



Australian Government
Department of Transport and Regional Services

File Reference: FOI 2006-17

Dr John L Goldberg

Subject: Charges applying to FOI request number FOI 2006-17

Dear Dr Goldberg,

I refer to your letter of 14 March 2006, requesting 'documents related to the proposed F3 to Sydney Orbital link...in particular copies of all the correspondence between the consultants Sinclair Knight Merz and departmental officers of DOTARS and AUSLINK which relates to the specific matter of traffic modelling.' I regret the delay in replying.

In accordance with s29 of the FOI Act, I have decided that you are liable to pay a charge for the processing of your request.

ASSESSMENT OF CHARGES

My preliminary assessment of that charge is as follows:

Search and retrieval time	118.33@ \$15 hour	\$1,775.00
Decision making time	496.67 @ \$20 hour	\$9,933.33
Copies of documents	5000 @ \$0.10 page	\$500.00
Number of third parties to consult (200 at 2 hrs per consultation)	400 hours@\$20/hr	\$8,000.00
Postage	N/A	
<Other costs – specify>	N/A	
TOTAL		\$20,208.33

I have attached a copy of the charges estimate to assist you.

DEPOSIT

As the charge is more than \$100 you will have to pay a deposit of \$5,052.08 which is 25% of the total charges applying to your request. This amount is set in Regulation 12 of the Freedom of Information (Fees and Charges) Regulations.

REFINING THE SCOPE OF THE REQUEST

The estimate of charges was based on retrieving copies of all documents from the Department's paper files related to the F3 to Sydney Orbital link. This quote does not

1 of 6

include retrieval of e-mails from the Department's computers that are not already on the Department's files.

Should you wish to revise the scope of your request, we would be happy to discuss this with you, and prepare a revised quote. For example the cost of retrieving all correspondence from the Department's files from early 2001 (when the study commenced) to the present between the Department and Sinclair Knight Merz (including some correspondence to and from the NSW Roads and Traffic Authority and the consultants which were copied to the Department), would cost around \$2000. Further revision such as limiting it to documents between the Department and Sinclair Knight Merz relating to traffic modelling may reduce this cost.

WHERE TO SEND YOUR PAYMENT

Payment of the charge for your request to be undertaken can be made by credit card or cheque. To make payment by credit card, please complete and forward the enclosed *credit card payment authority form* to the following address or the facsimile number on the *credit card payment authority form*. Payment by cheque can also be forwarded to the following address.

Freedom of Information Coordinator
Department of Transport and Regional Services
GPO Box 594
CANBERRA ACT 2601

IF YOU DO NOT AGREE WITH THESE CHARGES

If you do not agree with my decision to impose charges, you have the right to contest the way the charges have been assessed, and to request that they be reduced or not imposed at all. In order for me to decide whether to reduce or not impose a charge, I need to take into account whether payment would cause you financial hardship or whether the release of the documents is in the general public interest.

WHAT TO DO NOW

Within 30 days from the date of this letter, you need to either:

1. Agree to pay the charge (or deposit); or
2. Withdraw the request; or
3. If you believe the charge has been wrongfully imposed, send me in writing your reasons for contending that the charge should be reduced or not imposed.

If you fail to respond within 30 days, I will assume that you have withdrawn your request.

Under s31 of the FOI Act, the time limit for processing your request will be suspended from the date you receive this letter. It will resume on either the day you pay the deposit (in full or at a reduced figure) or the day a decision is made that you are not liable to pay the charge.

If you have any questions on the above, please do not hesitate to phone the FOI Coordinator on (02) 6274 7844 or e-mail kylie.ison@dotars.gov.au. Please quote the FOI request number at the top of this letter in all your future communication on this request.

Yours sincerely



Robert Hogan
General Manager
Road Investment Branch
AusLink

14 / 7 / 2006

Review rights under FOI – Advice to applicants

If you are dissatisfied with the Department's decision on your Freedom of Information (FOI) request, there are formal review and complaints processes available to you.

Rights for review of FOI decisions

It is strongly recommended that you first of all contact the FOI section where the decision was made to discuss your application before you start formal review processes or lodge a complaint with the Ombudsman. It is often possible to resolve your problems and address your questions using this approach.

If your problems are not resolved, the contact person can advise you on lodging an application to begin formal review procedures. You have the following review options:

1. You can lodge an internal review application with the Department. You must do this within 30 days of receiving the letter advising you of the decision. To lodge an internal review application, simply write to the FOI section where your decision was made requesting that the decision be reviewed. It would be helpful if you outline the reasons you are unhappy with the decision.

The department generally waives the \$40 application fee for internal review of access to documents if you requested your own personal information.

For other cases, for example, if you are requesting policy information or information of another person, the \$40 is generally required, and your internal review application will not be valid until it is paid or a decision is made to remit the fee. If you believe that you should not pay this fee, please give an explanation of your reasons (for example, financial hardship).

Under internal review, a senior officer of the Department will make an independent assessment of your application and provide a new decision.

2. If your internal review application is unsuccessful, and you are still not satisfied with the decision, you can lodge an appeal with the Administrative Appeals Tribunal (AAT). This application must be lodged with the AAT within 60 days of being advised of the outcome of the internal review decision. You can obtain the application form from the AAT. A lodgement fee of \$526 must accompany your application.

You can also appeal direct to the AAT in situations where no decision has been made on either your original application or your internal review application within 30 days.

The AAT's contact details are:

Administrative Appeals Tribunal
GPO Box 9955
In your state or territory

Complaints to the Ombudsman

If you believe the Department has not followed proper administrative procedures in handling your request, you have the right to ask the Commonwealth Ombudsman to investigate. The Ombudsman usually prefers applicants to seek internal review before complaining about a decision.

A complaint to the Ombudsman may be made orally or in writing and should be directed to:

Commonwealth Ombudsman
GPO Box 442
CANBERRA ACT 2601
Ph 02 6276 0111
(or the office of the Commonwealth Ombudsman in your state)

Estimate of the charge for undertaking a request in accordance with the Freedom of Information Act		
(insert basic data in shaded boxes only)		
BASIC DATA ESTIMATE		
Number of relevant files	20	
Number of relevant pages *See Note below	5000	
Number of relevant documents	1000	
Number of exempt pages		
Number of pages released with deletions		
Number of third parties to consult	200	
TASK	TIME (in hours)	COST @ \$15 per hr
Search and retrieval @ 10 mins per file	3.33	\$50.00
Search files and tag relevant pages (45 mins average per file)	15.00	\$225.00
Preparing schedules detailing all relevant documents (1 hour per 10 documents)	100.00	\$1,500.00
Search & Retrieval Subtotal	118.33	\$1,775.00
		COST @ \$20 per hr
Examine relevant pages for decision making (5 mins per relevant page).	416.67	\$8,333.33
Exempted pages (5 mins extra per page).	0.00	\$0.00
Pages released with deletions (10 mins extra per page)	0.00	\$0.00
Consult third parties (2 hours per consultation)	400.00	\$8,000.00
Preparation and notification of decision (4 hours per 250 relevant pages) - NB if several exemptions are involved, further time may be required.	80.00	\$1,600.00
*Note: Where there are a large number of duplicate / similar documents or pages it will not be appropriate to allow the same amount of time for each succeeding document. A reduction in time or document or page numbers should be made to take account of this.		
Examine, Consult & Preparation Subtotal	896.67	\$17,933.33
		COST @ 10c a page
	PAGES	
Photocopies of estimated released docs (including those with deletions)	5000	\$500.00
Packaging and postage-actual cost	N/A	
Photocopying & Postage Subtotal		\$500.00
ESTIMATED TOTALS		
NUMBER OF RELEASED PAGES		5000
TIME (in hours)		1015.00
TOTAL COST		\$20,208.33
DEPOSIT REQUIRED (if over \$25)		\$5,052.08



Australian Government

Department of Transport and Regional Services

File Reference: FOI 2006-17

Dr John L Goldberg

Subject: FOI request number FOI 2006-17

Dear Dr Goldberg,

I refer to your letter of 25 July 2006, regarding the estimate of charges provided to you following your request under the *Freedom of Information Act 1982* (the FOI Act) for:

- *'documents related to the proposed F3 to Sydney Orbital link...in particular copies of all the correspondence between the consultants Sinclair Knight Merz and departmental officers of DOTARS and AUSLINK which relates to the specific matter of traffic modelling.'*

I would like to address the issues raised in your letter to assist in advancing this request to resolution.

I once again would like to convey my apologies for the delay in processing this request. I understand the delays have been excessive. However I would like you to note that the delays were due to the extensive volume of the search, and the fact that unfortunately your request came at time of peak activity for us. At no stage was the delay intended to inhibit the documents sought being obtained.

The charges were estimated using the Charges Calculator, as provided by the Attorney-General's Department. The calculation was based on:

- the number of documents the department holds that fall into the scope of your request;
- the Freedom of Information (Fees and Charges) Regulations; and
- reasonable processing and decision making times, as guided by the calculator.

A full and honest account of the number of documents held by the department was provided to you. Government policy is that, where they are applicable, fees should be collected and processing and access charges imposed, by agencies for FOI requests except where one or more reasons for remission of fees or reduction or non-imposition of charges is established. The level of fees and charges provides for partial, but not full, cost recovery by agencies, and is designed to ensure that users of the FOI Act make a contribution towards the costs of providing FOI access to documents. The provisions for remission of fees, and for reduction or non-imposition of charges, make

adequate allowance for relief on the grounds of financial hardship, public interest or any other relevant grounds.

The Department has not received a request not to impose charges under the public interest provisions and therefore has not considered this option, as Government policy is to impose charges. As advised in the letter with the estimate of charges, if you do not agree with my decision to impose charges, you have the right to contest the way the charges have been assessed, and to request that they be reduced or not imposed at all. In order for me to decide whether to reduce or not impose a charge, I need to take into account whether payment would cause you financial hardship or whether the release of the documents is in the general public interest.

In my advice of charges letter of 14 July 2006, I also advised you of the potential for clarifying the scope of the request, which in turn would reduce the costs associated with processing the request.

In the event you should wish to narrow the scope of your request, then we need a modified request seeking document/s on specific subject matter. I would be happy to discuss with you the framing of the scope to capture the documents you seek, while minimising the costs incurred. My phone number is (02) 6274 7266.

I am happy to grant you further time to consider how you wish to proceed.

Under s31 of the FOI Act, the time limit for processing your request is still suspended from the date you received the estimate of charges. It will resume on either the day you pay the deposit (in full or at a reduced figure) or the day a decision is made that you are not liable to pay the charge.

If you have any questions on the above, other than in relation to modifying the scope of your request, please do not hesitate to phone the FOI Coordinator on (02) 6274 7844 or e-mail kylie.ison@dotars.gov.au. Please quote the FOI request number at the top of this letter in all your future communication on this request.

Yours sincerely



Robert Hogan
General Manager
Road Investment Branch
AusLink

11 / 8 / 2006

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Correspondence

The Hon Philip Ruddock MP
Federal Member for Berowra
PO Box 1866
Hornsby Westfield
NSW 1635

28 Sep 06

COPY

Dear Philip

FREEDOM OF INFORMATION APPLICATION BY DR JOHN GOLDBERG TO DOTARS

At our meeting on 21 Jul 06 I advised you that John Goldberg had made a Freedom of Information request to DOTARS for which he had received a reply advising that it would cost \$20,208.33 to obtain the information requested. A copy of full documentation for this reply including the schedule of costs is attached. I did not give you the full documentation at the 21 Jul meeting only the cost schedule.

As advised Dr Goldberg acts as a resource provider for many community groups to synthesise the mountains of information that road building bureaucratic interests create which community groups do not have the skills or time to wade through to find out what is really going on. Dr Goldberg has a long history of exposing 'inconvenient truths' regarding NSW RTA methodologies to 'get up' their projects to support their bureaucratic vested interests and construction vested interests. The RTA has close relationships with road building and road maintenance suppliers with whom they must associate for operational requirements. Dr Goldberg also prepares papers giving indepth analysis on road transport/land use integration issues for presentation at academic and construction industry conferences held throughout the world as well as government enquiries. He was recently asked to make a submission to the NSW Parliamentary Enquiry on the controversial Cross City Tunnel Project.

In performing this work John Goldberg provides a very valuable public interest service for no personal gain. It is therefore important that he receives whatever critical information is available under FOI without being faced with onerous costs which he is unable to meet. As he has possibly developed a reputation with government road building bureaucracies for exposing IN THE PUBLIC INTEREST too many inconvenient truths it may be assumed that the relevant bureaucracies are reluctant to readily give critical information.

Inconvenient truths associated with proper process are of particular concern to Dr Goldberg. The attached abstract prepared on bias and predetermination in road traffic modelling for the F3 to Sydney orbital link is the latest contribution to community knowledge John has made regarding proper process.

Your assistance in representing Dr John Goldberg who is one of your constituents (living in Beecroft since childhood) to obtain the information he seeks at no cost for public interest purposes, would therefore be greatly appreciated. Unfortunately John is still recovering from his recent major surgery and has therefore asked me to make this representation to you on his behalf. Your urgent attention to this matter would be greatly appreciated.

Best Regards

MALCOLM POWELL



The Hon. Philip Ruddock MP
Federal Member for Berowra



- 9 OCT 2006

Mr Malcolm Powell
PO Box 139
BEECROFT NSW 2119

COPY

Dear Mr Powell *Malcolm*

Thank you for your letter dated 28th September 2006.

The matters that you raise are important regarding a Freedom of Information Application by Dr John Goldberg. Representations have been forwarded to the Hon Jim Lloyd MP, Minister for Local Government, Territories and Roads, seeking an explanation, on your behalf.

When a response is received from the Minister, this correspondence will be forwarded on to Dr Goldberg for his information. Please be assured that your comments have been noted and that I am cognisant of your views.

Yours sincerely

Hon Philip Ruddock MP
Federal Member for Berowra

Par.rk

Electorate Office

Level 3, 20 George Street
Hornsby NSW 2077

PO Box 1866
Hornsby Westfield NSW 1635

Telephone: (02) 9482 7111
Facsimile: (02) 9482 7018



The Hon Jim Lloyd MP

MINISTER FOR LOCAL GOVERNMENT, TERRITORIES AND ROADS

Reference: 10082-2006

The Hon Philip Ruddock MP
Attorney-General
Member for Berowra
PO Box 1866
HORNSBY WESTFIELD NSW 1635


Dear Attorney-General

Thank you for your letter received on 12 October 2006 on behalf of your constituent, Mr Malcolm Powell who wrote on behalf of Dr John Goldberg of Beecroft, concerning the Freedom of Information application by Dr Goldberg to the Department of Transport and Regional Services (DOTARS).

Dr Goldberg's request under the *Freedom of Information Act 1982* (the FOI Act) sought:

- 'documents related to the proposed F3 to Sydney Orbital link...in particular copies of all the correspondence between the consultants Sinclair Knight Merz and departmental officers of DOTARS and AUSLINK which relates to the specific matter of traffic modelling.'

Dr Goldberg was provided with an assessment of the number of documents held by DOTARS together with an estimate of time and cost to process the request. The Australian Government policy is that, where they are applicable, fees should be collected and processing and access charges imposed by agencies for FOI requests. The charges were estimated using the Charge Calculator, as provided by your Department.

Given the volume of documents and the estimated cost of around \$20,000, DOTARS in its advice of 14 July 2006, informed Dr Goldberg of the potential for clarifying the scope of his request, which in turn could reduce the costs associated with processing the request. In response to a subsequent letter from Dr Goldberg, on 11 August 2006, DOTARS again wrote to Dr Goldberg, amongst other things inviting him to phone DOTARS to discuss narrowing the scope of his request. Dr Goldberg has not responded to either invitation. Copies of the DOTARS' correspondence with Dr Goldberg are attached for your information.

DOTARS informs me that it remains ready to discuss with Dr Goldberg how the scope of his request might be redefined to capture the documents he is seeking while minimising the work involved and therefore the cost incurred.

Thank you for raising this matter with me.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Jim Lloyd".

JIM LLOYD

2 / 1 / 2006

Enc



The Hon. Philip Ruddock MP
Federal Member for Berowra



13 NOV 2006

Mr Malcolm Powell

Dear Mr Powell

After making representations on your behalf I have now received correspondence from The Hon Jim Lloyd MP, Minister for Local Government, Territories and Roads, regarding Freedom of Information application by Dr Goldberg. Please see copy of the letter attached. Please note that DOTARS remains ready to discuss matters with Dr Goldberg.

I trust this reply explains the position and please be assured that your concerns are noted and thank you for raising this subject with me.

I understand the issues that you raised in your earlier correspondence and that this reply will assist you in this matter.

Yours sincerely



Pennant Hills District Civic Trust Inc.

P.O. Box 454, Pennant Hills, NSW 1715

'Preserving the residential amenity of Pennant Hills and its environs'

December 24, 2006

An Open Letter

Democracy Without Substance

As we look forward to the New Year with optimism it is important to think again about the key events of the year just passed. One such event was the High Court judgment that caused The Australian newspaper of September 7th, 2006 to report that "democracy in Australia had a really bad day yesterday".

The previous day's High Court decision on a Freedom of Information (FOI) appeal meant politicians can withhold information from the public simply by one public servant saying that its release was not in the public interest. But, information is the key to a true democracy and to government accountability. Without it there can be no confidence that politicians are doing the right thing. In summarising their decision the High Court noted that the consequence of their decision may be to void some of the stated objectives of FOI legislation. One wonders where Australia's first law officer, Attorney General Philip Ruddock, was in this process.

FOI applications were difficult enough before this decision as the following example will illustrate. In March an application was made for documents related to the traffic modelling of the F3/M2 tunnel proposal. In July the Federal bureaucracy quoted a \$20,000 fee including \$9900 for 'decision making time' to determine what not to make available, presumably the imbedded state secrets and other super-sensitive information, and \$8000 for consulting 200 third parties all of whom would presumably have been privy to this secret stuff. Is it possible that these 200 'insiders' include the RTA's construction and finance industry mates?

The bureaucracy later advised that there are public interest FOI provisions under which no charge is imposed and in September Mr Ruddock was asked to pursue this alternative in the interest of the public in his electorate. Typically this request was referred by the first law officer to the Federal Roads Minister Jim Lloyd responsible for the Federal road building bureaucracy, and his reply in November simply repeated the previous quotation and made no mention whatsoever of the public interest aspects.

The editorial headline in The Australian newspaper (7/09/06) claimed "a win for the bureaucrats holds all Australians in contempt" but sadly the same must be said of our elected representatives. If the government makes public access to critical information under FOI so difficult and expensive what hope is there for a public inquiry into the F3/M2 Pennant Hills Road Tunnel with acceptable terms of reference.

Brian Ash
President



copy to Brian
mail 12/1/07

The Hon. Philip Ruddock MP
Federal Member for Berowra



Mr Brian Ash
President
Pennant Hills District Civic Trust Inc
PO Box 454
PENNANT HILLS NSW 1715

11 JAN 2007

Dear Brian

I have read your 'Open Letter' and noted your third paragraph relating to FOI application. The object of the Federal FOI Act is to provide a general right of access, by the Australian community, to information in the possession of the Government.

The legislation also supports open and accountable government by informing individuals of government functions and enabling them to participate in the policy and decision making process. The most recent FOI Annual Report reflects that these aims are being promoted by agencies. The figures consistently show that 94% of all FOI requests determined by agencies are granted in full or in part.

The right to access is however, balanced by a number of exemptions which are necessary for the protection of essential and legitimate interests of government and third parties who deal with government. The main exemption provisions are located in ss37 to 47A of the FOI Act.

Broadly speaking, exemptions in the FOI Act of are two basic kinds:

1. exemptions which depend on the agency demonstrating the expected harm of disclosure, such as where it would adversely impact national security, defence or international relations (ss33), Commonwealth-State relations (ss33A), deliberative documents (ss36), law enforcement (ss37), operations of agencies (ss40) and the national economy (ss44); and
2. exemptions which protect particular kinds of documents without referring to the effects of disclosure, such as Cabinet documents (ss34), Executive Council documents (ss35), documents subject to secrecy provisions (ss38) or legal professional privilege (ss42).

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Electorate Office

Where an agency is satisfied the elements for non-disclosure exist, the information is established as exempt and disclosure is deemed not to be in the public interest. Individuals who are refused access can seek review of that decision by the Commonwealth Ombudsman or the Administrative Appeals Tribunal.

Please be assured that I have noted your other comments and I am cognisant of your views.

Kind regards,

A handwritten signature in black ink, appearing to read 'Philip Ruddock', with a long, sweeping underline that extends to the right.

Philip Ruddock MP
Federal Member for Berowra
Pm/rk

2 of 2



Pennant Hills District Civic Trust Inc.

P.O. Box 454, Pennant Hills, NSW 1715

'Preserving the residential amenity of Pennant Hills and its environs'

The Hon Philip Ruddock MP
P. O. Box 1866
Hornsby Westfield
NSW 1635.

April 1, 2007

Dear Mr Ruddock,

Thank you for your time on Friday, March 30th 2007. As is normal with such meetings there is never enough time to make all the points that one might wish and the purpose of this letter is to complete at least one of the issues raised.

With respect to Modelling, with the Terms of Reference being so tied to assumptions, data and predictions, we made the point that any submissions in response to these terms would be meaningless without the modelling information requested under FOI in March 2006.

Your suggestion in this regard was that we should ask the Review Chairperson to exercise the independence of the role to obtain the release of the modelling information requested and that, having gained this information, we should seek the time to make a supplementary submission.

With respect to the Terms of Reference, and their framing in relation to the *Interim Report – F3 to Sydney Orbital Corridor Review March 2006*", you will be aware that this review was established to revalidate the '*assumptions and modelling underpinning*' the SKM Link Study 'purple option' recommendation (ref. Lloyd letter to you dated 12/02/06). It is therefore clear that by linking this report to the Terms of Reference the Chairperson is effectively set up to dismiss all submissions related to modelling on the grounds that the modelling has already been independently validated by the Masson Wilson Twiney (MWT) review.

Questions. (a) Since you spoke of your participation in the framing of the Terms of Reference, if you have an alternate explanation for the above linkage we would appreciate receiving it and (b) if, in the event that the Review Chairperson does not obtain the release of requested modelling information, will you as Attorney General exercise your powers on the grounds of improper process to effect the release of the modelling information requested.

Yours sincerely,

Brian Ash
President



ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

- 8 FEB 2007

04/8738, MC07/300

Mr Brian Ash
President
Pennant Hills District Civic Trust
PO Box 454
PENNANT HILLS NSW 1715

Dear Mr Ash 

Thank you for your letter of 24 December 2006 in regard to the recent High Court case of *McKinnon v Secretary, Department of the Treasury* and the issuing of conclusive certificates under the *Freedom of Information Act 1982* (FOI Act). I have noted your views about the High Court's decision and other FOI matters.

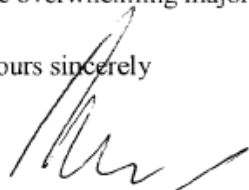
The FOI Act exists to extend, as far as possible, the right of the Australian community to access information in the possession of the Government of the Commonwealth and also to facilitate access to one's own information. However, that right, as important as it is, must be balanced against other competing community interests, such as national security, effective law enforcement and the private affairs of individuals and businesses. The exemptions in the FOI Act are there to protect those interests. I believe the FOI Act effectively achieves its stated objectives even where individual applicants, such as Mr McKinnon, are not provided with access to certain documents.

I must disagree with your conclusions on the impact of the *McKinnon* case on the operation of the FOI Act as I have described above. It does not, as many media outlets asserted, enable an agency to withhold any document merely on the whim of a public servant. Rather, the decision focuses on the correct interpretation of the power conferred on the AAT to review the issue of a conclusive certificate under those exemption provisions where certificates are possible. Parliament, when enacting the FOI Act, decided that in some circumstances the decision of what is or is not in the public interest is best left to ministerial responsibility and made express provision for it. The High Court's decision has not changed the way in which the FOI Act applies to certain documents but has simply confirmed Parliament's stated intention. The discretion to issue ministerial certificates is available only where one of five exemptions apply. If a document is not exempt on one of those five grounds, no question of a certificate can arise.

The Government is committed to providing access to documents in accordance with the FOI Act as the Annual Report on the operation of the FOI Act for 2005-06 attests. The Report (which is accessible at www.ag.gov.au/foi) shows that 94 per cent of all FOI requests

processed in that year were granted in full or in part. Accordingly, one can only conclude that the overwhelming majority of FOI applicants obtain access to the documents they are seeking.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Ruddock', written over the 'Yours sincerely' text.

Philip Ruddock

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2 of 2



The Hon. Philip Ruddock MP
Federal Member for Berowra



19 APR 2007

Mr Brian Ash
President
Pennant Hills District Civic Trust Inc.
PO Box 454
PENNANT HILLS NSW 1715

Dear Brian

Thank you for your letter dated 1st April 2007. I appreciated the opportunity to meet with you and welcomed the occasion to clarify some issues.

In relation to the terms of reference, as always they are guidance to the independent review. The Judge will form her own views on the implications of all factual information and evidence (including modelling). I am sure she will take into account the many submissions which will be put to her.

As Attorney-General I have no independent role in directing the review. As a local member I do take a very keen interest as you would expect.

Yours sincerely,

Philip Ruddock MP
Federal Member for Berowra
Prmrk

Electorate Office

Level 3, 20 George Street
Hornsby NSW 2077

PO Box 1806
Murrumbidgee, Westfield NSW 1605

Telephone: (02) 9482 7119
Facsimile: (02) 9482 7014



Australian Government

Review of the F3 to M7 Corridor Selection

File Reference: 2007/0160

Mr Brian Ash
President
Pennant Hills District Civic Trust Inc
PO Box 454
PENNANT HILLS NSW 1715

Dear Mr Ash

Thank you for your submission dated 12 April 2007 to the *Review of the F3 to M7 Corridor Selection (the Review)*. Your submission (in three parts) has been registered in our database and will be forwarded to the Review Chair, the Hon Mahla Pearlman AO for her consideration. Once we have received the hard copy of the signed cover sheet a copy of your submission will be placed on the Review's website for public viewing.

In your Submission No 3 you asked the Review Chair to secure the release of some information which you had sought previously under a Freedom of Information (FOI) request to the Department of Transport and Regional Services and provide a time extension to facilitate a supplementary submission to the Review. I have now had the opportunity to discuss this request with Ms Pearlman.

In relation to the first part of your request, the resolution of your FOI request is solely a matter for DOTARS to determine in accordance with its obligations under the *Freedom of Information Act 1982*. Given this and the uncertainty over the time this may take the Review Chair cannot agree to provide an open ended time extension for you to make a supplementary submission. However, if there is further information you wish to provide to the Review, Ms Pearlman is prepared to accept an additional submission from you providing it is received by the Review Secretariat by **5.00PM, 27 April 2007**.

If you have any further questions in relation to this matter you can contact me on (02) 62728016.

Yours sincerely

Joan Armitage
General Manager
Review Secretariat