



Woollahra Municipal Council Annual Report 2017/18

Part 6 –
Government Information
(Public Access) Act 2009

Part 6 Government Information (Public Access) Act (GIPA Act)

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Background

The Government Information (Public Access) Act 2009 (GIPA Act) became operational on 1 July 2010 and introduced a new “right to information” approach for access to government information.

Council is required to prepare an annual report in accordance with the requirements of section 125 of the GIPA Act and clause 7 of the Government Information (Public Access) Regulation (GIPA Regulation). 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.

This section is Council’s GIPA Act Annual Report for the financial year 2017/18.

Review of Proactive Release Program

Government Information (Public Access) Regulation 2009 Reg (7) (a)

Council is required under the GIPA Act section 7 (3) to review its program for the release of government information to identify the kinds of government information held by Council that should, in the public interest, be made publicly available and that can be made publicly available without imposing unreasonable additional costs on Council. This review must be undertaken at least once every 12 months.

Council’s program for the proactive release of information involves maintaining and promoting to staff a practice of openness and accountability of corporate information and decision making which is embodied in Council’s corporate values as *“Open, accountable communication”*.

Open, accountable communication

The program is achieved by providing information through extensive publication on Council’s website or through inspection of paper and / or electronic 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.

During 2017/18, Council reviewed its program for release of government information by:

- Regularly checking Council’s website for content and currency of information, paying particular attention to ensuring the timely release of information relating to new proposals, developments, programs, services and initiatives of Council;

- Regular briefings to Customer Information call centre staff, management, other targeted staff and new staff. Briefings reinforce Council’s open and accountable ethos, combined with Council’s responsibilities under the GIPA Act and the relationship to other legislation that potentially restricts access to certain information, (including the Privacy and Personal Information Protection Act, Health Records and Information Privacy Act and the Companion Animals Act);
- Reviewing Council’s Access to Information Policy and Procedures to ensure they are compliant with legislation and are able to be applied in practice;
- Reviewing information requests and formal Access Applications received by Council to evaluate the type of information the community is seeking access to and whether any of that information could be proactively released with Council’s current technological and human resource capabilities; and
- Evaluating how to provide better access to Development Application information during the public notification process.

During 2017/18, Council continued to proactively release information, in addition to the statutory release of open access information, by:

- Reporting to the community through prominent display on its website and local print media *“Have your say”* and public exhibition notices of proposed activities, policies and strategies which invites community feedback during the decision making process;
- Advertising Council managed and community activities and events through a monthly *“What’s on”* calendar of events (printed and e-newsletter distributed to over 2,600 people), web-based calendar of events, social media tools including Facebook and Twitter, outdoor banners and a series of *“Out and about”* posters on community notice boards;
- Publishing a monthly *“Woollahra Library”* newsletter (printed and e-newsletter distributed to over 4,600 people) featuring news, events, book reviews and special giveaways from Council’s libraries and communicating via various social media tools including Facebook, Twitter, Flickr, Youtube and podcasts;
- Publishing a *“Woollahra Small Sculpture Prize”* e-newsletter (distributed to over 4,100 people) featuring information for artists wishing to enter the event as well as information on judges, exhibition dates, artist talks, school tours and more. This is supported by multiple social media tools including Facebook, Twitter, Instagram and Pinterest;

- Publishing a quarterly “*Bush Telegraph*” e-newsletter about bush regeneration, flora and fauna;
- Publishing a quarterly “*Our Environment*” e-newsletter promoting environmental issues and events;
- Distributing regular “*Media Releases*” on Council decisions, projects, services and events and matters of community interest and activities that are supported by Council;
- Hosting a range of community events that promote what we do and enhance community engagement; and
- Maintaining an on-line DA Tracking facility on Council’s website including online access to Development Application plans and associated documents during the public exhibition period.

(Note: for copyright reasons, plans and associated documents are removed from online access following determination of the Development Application however, inspection access is still available subject to restrictions on internal floor plans where the applicant is not the owner of the property).

Number of access applications received

Government Information (Public Access) Regulation 2009 Reg (7) (b)

During the reporting period, Council received a total of thirty-one (31) formal access applications of which twenty-eight (28) were approved either in full or in part. One (1) application was withdrawn and two (2) applications were refused.

Number of refused applications for Schedule 1 information

Government Information (Public Access) Regulation 2009 Reg (7) (c)

During the reporting period, two (2) applications were refused. One application was reviewed internally and information was provided in part with information of a private or personal nature redacted.

Statistical Information about Access Applications

Government Information (Public Access) Regulation 2009 Reg. (7) (d) and Schedule 2

Information, in the form required by 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 to H.

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

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 business	4	1	0	0	0	0	0	0
Not for profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	12	2	1	0	0	0	0	0
Members of the public (other)	7	1	1	1	0	0	0	1

*More than one decision can be made in respect of a particular access application. If so, a recording is made in relation to each 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*	4	3	2	0	0	0	0	0
Access applications (other than personal information applications)	19	1	0	1	0	0	0	1
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 application 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	Number of applications
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 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 the 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	1
Transport safety	0
Adoption	0
Care and protection of children	1
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 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 the Act	
	Number of occasions when application not successful *
Responsible and effective government	0
Law enforcement and security	3
Individual rights, judicial processes and natural justice	1
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

**There were four (4) times where the applications were not successful under the “Individual rights, judicial processes and natural justice” provisions of the Act relate to applications for access to development applications for residential properties.*

Where the applicant was the owner of the property Council refused access to the list of private addresses of other parties that had been notified of the development application by Council during the DA public notification period.

Where the applicant was not the owner of the property Council refused access to internal floor plans and the list of private addresses of other parties that had been notified of the development application by Council during the DA public notification period.

All other information relating to the development applications was released to the access applicants.

Table F: Timeliness	
	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	31
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	31

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	1	0	1
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	1	0	1

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

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

	Number of applications for review
Applications by access applicants	1
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

Table I: Applications transferred to other agencies under Division 2 of Part 4 of the Act (by type of transfer)

	Number of applications transferred
Agency-initiated transfers	0
Applicant-initiated transfers	0