



## **GUNNEDAH SHIRE COUNCIL**

# **Government Information (Public Access) Act 2009**

## **ANNUAL REPORT 2012/13**

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**Gunnedah Shire Council**  
**63 Elgin Street, PO Box 63, GUNNEDAH NSW 2380**  
Tel: (02) 6740 2100. Fax: (02) 6740 2119  
Email: [council@infogunnedah.com.au](mailto:council@infogunnedah.com.au)  
Web: [www.infogunnedah.com.au](http://www.infogunnedah.com.au)

# Purpose of Annual Report

In accordance with Section 125(1) of the Government Information (Public Access) Act 2009 (GIPA), Gunnedah Shire Council is required to produce a report on our GIPA obligations and submit this report to the Minister of Local Government by 31 October each year. A copy of the report is to be provided to the Information Commissioner.

## 1. Review of proactive release program – Clause 7(a)

Under Section 7 of the GIPA Act, Council must review its programs for the release of government information to identify the kinds of information that can be made publicly available. This review must be undertaken at least once every 12 months.

During the reporting period, Council reviewed its program and as a result of the review, implemented the following:

- i) In the full spirit of GIPA, Gunnedah Shire Council is committed to providing as much information as possible to the public via Council's website – [www.infogunnedah.com.au](http://www.infogunnedah.com.au) which demonstrates Gunnedah Shire Council's commitment to being open and transparent.
- ii) To assist the public in applying for information not already publicly available on Council's website, both informal requests and formal access applications.
- iii) A form allowing property owners to request adjoining owner information is utilised.
- iv) Council identified the following information was being requested repeatedly:
  - a) drainage diagrams;
  - b) deposited plans;
  - c) plans (open access information);
  - d) residential internal floor plans.

After consideration of the above it was determined as follows:

- Although the requested information noted in (a) to (c) above is freely available from Council, due to insufficient technological capability and costs and resources involved, it was not possible to provide this type of information on Council's website.
  - In respect of (c) and (d) above, these documents are subject to copyright and, in compliance with Section 6(6) of the Act, cannot be posted on Council's website due to breach of copyright. Plans (with the exception of internal floor plans) may be viewed at Council's offices and copies provided, conditional upon written consent of the copyright owner being provided.
  - Internal floor plans may be viewed by an applicant, conditional upon the applicant providing written consent of the property owner. If copies of internal floor plans are required, additional written consent of the copyright owner is required.
- v) Media releases were posted on Council's website regularly (which are forwarded to radio stations and newspapers) which gave details about Council projects and services and the direction Council is taking (and, in the spirit of GIPA, are a mechanism for keeping the community informed of what is happening in the Shire).
  - vi) Council released information on a number of projects, initiatives and developments on its website including:
    - a) Saleyards expansion.
    - b) Blackjack Creek drainage.
    - c) Koala management.
    - d) ARTC overhead rail bridge.
    - e) Road closure notices.
    - f) CCTV project.

- g) Scholarship fund.
  - h) Development Applications are on public exhibition and can now be viewed on Council's website.
  - i) Organisational structure review available on the website.
  - j) Special Rate Variation application.
- vii) Council reviewed information held in its document management system, Dataworks, and concluded that this information is not able to be published on the web, due to the costs and resources involved, and concerns in relation to privacy once the information is made publicly available. Therefore, an assessment will be carried out upon request for such information, on whether to make it available to the public.
- viii) Council's customer service staff continued to proactively release many categories of easily accessible information such as mapping and spatial information via the telephone, email or in person without the requirement of the applicant completing an Access to Information Application form.

Council is satisfied that all relevant and applicable information is being made available to the public.

## 2. Number of access applications received – Clause 7(b)

During the reporting period, 1 July 2011 to 30 June 2012, Council received a total of four formal access applications (including withdrawn applications but not invalid applications).

## 3. Number of refused applications for Schedule 1 Information – Clause 7(c)

During the reporting period, Council did not receive any formal access applications that were refused, either wholly or in part, because the information requested was for information referred to in Schedule 1 of GIPA Act.

## 4. Statistical information about access applications – Clause 7(d) and Schedule 2

Table A: Number of applications by type of applicant and outcome*								
	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of parliament	0	0	0	0	0	0	0	0
Private sector businesses	0	0	0	0	0	0	0	0
Not for profit organisations or community groups	0	0	0	0	0	0	0	0
Member of the public (application by legal representative)	1	0	0	0	0	0	0	0
Members of the public (other)	2	0	0	0	0	0	1	0
* More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.								

**Table B: Number of applications by type of applicant and outcome\***

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications	0	0	0	0	0	0	0	0
Access applications (other than personal information applications)	3	0	0	0	0	0	1	0
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0

\* A personal information application is an access information for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

**Table C: Invalid applications**

Reason for invalidity	No of applications
Application does not comply with formal requirements (section 41 of the Act)	0
Application is not excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

**Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 of Act**

	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0

\* More than one public interest consideration may apply in relation to a particular access application and, if so, each consideration is to be recorded (but only once per application). This also applies in relation to Table E.

**Table E: Other public interest consideration against disclosure: matters listed in table to section 14 of Act**

	Number of occasions when application not successful
Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	0
Business interests of agencies and other persons	0
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0

**Table F: Timeliness**

	No of applications
Decided within the statutory timeframe (20 days plus any extensions)	2
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	2
TOTAL	4

**Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)**

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner *	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Review by ADT	0	0	0
TOTAL	0	0	0

\* The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

**Table H: Applications for review under Part 5 of the Act (by type of applicant)**

	Number of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0