

Mr Philip Walker  
184 Warriewood Road  
MONA VALE NSW 2103

Dear Mr Walker

I write in response to your GIPAA application of April 2017 in which you requested the following:

*- Department of Health OVE ARUP Dilapidation Report on Mona Vale Hospital prepared for incoming Liberal Government (O'Farrell) (Complete)."*

Please find attached my determination and documents.

**In summary:**

No specific documents as titled above were found, however, two documents were found regarding the Mona Vale Hospital Fagade Inspection Report and Specification Report, both by ARUP Pty Lt.

Further documentation was also found in regard to the works undertaken since the ARUP reports (2010). The reports detail building conditions to-date, and building works that have been, and are currently being, rectified.

I trust this information will be of assistance to you.

If you wish to obtain further information, please feel free to contact me on 9462 9947.

Yours sincerely



**Carol Parker**  
Right to Information Officer

Date: 5/6/17

*Northern Sydney Local Health District is located on the traditional lands of the Eora Nation*

All correspondence to be emailed or sent to:  
[NSLHD-Mail@health.nsw.gov.au](mailto:NSLHD-Mail@health.nsw.gov.au)

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Royal North Shore Hospital LPO  
St Leonards NSW 2065  
Tel (02) 9462 9955 Fax (02)9463 1029

Northern Sydney Local Health District  
ABN 63 834 171 987

*Government Information (Public Access) Act 2009*

**NOTICE OF DECISION**

Applicant:	<b>Philip Walker</b>
File Ref:	<b>17/10855</b>
Decision maker:	<b>Carol Parker, Right to Information Officer</b>
Date of decision:	<b>3 May 2017</b>

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## 1. Summary of access application

On 21 April 2017, we received your access application under the *Government Information (Public Access) Act 2009* (GIPA Act) following transfer from Service NSW. You asked for the following information:

**"OVE ARUP Dilapidation Report on Mona Vale Hospital"**

## 2. Decision

I am authorised by the principal officer, for the purposes of section 9(3) of the GIPA Act, to decide your access application.

I have decided, under section 58 (1) (a) of the GIPA Act - deciding to provide access to some of the information and section 58 (1) (d) of the GIPA Act - deciding to refuse to provide access to some of the information because there is an overriding public interest against disclosure of the information.

In this Notice of Decision I will explain my reasons. To meet the requirements of section 61 of the GIPA Act, I need to tell you:

- (a) the reasons for my decision and the findings on any important questions of fact underlying those reasons; and
- (b) the general nature and format of the records containing the information you asked for, with reference to the relevant public interest considerations against disclosure (see the attached Schedule of Documents).

You can ask for a review of this decision. For details about how to do so, see part 9 of this Notice.

## 3. Searches for information

Under the GIPA Act, we must conduct reasonable searches for the government information you asked for in your application. I have searched our records to find any information that falls within the scope of your application.

Searches were undertaken within the executive office of the NSLHD and Northern Beaches Health Service for the document **"OVE ARUP Dilapidation Report on Mona Vale Hospital"**. No documents were found titled as such.

However, two documents were found in regard to reports undertaken by ARUP, they are;

- Northern Sydney Central Coast Health - Mona Vale Hospital Facade Inspection Report - dated September 2010 and
- Northern Sydney Local Health District - Mona Vale Hospital - Specification for Facade Repairs dated August 2011

I have made my determination on the above documents.

#### **4. The public interest test**

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

Further, under section 5 of the GIPA Act, there is a presumption in favour of disclosing government information unless there is an overriding public interest against its disclosure.

To decide whether or not there is an overriding public interest against disclosure of the information you asked for, I applied the public interest test, which is set out in section 13 of the GIPA Act.

I applied the public interest test by:

- (a) identifying any public interest considerations in favour of disclosure;
- (b) identifying any relevant public interest considerations against disclosure; and
- (c) deciding where the balance between them lies.

I did this in the way required by section 15 of the GIPA Act, which is:

- (a) in a way that promotes the objects of the GIPA Act;
- (b) with regard to any relevant guidelines issued by the Information Commissioner;
- (c) without taking into account the fact that disclosure of information may cause embarrassment to, or a loss of confidence in, the Government (as that fact is irrelevant);
- (d) without taking into account the fact that disclosure of information might be misinterpreted or misunderstood by any person (as that fact is irrelevant); and
- (e) with regard to the fact that disclosure cannot be made subject to any conditions on the use or disclosure of information.

##### **4.1 Consultation**

The information that you asked for includes information that is the business information of private companies. I was therefore required, under section 54 of the GIPA Act, to consult with those businesses before releasing the information.

There were no objections to the release of the information

##### **4.2 Public interest considerations in favour of disclosure**

Under section 12(1) of the GIPA Act, there is a general public interest in favour of disclosing government information. Section 12(2) of the GIPA Act sets out some examples of other public interest considerations in favour of disclosure. However, I am not limited to those considerations in deciding your application.

I find the following considerations in favour of disclosure are relevant to your application:

- Disclosure of the information could reasonably be expected to promote open discussion of public affairs, enhance Government accountability or contribute to positive and informed debate on issues of public importance. This is because of the community involvement over the last few years in the decision making of the new site of the Northern Beaches Hospital. I consider this to be a strong consideration in favour of disclosure.

Disclosure of the information could reasonably be expected to ensure effective oversight of the expenditure of public funds. This is because the information relates to works done on the Facade of Mona Vale Hospital, which is paid from the public purse. I consider this to be a strong consideration in favour of disclosure.

### **4.3 Public interest considerations against disclosure**

When applying the public interest test, the only public interest considerations against disclosure that I can take into account are those set out in the table to section 14 of the GIPA Act. To show that they are relevant to the information you asked for, I need to consider whether they could reasonably be expected to have the effect outlined in the table.

I have identified the following considerations against disclosure as being relevant to your application:

- **Section 14 (4) (b) reveal commercial-in-confidence provisions of a government contract and**
- **Section 14 (4) (d) prejudice any person's legitimate business, commercial, professional or financial interests.**

I consider this to be a strong consideration not to release this information.

### **4.4 Balancing the public interest test**

I have considered the relevant public interest considerations in favour of and against disclosure of the information you requested.

Having weighed up the considerations, I have decided that there is an overriding public interest against disclosure of some of the information. This is summarised in the attached Schedule of Documents.

Release of additional information.

I have decided to provide you with the following additional information, as it may be of interest to you:

- **Northern Sydney Local Health District - Mona Vale Hospital, Facade conditions Inspection Report - Taylors Building Solutions - 3/6/2015**

- **Northern Sydney Local Health District - Mona Vale Hospital, Facade recommendation report and status - Taylors Building Solutions - 26/7/2015**
- **Northern Sydney Local Health District - Mona Vale Hospital, Facade conditions Inspection Report - Inspection undertaken on 14/2/17 and 18/2/17 by Sprack Construction Inspections - E.A. & Associates Engineers - 27/2/2017**

Section 76 of the GIPA Act allows me to do this.

## **5. Access**

### **5.1 Form of access**

You will be given a copy of the information that I have decided can be released. As discussed, there is an overriding public interest against disclosure of some but not all of the information. You will therefore find that some of the information has been redacted, as allowed by section 74 of the GIPA Act.

## **6. Disclosure log**

If information that would be of interest to other members of the public is released in response to a formal access application, an agency must record certain details about the application in its 'disclosure log' (under sections 25 and 26 of the GIPA Act).

In the letter acknowledging receipt of your valid application, sent on 26 April 2017, you were told about the disclosure log. You were also advised of your right to object to the inclusion of details about your access application in the disclosure log, in certain circumstances (for example, if you seek access to your own personal information).

You did not object to details about your application being included in the disclosure log.

## **7. 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. Before you do so, I encourage you to contact me to discuss your concerns. My contact details are set out below.

You have three review options:

- internal review by another officer of this agency, who is no less senior than me;
- external review by the Information Commissioner; or
- external review by the NSW Civil and Administrative Tribunal (NCAT).

Notice of Decision

You have 20 working days from the date of this Notice to apply for an internal review. If you would prefer to have the decision reviewed externally, you have 40 working days from the date of this Notice to apply for a review by the Information Commissioner or NCAT.

To assist you, I have enclosed a fact sheet published by the Information and Privacy Commission NSW (IPC), entitled *Your review rights under the GIPA Act*. You will also find some useful information and frequently asked questions on the IPC's website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au).

You can also contact the IPC on freecall 1800 IPC NSW (1800 472 679).

**8. Further information**

If you have any questions about this notice or would like any further information, please contact me on 9462 9947.

 5/6/17

**Carol Parker**  
**Corporate Information Manager, Right to Information and Privacy Officer**

### Schedule of Documents

No.	Description of record that contains the information	Format of record	Location of record in agency	Released or withheld	Relevant public interest consideration(s) against disclosure
1.	Northern Sydney Central Coast Health - Mona Vale Hospital Facade Inspection Report-dated September 2010 and	Hard copy	Mona Vale Hospital	Partial Release	Section 14 (4) (b) reveal commercial-in-confidence provisions of a government contract
2.	Northern Sydney Local Health District - Mona Vale Hospital - Specification for Facade Repairs dated August 2011	Hard Copy	Mona Vale Hospital	Full Release	
3.	Northern Sydney Local Health District - Mona Vale Hospital, Facade conditions Inspection Report-Taylor's Building Solutions - 3/6/2015	Hard Copy	Mona Vale Hospital	Full Release	
4.	Northern Sydney Local Health District - Mona Vale Hospital, Facade recommendation report and status - Taylor's Building Solutions - 26/7/2015	Hard Copy	Mona Vale Hospital	Full Release	



Notice of Decision

5.	Northern Sydney Local Health District - Mona Vale Hospital, Facade conditions Inspection Report- Inspection undertaken on 14/2/17 and 18/2/17 by Sprack Construction Inspections - E.A. & Associates Engineers - 27/2/2017	Hard Copy	Mona Vale Hospital	Full Release	
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