



2 June 2025

Our ref: 25T-1151 IR

Mr Jake Coppinger

By email: [jake@jakecoppinger.com](mailto:jake@jakecoppinger.com)

Dear Mr Coppinger,

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

<b>Applicant:</b>	Jake Coppinger
<b>File reference:</b>	<b>25T-1151 IR</b>
<b>Decision maker:</b>	Jarrold Whitbourn
<b>Received date:</b>	12 May 2025
<b>Due date:</b>	2 June 2025
<b>Date of decision:</b>	2 June 2025

**1 Your access application**

1.1 On 3 February 2025, Transport for NSW ('TfNSW') received your access application under the GIPA Act for the following information:

*I am seeking access to copies of the following documents, including*

- Briefing notes*
- Statistical reports*
- Presentations*
- Email correspondence (including through 2019 with the NRMA); and*
- Meeting minutes*

*detailing monitoring of the impact of the 7 January 2018 introduction of 90 second cycle times in the Sydney CBD.*

*To assist your search, I note:*

- The NRMA stated "Monitoring was undertaken for a three month period to assess impacts across the network and the wait time was tweaked for certain streets. The change in cycle times has reduced waiting times for pedestrians at signals, meaning more frequent safe crossing opportunities" (www.mynrma.com.au/-*

/media/documents/advocacy/look-up-keeping-pedestrians-safe.pdf)  
- The source of the information in this sentences is referenced in the document as

1.2 "Transport for NSW (2019). Personal correspondence."

- 1.3 On 18 February 2025, a request for payment of a processing charge as an advance deposit was made. Confirmation of payment of the advance deposit was received by TfNSW on 3 March 2025.
- 1.4 On 28 March 2025, Ms Natacha Doust decided that, to the extent that information is held by TfNSW, it would be released to you in full. In addition, Ms Doust decided that your application did not meet the criteria required by 66(1) of the GIPA Act as she was not satisfied that the information applied for was "of special benefit to the public generally" (**the original decision**).
- 1.5 To date, as you have not paid the balance of the processing charges, the requested information has not been released to you.

## 2 Your Internal Review application

- 2.1 On 12 May 2025, Transport for NSW (TfNSW) received application for Internal Review in the following terms:

*The following is my argument for why I am eligible for the public interest discount (which I had included in my 2025-04-07 email):*

*I am writing to request a reconsideration of your determination not to apply a 50% reduction in the processing charges under section 66(1) of the Government Information (Public Access) Act 2009 ("GIPA Act"). To clarify, I am requesting an "internal review by another officer of TfNSW, who is no less senior than me" at this time.*

*I acknowledge and appreciate the detailed attention given to the processing of this request, as well as the release of the information in full.*

*However, I believe that the information released does meet the threshold of "special benefit to the public generally" as outlined in both the Act and Information Access Guideline 2 - Discounting Charges ("Guideline 2") issued by the Information and Privacy Commission (IPC). I would like to submit additional detail in support of this claim.*

### *1. Public Interest and Special Benefit*

*Per section 66(1) of the GIPA Act, a discount applies if the agency is satisfied that the information is of "special benefit to the public generally." Appendix 1 of IPC Guideline 2 provides a checklist of non-exhaustive questions, several of which are met by this request:*

#### *A. "Special Benefit" Element*

*Q1: Does the information relate to an issue of public debate?*

*Yes. The issue of traffic signal timing in the Sydney CBD is currently under active public discussion. Recent coverage in the Sydney Morning Herald and ABC News (Sept 2023) demonstrates significant media and community interest.*

*Q4: Would release of the information contribute to further analysis or research?*

Yes. The data offers a valuable baseline for ongoing discussions and research into the effects of signal timing on pedestrian accessibility, traffic flow, and modal equity.

Q5: Would the information add to the public's knowledge of issues of public interest?

Yes. The documents help the public understand how signal timing affects walking, cycling, and public transport. This is especially relevant in light of Sydney's stated transport and climate policy goals.

Specifically if the study discusses the benefits of reducing overall signal phases in the eastern City CBD - there are many other important centres, for example - Liverpool, Campbell Town, Parramatta, Penrith, Chatswood and Blacktown will all also benefit from broader Community and stakeholder awareness of the benefit of 90 second signal phases. More transparent information is the only way for advocates to influence the Government.

If the study results extend to saving lives) specifically helping to reduce the impacts of road trauma in urban centres by reducing the amount of time people spend waiting at signals) then the Community needs to know what it should be asking TfNSW to deliver to stop killing people in City Centres. 50 people are killed on roads and streets every year – many of these people are killed waiting at signals or taking risks to cross streets because signal wait times are too long.

The evidence gathered to support this trial is extremely helpful to make a compelling case to TfNSW that they should do more.

B. "Public generally" element

Q7(d): Would any groups with shared community interest have a special interest in the information?

Yes. WalkSydney, the peak body for walking in Sydney has long advocated for improved pedestrian conditions including changes to signal cycles. See e: <https://walksydney.org/about/asks/>.

The City of Sydney - Walking Strategy also advocates for reducing wait time for people at signals.

Q8: Is the information likely to lead to broader publication or public discussion?

Yes. My track record at <https://jakecoppinger.com> has shown, and as a volunteer contributor to Better Streets and WalkSydney, I write regularly on transport equity and have a track records of broader dissemination and media engagement on such topics.

## 2. Precedent: Shoebridge v Forestry Corporation 2016

As cited in your letter Shoebridge v Forestry Corporation of NSW 2016 clarifies that "special benefit" does not require extraordinary or exceptional public value-merely that it is "different from the ordinary or usual".

In that context, I submit that:

- *The application did not seek personal information;*
- *The purpose of the request is transparency, policy analysis and civic engagement;*
- *The data is already proven to have wider public media and stakeholder interest.*

*Even if the data is from 2018, its relevance persists: it represents one of the few examples where a pedestrian priority implementation across a wide area is known and a study has been undertaken.*

*Pedestrian signal priority in the City of Sydney area remains central to current active transport policy debates.*

*-In February 2025 the Pedestrian Representative (a member of WalkSydney) requested an update from TfNSW on a new program for automating signals (draft minutes attached).*

*-I am not aware of any qualitative public information on the impact of the 110-90s cycle time change had to any road users.*

*Historical context is not redundant – it can support better policy in future.*

*I hope that you can see that the 2018 program should not even be considered historical – it is still the largest Australia-wide example of improving pedestrian accessibility by adjusting traffic signals and yet the wider Australian public is poorer for not knowing more about it.*

### **3. Summary**

*Given that multiple criteria for both the “special benefit” and “public generally” elements are satisfied, I respectfully request that you reconsider your conclusion and grant a 50% discount on the processing fee, under section 66(1) of the GIPA Act.*

*This would align with both the intent and practical guidance of the Act and IPC Guideline 2. I am more than willing to clarify any aspect of this request or provide supplementary materials should they assist.*

## **3 Authority to make a decision**

- 3.1 I am authorised by the Principal Officer, to make reviewable decisions under the GIPA Act and to decide your application for internal review.
- 3.2 An internal review is to be done by making a new decision, as if the original decision had not been made, with the new decision being made as if it were being made when the access application to which the review relates was originally received.
- 3.3 While an internal review under the GIPA Act is a new decision which replaces the original decision, it is limited to the extent that it can only address information which had been sought in the original application.

## **4 IR Decision**

- 4.1 Your IR application requests that I reconsider the decision not to apply a 50% reduction in the processing charges under section 66(1) of the GIPA Act and provides your argument for why you are eligible for the “public interest discount”. I will limit my review to this aspect of the original decision.

- 4.2 I have read through your original application, the original decision and information that Ms Doust has decided to release to you.
- 4.3 I have also had regard to the Information Commissioner's Guideline on Processing Charges, and the case law of *Shoebridge* which is both referenced in the original decision and your IR application.
- 4.4 In the original decision, Ms Doust decided that the public interest considerations weighed in favour of release of the information to you. While not the case in your application, it is common for decisions to contain reference to numerous public interest considerations against disclosure, and detailed analysis of those in favour of disclosure, and the careful balancing of these interests.
- 4.5 Further, Ms Doust decided that there may be other interest in the requested information enough to warrant including a reference to your application in the agency disclosure log.
- 4.6 Considering now, section 66 of the GIPA Act, I note that it provides:
- 66 Discounted processing charge – special public benefit**
- (1) *An applicant is entitled to a 50% reduction in a processing charge imposed by an agency if the agency is satisfied that the information applied for is of special benefit to the public generally.*
- ...
- (3) *The Information Commissioner may, for the assistance of agencies, publish guidelines about reductions in processing charges under this section.*
- 4.7 The primary points in the *Shoebridge* case were raised both in the original decision and commented upon in your IR application. In your IR application you have adopted the discussion in paragraph 22 of the decision and stated:
- "special benefit" does not require extraordinary or exceptional public value-merely that it is "different from the ordinary or usual".*
- 4.8 I suggest that the discussion of how the words should be understood are best derived directly from the text of the decision:
22. *...In a statute which is to be construed beneficially in favour of disclosure, I do not consider that there has to be an extraordinary or exceptional benefit to the community at large, but merely something which is different from the ordinary or usual...*
23. *In summary, therefore, a decision-maker must decide whether he or she is satisfied that there is a benefit different from what is ordinary or usual to the general public, and thus not merely the private interests of the applicant alone.*
- 4.9 While one might draw a distinction between what is not ordinary and what is extraordinary, my intention in this instance is to draw attention to the use of the word "benefit", as opposed to "interest" both in section 66 and in the *Shoebridge*.
- 4.10 While possibly a typo, your IR application has exchanged the word "special benefit" with "public interest". I suggest that the choice of term in the GIPA is deliberate and important however feel that sometimes, as in your IR application, the distinction is not always made clear and the two concepts are considered together.
- 4.11 *Shoebridge* was about the spraying of chemicals in Forestry areas. While we are informed that the action occurred sometime in the past, the chemicals themselves would be remaining in the ecosystem in which they were used.
- 4.12 Accordingly, it would not seem unreasonable to conclude that information about the type of chemicals used, even if they were no longer used, could be of some benefit in understanding the ecological effects of using these chemicals.

- 4.13 The original decision noted that the requested information was created in 2018. While I note your comments about the ongoing interest in this information, it was created prior to some substantial changes occurred in the centre of Sydney. Not only, as mentioned in the original decision, the CBD and Eastern Suburbs Light Rail has been completed and is in full operation, there have been substantial demographic changes in the way that we work and use the office spaces in the city. While I accept that the information, represented in it appropriate context, could be of some historical interest, and potentially useful for research purposes in this type of context, I do not view this information as being potentially of a public benefit in the same way that I can see the information in the *Shoebridge* matter.
- 4.14 For example, I do not see the parallel between research into traffic light usage in 2018 in Sydney and the details of chemicals which could potentially have long term effects on the ecology and public safety.
- 4.15 While I do note the potential public interest in this information and agree that the balance weighs in favour of release of the information to you, I suggest that placing significance in the media coverage of this issue in Sept 2023, approximately 18 months ago, as evidence of the current public interest in an overly optimistic view of the attention span of Australian media. Further, while TfNSW receives many access applications for information about the whole suite of transport projects, infrastructure, research, studies and investigations, the requested information has not been the subject of any other access application.
- 4.16 If I am incorrect in my assessment of the current public interest in relation to this matter, I note that section 66 of the GIPA Act requires the decision maker to consider whether the “information applied for is of special benefit to the public generally” (my emphasis).
- 4.17 As such, while the subject matter may be of public interest, it is the information itself which must be deemed to be of special public benefit. While, as noted above, I do recognise that the information could attract some interest and could be used for research purposes. This observation, however, does not support your request to have the processing charges reduced for dealing with your access application.
- 4.18 Having regard to the current hot-topic items and what can be observed from current trends in access applications and in the media, I do not agree that the current public interest in this issue makes it an issue of public significance.
- 4.19 Even if the 90 second cycle times in Sydney CBD were a current item of media interest and that the requested information related to it, I suggest that this interest would demonstrate an increased or heightened public interest in the information (potentially overriding any public interest considerations against disclosure) rather than rendering the disclosure of this information to be of special public benefit.

## **5 Review rights**

- 5.1 If you disagree with my decision, you may apply for this decision to be reviewed by seeking:
- an external review by the NSW Information Commissioner; or
  - an external review by the NSW Civil and Administrative Tribunal (NCAT).
- 5.2 You have 40 working days to apply for an external review by the NSW Information Commissioner or the NCAT. See <https://www.transport.nsw.gov.au/about-us/access-to-information> for more information.

## **6 Further information**

- 6.1 For your information and assistance, I have enclosed a fact sheet explaining your rights

to have my decision reviewed.

Yours sincerely,

**Jarrod Whitbourn**

Director, Information Access