

Government Information (Public Access Act) 2009

Annual Report 2018/2019

Annual Report 2018/2019

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Purpose of Annual Report

In accordance with Section 125 (1) of the Government Information (Public Access) Act 2009 (GIPA), Orange City Council is required to report annually on its obligations under the GIPA Act 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.

The GIPA Act replaced the Freedom of Information Act 1989 on 1 July 2010. The GIPA Act creates rights to information that are designed to meet the community's expectations of more open and transparent government. It encourages the routine and proactive release of government information including information held by providers of goods and services contracted by government agencies.

The annual report that Council is required to prepare under Section 125 of the Act must include the following (as stipulated in Clause 8 of the GIPA Regulations):

- 1 Details of the review carried out by Council under section 7(3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review;
- 2 The total number of access applications received by Council during the reporting year (including withdrawn applications but not including invalid applications);
- 3 The total number of access applications received by Council during the reporting year that Council refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (Information for which there is conclusive presumption of overriding public interest against disclosure);
- 4 Information, as set out in the form required by the tables in Schedule 2 of the GIPA Regulations, relating to the access applications (if any) made to Council during the reporting year.

The following information is provided in accordance with the above requirements for the reporting year, 1 July 2018 to 30 June 2019.

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1 Review of proactive release program (*Clause 8(a) GIPA Regulation 2018*)

Under Section 7(3) of the GIPA Act, agencies must review their 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.

Orange City Council is committed to providing the community open and transparent access to information about our services, activities and business operations. Much of this information is routinely provided, which is identified in our Agency Information Guide, publicly available on Council's website.

Council launched its new website in August 2018, making it more user friendly for the public to navigate its website and obtain information. Council's new "Access to Information" webpage has had over 1,337 views for the year ended 30 June 2019.

As part of Council's review of its proactive release program, the following actions were undertaken throughout the reporting period (1 July 2018 to 30 June 2019):

- i) Ongoing review/updating of:
 - Council's Agency Information Guide
 - Council's Access to Information Policy
 - Council's Public Registers including Contracts Register and Graffiti Register

- ii) An Informal Applications Log Register has been maintained to capture the types of information requested informally. The main objective of this register is to identify information repeatedly requested which Council could consider releasing proactively on its website. Council received 424 informal Access to Information applications for the 2018/2019 reporting year. It was found the following information has been predominantly requested:
 - a) Drainage Diagrams
 - b) Deposited Plans
 - c) Final Occupation Certificates
 - d) Home Warranty Insurance Certificates
 - e) Building Approvals/DA Determinations
 - f) Construction Certificates
 - g) Planners' reports
 - h) Elevation, site and engineering plans
 - i) Internal floor plans, both residential and commercial

After consideration of the above it was determined as follows:-

- Although the requested information noted in a) to g) above is freely available for viewing (and, in cases where a copy is requested, for a charge not exceeding reasonable photocopying costs), due to insufficient technological capability and costs and resources involved, it was not possible to provide this type of information on Council's website.

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- In respect of h) and i) 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 exception of residential internal floor plans) may be viewed at Council's offices and copies provided, conditional upon written consent of the copyright owner being provided.
 - In respect of i) above, internal residential floor plans may be viewed by an applicant, conditional upon the applicant providing written consent of the property owner and the property owner providing evidence of ownership. If copies of internal floor plans are required, additional written consent of the copyright owner is required.
- iii) Regularly reviewing on-line content and updating as required.
- iv) Media releases are posted on Council's website regularly (which are forwarded to TV, radio stations and newspapers) which gives details about Council projects and services and the direction Council is taking (and, in the spirit of GIPA, are a tool keeping the community informed of what is happening in the City).
- v) Council has released information on a number of projects, initiatives and developments on its website including:
- Major road upgrades for Forest Road, Cargo Road and Burrendong Way
 - Roundabout construction at Wentworth Lane/Woodward Street intersection
 - Construction and replacement of footpaths
 - Completion of Orange to Carcoar pipeline
 - Installation of water main for the reticulation network at Lake Canobolas
 - Works completed for the renewal of the Moulder Street water main from Endsleigh Avenue to McLachlan Street
 - Works completed in respect of renewal of sewer mains throughout the city
 - Progression of Southern Feeder Road Stage 2 including Railway bridge
- vi) Council has reviewed information held in its document management system 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.
- vii) Council's customer service staff continue 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 informal Access to Information Application form.

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- viii) Many exhibits of various projects are set up in the foyer at Council's Administration Building for public viewing.
- ix) Council-managed and community activities and events regularly promoted via social media.

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

2 Number of access applications received (*Clause 8(b) GIPA Regulation 2018*)

During the reporting period, **1 July 2018 to 30 June 2019**, Orange City Council received a total number of **2** formal access applications (including withdrawn applications but not invalid applications).

3 Number of refused applications for Schedule 1 Information (*Clause 8(c) GIPA Regulation 2018*)

During the reporting period, Orange City Council received a total number of **0** 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 8(d) and Schedule 2 GIPA Regulation 2018*)

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 | 0 | 1 | 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) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Members of the public (other) | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 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

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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 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Access applications (other than personal information applications) | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 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 contrives restraint order (section 110 of the Act) | 0 |
| Total number of invalid applications received | 0 |
| Invalid applications that subsequently became valid applications | 0 |

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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 |
| Information about complaints to Judicial Commission | 0 |
| Information about authorised transactions under Electricity Network Assets (authorised Transactions) Act 2015 | 0 |
| Information about authorised transaction under Land and Property Information NSW (Authorised Transaction) Act 2016 | 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 |
| Exempt documents under interstate Freedom of Information legislation | 0 |

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Table F: Timelines

| | Number of applications |
|---|------------------------|
| Decided within the statutory timeframe (20 days plus any extension) | 2 |
| Decided after 35 days (by agreement with applicant) | 0 |
| Not decided within time (deemed refusal) | 0 |
| Total | 2 |

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 NCAT | 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 |
| Total | 0 |

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

| | Number Of Applications For Review |
|-------------------------------|-----------------------------------|
| Agency-initiated transfers | 0 |
| Applicant-initiated transfers | 0 |
| Total | 0 |

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End of Report

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