



Office of the Hon Andrew Constance MP
Minister for Transport and Roads

Mr Roydon NG
PO Box 470
Lidcombe NSW 1825

Via email: [REDACTED]

27 October 2020

Dear Mr NG

**Notice of decisions under the
Government Information (Public Access) Act 2009**

Applicant:	Roydon NG
Decision maker:	Simon Moses
Formal application received date:	19 October 2020
Formal application due date:	30 November 2020
Formal application date of decision:	27 October 2020

1 Your formal access application

On 19 October 2020 the Office of the Minister for Transport and Roads received your application under the *Government Information (Public Access) Act 2009 (GIPA Act)* for the following information:

“In Minister Constance’s capacity as the Minister for Transport since 2015 to current date, which persons, groups, and organisations have received videos from Minister Constance?”

For all persons, groups, and organisations having received a video from Minister Constance, I request a list showing their name(s), name of representative(s), date of meeting/date of request or invitation, any payments made for the video, reason for the video, video subject/purpose, filming date, method of video distribution/release, video recipients(s) name, and filename of video.”

For the purposes of interpreting your application, the reference in your application to the phrase “to current date” has been interpreted as a reference to 13 October 2020.

On 20 October 2020 I wrote to you to confirm that your application was determined to be valid.

In your application you indicated a preference for receiving correspondence by email at [REDACTED].

I am authorised by the Minister for Transport and Roads, for the purposes of section 9 of the GIPA Act, to decide your application.

2 Searches

Under the GIPA Act, we must conduct reasonable searches to locate the government information for which you have applied under your application. The Office of the Minister for Transport and Roads has conducted searches of their records to satisfy the requirements of the GIPA Act.

The following search terms were used in searching our electronic records:

- video;
- filming;
- Minister video; and
- video message.

3 Decision in relation to your formal access application

I have decided that the information requested by you in your access application is not held in accordance with section 58(1)(b) of the GIPA Act.

I confirm that no list or spreadsheet exists which summarises the information you requested in your application.

4 Decision to informally release information similar to your formal application

The GIPA Act only provides access to information held in existing government records and does not facilitate the provision of bespoke explanations with relation to the activities of government. That is, new records are not required to be created to respond to an application under the GIPA Act. Notwithstanding my Decision in relation to your formal application, having regard to my obligations to provide advice and assistance under section 16 of the GIPA Act, I have decided to treat part of your application as an informal request for information under section 8 of the GIPA Act. As you know, the GIPA Act authorises and encourages the provision of information in response to an informal request, except where there is an overriding public interest against disclosure. In treating part of your formal application as an informal request, I have determined to provide you with access to the information you have requested by creating a new record in accordance with section 75 of the GIPA Act.

The requested information is as follows:

Video 1

Organisation name: Transport Heritage NSW

Name of representative/video recipient: Mr David Bennett, Marketing and Communications Manager

Date of request or invitation: 13/09/20

Any payments made for video: No

Reason for the video: Minister unable to attend event in person

Video subject/purpose: Congratulate winners of transport heritage grants

Filming date: 18/10/20

Method of video distribution/release: Citrix Sharefile

Filename: Transport Heritage Grants 2019

Video 2

Organisation name: Transport Heritage NSW

Name of representative/video recipient: Mr David Bennett, Marketing and Communications Manager

Date of request or invitation: 13/09/20

Any payments made for video: No

Reason for the video: Minister unable to attend event in person

Video subject/purpose: Reinforce the NSW Government's support for the heritage sector

Filming date: 18/10/20

Method of video distribution/release: Citrix Sharefile

Filename: Transport Heritage AGM

Video 3

Organisation name: The International Association of Public Transport (UITP) Australia/New Zealand

Name of representative/video recipient: Ms Cassandra Koudelka, Senior Event Manager

Date of request or invitation: 01/10/20

Any payments made for video: No

Reason for the video: Minister unable to attend event in person

Video subject/purpose: Keynote address - Zero Emissions Bus Forum

Filming date: 16/09/20

Method of video distribution/release: Hightail

Filename: UITP_Constance address

Video 4

Organisation name: NSW Ports

Name of representative/video recipient: Ms Vida Cheeseman, Head of Corporate Affairs

Date of request or invitation: 10/12/19

Any payments made for video: No

Reason for the video: Minister unable to attend event in person

Video subject/purpose: Acknowledgement of the 40th anniversary of Port Botany

Filming date: 12/10/20

Method of video distribution/release: Citrix Sharefile

Filename: Ports 40th

Video 5

Organisation name: Australasian Railway Association

Name of representative/video recipient: Mr Mal Larsen, Government Relations Manager

Date of request or invitation: 30/07/20

Any payments made for video: No

Reason for the video: Rail Safety Week

Video subject/purpose: Reinforce importance of rail safety

Filming date: 03/08/20

Method of video distribution/release: Citrix Sharefile

Filename: Rail Safety Week 2020

I have also decided to provide you with access to the videos referred to above. A copy of each of the videos may be downloaded from the following URL:

<https://nswmin.sharefile.com/d-s93c448a299740d5a>

Please note that the videos will only be available for download at the above URL for 14 days from the date of this Decision, at which point it will be removed. I encourage you to download and access the file in advance of that time and save it accordingly should you so wish.

I note that the aforementioned information includes the information of third parties. Accordingly, I consulted with those third parties prior to deciding to release them to you. Those parties did not object to the release of the information.

You may be interested to know that under the *State Records Act 1998* and Items 1.13 and 1.21 of Part 1.2 of the Guidance Note entitled '*General Retention and Disposal Authority - Records of a Minister's Office (GDA 13)*' issued by the State Archives and Records Authority of NSW, records relating to:

- routine enquiries or information requests concerning the portfolio responsibilities of a Minister; and
- all functions, celebrations or ceremonies other than those of State significance or organised to mark major anniversaries of significant events or structures,

are only required to be retained until they are no longer required for administrative purposes, at which time they are permitted to be destroyed. That is, they are not records which are required as State archives.

I note that I have not provided you with access to the short video message from the Minister for Transport and Infrastructure prepared for Locals for Metro Southwest in 2018 as you already have a copy of that video.

5 Review rights

If you disagree with my Decision in relation to your formal application, you may apply for that Decision to be reviewed by seeking an external review by the:

- NSW Information Commissioner; or
- NSW Civil and Administrative Tribunal.

You have 40 working days to apply for an external review by the NSW Information Commissioner or the NSW Civil and Administrative Tribunal.

6 Further information

For your information and assistance, I have enclosed a fact sheet explaining your rights to have my Decision in relation to your formal application reviewed.

Yours sincerely



Simon Moses
Senior Adviser