

**From:** IPC-Info ipcinfo@ipc.nsw.gov.au  
**Subject:** RE: Goulburn-Mulwaree Council - Formal Request for Information & Request for Policy and Procedure  
**Date:** 23 December 2022 at 1:09 PM  
**To:** NSW Freedom of Information info@nswfreedomofinformation.net



Dear Ms Webb

Thank you for your email. I apologise for the delay in our response to your enquiry.

I understand from the below email thread that you made an access application to the Goulburn-Mulwaree Council (the Agency) on the 9 November 2022 and that on 14 November 2022 the Agency requested that you resubmit your application using Council's Formal Access Application Form.

You have asked if the Agency's correspondence of 14 November 2022 constitutes a reviewable decision that your access application is invalid. Unfortunately, our general enquiries service cannot provide you with legal advice nor make findings of fact as might be relevant to an external review on the basis of a general enquiry. I can only advise you that, in general, an initial decision under the GIPA Act would ordinarily be constituted by what is confirmed in the notice of decision issued in accordance with sections 51(1) and 126. An acknowledgment of receipt or other kinds of responses to an application may not conform to the conduct requirements necessary to be regarded as administrative decisions.

As an aside, I would note that the GIPA Act does not prescribe the use of a form for the purposes of section 41 in satisfying the requirements for the making of a valid access application.

As discussed above, the IPC is not able to provide you with any definitive view or outcome in the context of a general enquiry. Should you wish to lodge an application for external review – either because the Agency is late to make a decision (per section 63 of the GIPA Act) or on the basis that you consider the Agency have found your 9 November application to be invalid – it is open to you to confirm by reply that you wish for your correspondence to be treated as an application for external review or, in the alternative, to [lodge a review application](#) with our office. Alternatively, it is also open to you to make a complaint about the Agency action or inaction in the exercise of functions under the GIPA Act in respect of it requiring you to resubmit your access application using the Council's Formal Access Application Form.

I trust this information will be of assistance. Please contact our general enquiries service on 1800 472 679 should you have any further questions.

Kind regards

Timothy Fleming  
**Manager, Investigation and Review**

**Information and Privacy Commission NSW**

Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000

Free call: 1800 472 679 | Fax: (02) 6446 9518

[timothy.fleming@ipc.nsw.gov.au](mailto:timothy.fleming@ipc.nsw.gov.au) | [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

The Information and Privacy Commission NSW acknowledges the Traditional Custodians of the lands where we work and the places in which we live.