



# *Warrumbungle Shire Council*

*Government Information (Public  
Access) Act*

*Annual Report 2012/2013*

## **Background**

Under Section 125 of the Government Information (Public Access) Act 2009 (GIPA Act) and clause 7 of the Government Information (Public Access) Regulation (GIPA Regulation), Council is required to prepare an annual report on its GIPA obligations. This document forms Warrumbungle Shire Council's Annual Report for the period 2012-2013.

The Government Information (Public Access) Act 2009 (**GIPA Act**) came into effect on 1 July 2010. The new right to information system requires councils and other government agencies to proactively release documents to improve openness, transparency and accountability in government.

Members of the public have rights to access, in accordance with the Government Information (Public Access) Act 2009 (GIPA Act), certain information held by council. Council is under a mandatory obligation to publish 'open access information' unless there is an overriding public interest against disclosure.

Warrumbungle Shire Council is committed to providing the community with as much access as possible to information held by Council, consistent with the following principles:

- Open and transparent government
- Consideration of the overriding public interest in relation to access requests
- Proactive disclosure and dissemination of information
- Respect for the privacy of individuals

In the Annual Report we are required to include statistical information on formal access applications in the form required by Schedule 2 of the GIPA Regulation.

## **Review of proactive release program (clause 7(a) – GIPA Regulation)**

Under *section 7(3) of the GIPA Act*, Council must undertake a review, at least once every year, of its program for the proactive release of the information it holds where this would be in the public interest and not impose an unreasonable additional cost on the Council.

Warrumbungle Shire Council's program is achieved by providing information through publication on Council's website or through inspection of paper or electronic versions of information following a written request. Council prefers written requests for access to information that cannot be sourced from its website in order to clearly identify the information sought. In order to reduce costs to our customers, Council encourages applications to be made, in the first instance, under the informal request provisions of the *GIPA Act*. Council's program for the proactive release of information also involves identifying the information repeatedly being asked for, both formally and informally.

During the reporting period, we reviewed this program by:

- Regularly checking Council's website for content and currency of information
- Reviewing the informal requests and formal Access Applications received by Council to evaluate the type of information the community is seeking access to and determining whether any of that information could be proactively released within Council's current capabilities.
- Promoting information to the community through local print media and advertising of items on public exhibition. Further, Council identified the need to increase its advertising and promotion of Council's activities, initiatives and information. This was achieved

through the development and availability of Community Newsletters with relevant documentation available on Council's website.

- Under the review, staff also identified that enclosure documents relating to Council's ordinary business meeting agendas were not being accessed by members of the public. Those relevant attachments or enclosures are now available on the website when the monthly Business Agenda is made publically available.

#### **Number of access applications received (clause 7(b) – GIPA Regulation)**

During the reporting period, council received a total of three (3) formal access applications.

#### **Number of refused applications for Schedule 1 information (clause 7(c) - GIPA Regulation)**

No application was refused during the reporting period with information provided in relation to each application received.

The following tables provide statistical information regarding those applications:

**Statistical information about access applications (clause 7(d) and Schedule 2 – GIPA Regulation)**

Information, in the form required by the tables in Schedule 2 of the GIPA Regulation, relating to the access applications made to Council during the reporting year is shown in the following Tables A – H.

The data demonstrates Council’s commitment to openness and accountability and a willingness to meet the needs of our customers.

<b>Table A: Number of applications by type of applicant and outcome*</b>								
	<b>Access granted in full</b>	<b>Access granted in part</b>	<b>Access refused in full</b>	<b>Information not held</b>	<b>Information already available</b>	<b>Refuse to deal with application</b>	<b>Refuse to confirm/deny whether information is held</b>	<b>Application Withdrawn</b>
Media								
Members of Parliament								
Private sector business	1							
Not for profit organisations or community groups								
Members of the public (application by legal representative)	2							
Members of the public (other)								

\*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 application 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*								
Access applications (other than personal information applications)	3							
Access applications that are partly personal information applications and partly other								

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

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

	<b>Number of times consideration used*</b>
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 such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

**Table E: Other public interest considerations 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**

	Number of application
Decided within the statutory timeframe (20 days plus any extensions)	3
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
<b>Total</b>	

**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
Review by Information Commissioner*			0
Internal review following recommendation under section 93 of Act			0
Review by ADT			0
<b>Total</b>			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

## **Contacting Council**

### **Public Officer – Right to Information Officer**

The Director Corporate Services has been appointed as the Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council.

The Public Officer is also Council's Right to Information Officer and, as such, is responsible for determining applications for access to documents or for the amendment of records. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer. Also if you would like to amend a document of Council which you feel is incorrect it is necessary to you to make written application to the Public Officer in the first instance.

Enquiries should be directed to:

The General Manager  
Warrumbungle Shire Council  
20-22 John Street  
COONABARABRAN NSW 2357

Postal Address: P O Box 191  
COONABARABRAN NSW 2357

Telephone: 02 68 49 2000

Facsimile: 02 68 42 1337

Email: [info@warrumbungle.nsw.gov.au](mailto:info@warrumbungle.nsw.gov.au)

Council's website: [www.warrumbungle.nsw.gov.au](http://www.warrumbungle.nsw.gov.au)

Office hours for public access: 8.30 am to 4.30 pm Monday to Friday  
(Excluding public holidays)

Switchboard operates: 8.15 am to 4.30 pm Monday to Friday  
(Excluding public holidays).

### **Office of the Information Commissioner:**

If you require any other advice or assistance about access to information you may contact the Office of the Information and Privacy Commission by telephone on 1800 472 679 (free call) or by email at [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
The IPC website is [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

Postal address: GPO Box 7011 Sydney 2001  
or visit the office at Level 11, 1 Castlereagh Street Sydney.