in enough detail to enable reasonable searches to be conducted – e.g. car registration number, date of Birth, location etc.

- Please supply any additional information that you feel will support your application (attach additional pages if necessary).
- If your application is unclear as to the information you require, or you do not provide sufficient information, your application may be deemed invalid.
- Please note that pursuant to section 75 of the GIPA Act, the NSWPF is not required to create a new document to respond to your application

Access Application

Government Information (Public Access) Act 2009

INFORMATION DESCRIPTION		
<p>On behalf of Newcastle East Residents Group and pursuant to the GIPA Act I require a copy of the Police Incident Report relating to the accident detailed in Information Request box on page 3.</p> <p>Please note the information is for a non-profit community group. I therefore apply for the appropriate discounted processing fee.</p>		
4. PROOF OF IDENTITY		
<p>If seeking access to <u>personal information</u>, you MUST provide copy of one of the following documents to confirm the identity of the involved party</p>		
<input type="checkbox"/> Australian Drivers Licence	<input type="checkbox"/> Current Australian Passport	<input type="checkbox"/> Other proof of identity (e.g. Government issued identity or proof of age card)
<ul style="list-style-type: none"> • Please note, information may not be able to be released if identification requirements are not fulfilled 		
5. APPLICATION FEE		
<p>(Please note that an Access Application cannot be deemed valid without receipt of the application fee of \$30)</p>		
<p>I attach the following payment of the \$30.00 application fee (Do NOT send cash)</p>		
<input type="checkbox"/> Cheque	<input type="checkbox"/> Money Order	<input checked="" type="checkbox"/> Credit Card
<p>Cheques and Money Orders should be made payable to the NSW Police Force</p>		<p>Completed Credit Card Payment Form MUST be attached</p>
6. PROCESSING CHARGES		
<p>A processing charge of \$30.00 per hour may be applied pursuant to Section 64 of the GIPA Act. You will be notified prior, if processing charges apply. Some applicants may be entitled to a 50% reduction in their processing charges. Further information about this will be advised at the time of notification of additional processing charges.</p>		
7. CONSULTATION		
<p>The GIPA Act requires an agency to consult with third parties when considering the potential release of other person(s) information (pursuant to Section 54 of the GIPA Act).</p> <ul style="list-style-type: none"> • Where consultation with a third party is required, the time to respond to your application will be extended by 10 working days. • Where information requested is considered 'non-personal' additional charges will apply – you will be notified should this apply to your application. 		
<p>Where another person's details are contained within the information you are requesting, do you wish for those persons to be contacted to obtain their consent to release their information to you? (If you do not consent to our agency consulting with involved persons, their information may not be released to you).</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Access Application

Government Information (Public Access) Act 2009

When consulting, do you agree for this agency to provide your details as the 'applicant' to the other party and/or a third party? (If you do not consent to our agency providing these details, this may impact on the consulted agency's/third party's decision to release information).	<input checked="" type="checkbox"/> Yes I agree	<input type="checkbox"/> No I do not agree
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8. FORM OF ACCESS

Where information is located and able to be released, how do you wish to access this information?

<input checked="" type="checkbox"/> A copy of the document(s)	<input type="checkbox"/> Inspect the document(s)
<input checked="" type="checkbox"/> Access in any other way (please specify)	email copy of document(s) to joan.browning@gmail.com

9. PRIVACY STATEMENT

The NSWPF is subject to the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* which require this agency to comply with Information and Health Privacy Principles.

Your personal information is being collected to process your application for information. The NSWPF may use your personal information for the purposes of processing your application within the agency.

The NSWPF is required to collect personal information directly from the individual unless the individual has authorised collection of the information from someone else. The NSWPF will not disclose your personal information without your consent unless authorised by law.

Your personal information will be held by NSWPF at 1 Charles Street, Parramatta NSW 2150. You have the right to access and correct the information if you believe that it is incorrect.

10. APPLICANT'S SIGNATURE

Applicant's Signature	<i>joan browning</i>	Date	20th July 2018
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11. APPLICATION LODGEMENT OPTIONS

Via Post	Via Email
NSW Police Force External Information Access Unit Locked Bag 5102 Parramatta NSW 2124 Tel: (02) 8835 6888	gipaapp@police.nsw.gov.au <i>A credit card authority must accompany any emailed application</i>

Applicant Checklist

<input checked="" type="checkbox"/> Completed all pages of the application form	<input type="checkbox"/> Provided proof of identity – personal applications
<input checked="" type="checkbox"/> Enclosed payment	<input type="checkbox"/> Completed Authorisation Section (where applicable)