



**Manly Council**

Council Offices 1 Belgrave Street Manly  
PO Box 82 MANLY NSW 1655 AUSTRALIA  
DX 9205 Manly [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)  
Phone 02 9976 1500 Fax 02 9976 1400  
Email: [records@manly.nsw.gov.au](mailto:records@manly.nsw.gov.au)

**GIPA Internal Review  
Application**

ABN 43 662 868 065

**Government Information (Public Access) Act 2009**

Please complete this form to apply for formal access to Council information under the *Government Information (Public Access) Act 2009 (GIPA Act)*. If you need help in filling out this form, please contact Manly Council on 9976 1500 or email [records@manly.nsw.gov.au](mailto:records@manly.nsw.gov.au) or visit our website at [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) and click on the Access to Information page.

This form should be used if you wish to apply for internal review of a decision made under the *Government Information (Public Access) Act 2009 (GIPA Act)*.

You must lodge this form with us **within 20 working days** after notice of the decision was given to you.

**Your details**

**Surname:** ..... **Title:** Mr / Ms

**Other names:** .....

**Postal address:** ..... **Postcode:** .....

**Day-time telephone:** ..... **Facsimile:** .....

**Email:** .....

I agree to receive correspondence to the above email address.

**Decision details**

Decision to be reviewed .....

Date of decision .....

File reference .....

Applicant's signature: .....

Date: .....

Please include your application fee of **\$40** when you post this form or lodge it at:

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## YOUR RIGHTS TO A GIPA REVIEW

### 1. Internal Review

Under Part 5 Division 2 Section 82 of the Government Information (Public Access) Act 2009 if you are dissatisfied with certain decisions or determinations of Council you have the Right to lodge an internal review of this determination.

A person is aggrieved by a determination on an application for access to records if any of the following apply:

- Council refuses to give the application access to a document;
- Access to document is to be given to the applicant subject to deferral;
- Access to a copy of a document from which exempt matter has been deleted is to be given to the applicant;
- Access to a document is to be given to the applicant subject to a charge for dealing with the application, or for
- giving access to a document, that the applicant considers to be unreasonable;
- A charge for dealing with the application is payable by the applicant, being a charge that the applicant considers to have been unreasonably incurred;
- Council should have, and has not, taken such steps as are reasonably practicable to obtain with the views of a third party as to whether or not the document is an exempt document;
- Council should have, and has, taken such steps to obtain the views of a third party but the determination is not in accordance with the views of the person; or
- Council refuses to amend its records in accordance with the application.

To apply for an internal review of a determination you must lodge an internal review application form or write to Council. Applications for internal review must be made within 20 working days and accompanied by a \$40 fee except for the review of a "deemed refusal" where no fee is payable. When the aggrieved person is the applicant, an internal review is not required before the Information Commissioner or Tribunal may conduct a review.

There is no right to an internal review of a determination regarding a Minister's document.

There is to be no internal review of a decision that is or has been the subject of review by the Information Commissioner under this Part except internal review conducted on the recommendation of the Information Commissioner.

There is to be no internal review of a decision that is or has been the subject of review by the ADT under this Part.



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## 2. Investigation by the Office of the Information Commissioner

An aggrieved person is entitled to have the Council's decision reviewed by the Information Commissioner. Where the aggrieved person is the access applicant, internal review is not a precondition for the Information Commissioner's review; for all other persons it is. Application for Information Commissioner review must be made within eight weeks of the person receiving notice of the agency's decision.

In conducting a review, the Information Commissioner has broad investigative and some coercive powers. On a review, the Commissioner may make recommendations as considered appropriate, including that the matter be reconsidered by Council. Council may take up such a recommendation and make a new decision, whether or not an internal review has been conducted.

The Information Commissioner may refuse to review a decision and cannot review a decision that is, or has been, the subject of Administrative Decisions Tribunal (ADT) review. However, the Commissioner may investigate a complaint into the circumstances of decision.

## 3. Administrative Decisions Tribunal review

An aggrieved person may seek review by the ADT within eight weeks of the decision or four weeks after an Information Commissioner review (which is not required before external review may be sought).

The Tribunal has the power to make the "correct and preferable decision" on the merits of the case.

Where access is refused because the application involved Cabinet or Executive Council information, the Tribunal's role is limited to considering whether there are reasonable grounds for the decision. The Tribunal also has jurisdiction to review decisions that government information is not held by an agency. The procedures relating to review applications to the ADT are established by the Tribunal, telephone (02) 9228 7777.