

8 March 2017

Our ref: RWC-002665

Your ref: 2.29

# Redacted

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Dear **Redacted**

**Notice of decision on your access application under the  
*Government Information (Public Access) Act 2009 (GIPA Act)***

<b>Applicant:</b>	<b>Redacted</b>
<b>File reference:</b>	RWC-002665
<b>Decision maker:</b>	Clarinda Campbell
<b>Received date:</b>	10 February 2017
<b>Due date:</b>	10 March 2017
<b>Date of decision:</b>	8 March 2017

## 1 Your access application

1.1 On 10 February 2017 we received your access application under the GIPA Act for the following information:

I request access to the following information:

1. *The total value of tolls paid on the M5 Cashback Scheme in 2013, 2014, 2015 and 2016 for eligible vehicles.*
2. *The total reimbursement made for the M5 Cashback Scheme in 2013, 2014, 2015 and 2016 for eligible vehicles.*
3. *The number of eligible vehicles and non-eligible vehicles for the M5 Cashback Scheme.*
4. *The top 10 claims by value in 2016, including the postcode and amount claimed by each one.*
5. *The budget for the M5 Cashback Scheme in each year of the forward estimates.*
6. *The number of individuals registered for the M5 Cashback Scheme in 2013, 2014, 2015 and 2016.*

1.2 Discussions with **Redacted** on 20 February 2017 clarified that it will be the financial years 2013-2014, 2014-2015, 2015-2016 and 2016-10.2.2017 you are seeking information for in relation to this request.

## 2 Searches for information

2.1 Under the GIPA Act, we must conduct reasonable searches to locate the government information for which you have applied. The following areas of this agency have conducted searches:

- Corporate and Commercial Division, IM & IT and Commercial Advice and Implementation Branches
- Finance Division, Finance and Business Performance Branch
- Compliance and Regulatory Services, Customer and Support Services Branch
- Transport Shared Services, Service Delivery

2.2 Some of the information requested has been identified as falling within the scope of your application.

2.3 With regard to item 1 of your request I have been informed that this is information not held by Roads & Maritime. This enquiry should be directed to Interlink Roads, the owner of the M5 Motorway.

2.4 The business area has confirmed that in relation to Item 6 of your request, Roads & Maritime does not have visibility to the total number of accounts, or individuals registered for the Cashback scheme. The business area has stated that when motorists open tolling accounts and register for the Cashback scheme, they do so in the system of their respective tolling account provider. Only once account holders have made an initial trip on the M5 are their details downloaded to Cashback via an interface. There are many tolling accounts registered for Cashback where this initial M5 trip never occurs. The business area has provided the following additional information in regard to Item 6:

- For Transurban accounts, even once an initial trip and download has occurred, records appear in the interface only when a subsequent M5 trip has happened in the reporting month. Therefore, it is not possible to perform a count of the number of tolling accounts registered for Cashback.
- To answer Item 6, the tolling account providers should be contacted. The tolling

providers include Transurban (Roam Tolling & Roam Express), Interlink Roads (E-Way) and Roads and Maritime Services (E-Toll).

### 3 **Decision**

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

3.2 Please see below a summary of my decision using your item numbers:

Information	Access
Item 1) Total value of tolls paid on the M5 Cashback Scheme	Not held
Item 6) Number of individuals registered for the M5 Cashback Scheme	Not held
Item 2) Reimbursement data	Full
Item 3) Number of eligible and non-eligible vehicles for the M5 Cashback Scheme	Full
Item 4) Top 10 Claims in 2016 by postcode	Full
Item 5) Budget for the M5 Cashback in each year of the forward estimates	Full

### 4 **Reasons for Decision**

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.

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.

#### 4.1 **Public interest test**

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;
- c. attributing weight to each consideration for and against disclosure; and
- d. deciding where the balance between them lies.

#### 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.
- Disclosure of the information could reasonably be expected to ensure effective oversight of the expenditure of public funds.

#### 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.

I have not identified any considerations against disclosure as being relevant to your application:

#### 4.4 Balancing the public interest considerations

No public interest considerations against disclosure have been identified.

Having weighed up the considerations, I have decided to release the information to you in accordance with section 58(1)(a) of the GIPA Act. I have also decided in relation to items 1 and 6 of your request, that in accordance with section 58(1)(b), this information is not held by RMS.

### 5. Access

#### Form of access

In accordance with section 72(1)(c) of the GIPA Act a new record has been created which collates the information provided from the various business areas. The new record is as follows:

ITEM 2	
Financial Year	Cashback Reimbursement
2013-2014	\$76,511,431
2014-2015	\$80,901,426
2015-2016	\$95,671,660
2016-2017 (to 10 Feb 2017)	\$69,572,835

ITEM 3	
Vehicles	Total
Eligible Vehicles (including Private, Pensioner, Charitable)	4,498,923
Non-Eligible Vehicles	1,891,755
Total NSW Vehicles	6,390,678

ITEM 4	
Postcode	Amount Claimed
1790	\$14,778.96
2200	\$12,334.16
2200	\$10,819.96
2200	\$10,777.54
2216	\$10,566.82
2299	\$10,110.47
2216	\$8,795.26
2200	\$8,794.53
1890	\$7,765.27
2216	\$7,658.09

**ITEM 5**

## M5 Cashback Budget Figures as at October 2016

FY17	\$100,343k
FY18	\$80,373k
FY19	\$82,382k
FY20	\$84,442k
FY21	\$89,717k

**6 Processing Charges**

Under section 64 of the GIPA Act, we may require you to pay processing charges, at a rate of \$30 per hour, for the time spent dealing with your access application. The application fee of \$30 counts as payment of one hour of the processing charges.

I have decided not to impose any additional processing charges for dealing with your application.

**7 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 application, 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.

I have decided to include details about your access application in the disclosure log.

**8 Review rights**

If you disagree with my decision, you may apply for this decision to be reviewed by seeking:

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

You have 20 working days from the date of this letter to apply for an internal review and 40 working days to apply for an external review by the NSW Information Commissioner or the NCAT.

**9 Further information**

For your information and assistance, I have enclosed a fact sheet explaining your rights to have my decision reviewed.

Please do not hesitate to contact Kerry Budding by phone on 9563 8644 if you have any questions about this letter.

Yours sincerely,



**Clarinda Campbell**

Manager, Information and Privacy