

# ACCESS TO INFORMATION HELD BY COUNCIL

ST083

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## OBJECTIVES

The objective of this policy is to state Council's procedures and protocols providing public access to information as governed by Government Information (Public Access) Act 2009.

## APPLICABILITY

This policy applies to anyone wishing to access information from Orange City Council and also Council employees in complying with the Government Information (Public Access) Act 2009.

## GENERAL

The Government Information (Public Access) Act 2009 ("GIPA") replaced the Freedom of Information Act 1989 and Section 12 of the Local Government Act.

The GIPA Act is designed to promote a more open, accountable, fair and effective government and provides the public with an enforceable right to access Council information.

The only restriction to release to information is when there is an overriding public interest against disclosure.

Council is not required to make government information available in any way that would constitute a breach of copyright.

## PROCEDURE

The procedure for dealing with applications to access Council information will be dealt with in accordance with the Access to Information Procedure.

## RELATED POLICIES/DOCUMENTS

Government Information (Public Access) Act 2009  
 Local Government Act 1993  
 Privacy and Personal Information Protection Act 1998  
 Copyright Act 1968 (Cwth)  
 Code of Conduct  
 Access to Information Held by Council Procedure

## Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	January 2009	09/453	4	5 June 2018	18/254
2	21 May 2013	13/223	5	2 April 2019	19/225
3	6 November 2014	14/1011	6	17 March 2020	20/089
All policies can be reviewed or revoked by resolution of Council, at any time.					

## SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
March 2020	<p>Following amendments to Access to Information Held by Council Procedure:</p> <ul style="list-style-type: none"> <li>• Formatting changes to whole of document.</li> <li>• Clause 1.3 – Informal Application - replacement of “Access to Information Application” with “Informal Request for Information form”.</li> <li>• Clause 1.4 – Formal Application - replacement of “Access to Information Application” with “Formal Access Application”.</li> <li>• Clause 2.2 – Excluded Information – replaced 13 categories of information with 16 categories of information for which there is a conclusive presumption of an overriding public interest against disclosure. Replaced “27” specifically named Acts referred to under overriding secrecy laws with “26” specifically named Acts.</li> <li>• Clause 4.2 - Review by Information Commissioner – addition of the words “The Information Commissioner must complete the review, and make any recommendations to Council within 40 working days after the Information Commissioner receives all information it considers necessary to complete the review.”</li> <li>• Clause 5.3 - Discount in Processing Charges – addition of the words “A processing charge must not be discounted under financial hardship or special public benefit by more than 50% even if both apply.”</li> <li>• Clause 8 – Contracts Register - addition of the words “(including GST)” after “\$150,000”.</li> <li>• Annexure C – Access to Information Application replaced with Informal Request for Information Form.</li> <li>• New Annexure D – Formal Access Application.</li> </ul>
November 2018	<p>Following amendments to Access to Information Held by Council Procedure:</p> <ul style="list-style-type: none"> <li>• Information about Development Applications (page 11) – addition of the words “records of decisions made on or after 1 July 2010” before “Development Applications” where appearing in Clause b).</li> <li>• Addition of clause 2(c) “Development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application” (page 11).</li> </ul>
March 2018	<p>Following amendments to Access to Information Held by Council Procedure:</p> <ul style="list-style-type: none"> <li>• Replacement of term “Administrative Decision Tribunal” with “NSW Civil and Administrative Tribunal (NCAT)”.</li> <li>• Page 7 – Additional Sub-heading – “Discount in Processing Charges – Formal Access Applications” and description of 3 categories where discount will apply.</li> <li>• Annexure A – information about Council. Addition of item “j) – Any codes referred to in LGA”.</li> <li>• Annexure C – Access to Information Form updated (formatting changes, Fees and Charges referenced to Council’s Schedule of Fees and Charges)</li> </ul>
November 2014	<p>Following amendments to Access to Information Held by Council Procedure:</p> <ul style="list-style-type: none"> <li>• Formatting changes to whole of document.</li> <li>• Page 4 – Restriction on Access to Information. Addition of sub-headings to include “Public Interest Test”, “Excluded Information” and “Copyright”.</li> <li>• Page 7 – Addition of Heading “Processing times/fees and charges” and addition of sub-headings, “Informal Requests for Information” and “Formal Access to Information”.</li> <li>• Page 8 – Addition of further information to Class 2 Contracts.</li> <li>• Annexure C – Access to Information Application form updated.</li> </ul>

# Strategic Policy

Access to Information Held By Council

Government Information (Public Access) Act 2009

# Table of Contents

<b>1</b>	<b>Forms of Access .....</b>	<b>3</b>
1.1	Mandatory Release .....	3
1.2	Proactive Release .....	3
1.3	Informal Application.....	3
1.4	Formal Application .....	3
<b>2</b>	<b>Restrictions on Access to Information.....</b>	<b>4</b>
2.1	Public Interest Test .....	4
2.2	Excluded Information.....	4
2.3	Copyright.....	5
2.4	Third Party Consultation .....	5
<b>3</b>	<b>Formal Application Process .....</b>	<b>6</b>
<b>4</b>	<b>Rights of Review and Appeal .....</b>	<b>6</b>
4.1	Internal Review by Council .....	6
4.2	Review by Information Commissioner .....	6
4.3	Review by NCAT .....	6
<b>5</b>	<b>Processing Times/Fees and Charges.....</b>	<b>7</b>
5.1	Informal Requests for Information.....	7
5.2	Formal Access to Information .....	7
5.3	Discount in Processing Charges – Formal Access Applications.....	7
<b>6</b>	<b>Disclosure Log.....</b>	<b>8</b>
<b>7</b>	<b>Agency Information Guide .....</b>	<b>8</b>
<b>8</b>	<b>Contracts Register.....</b>	<b>8</b>
<b>9</b>	<b>Offences .....</b>	<b>8</b>
<b>10</b>	<b>Annexures .....</b>	<b>9</b>
10.1	Annexure A – Open Access Information.....	9
10.2	Annexure B – Register of Government Contracts valued a \$150,000 or more.....	13
10.3	Annexure C – Informal Request for Information Application Form.....	15
10.4	Annexure D – Formal Access Application Form.....	17

## **1 Forms of Access**

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There are four ways to access Council information via the Government Information (Public Access) Act 2009 (“GIPA”):

### **1.1 Mandatory Release**

Members of the public may inspect, free of charge, during ordinary office hours the documents listed in Section 18 of the GIPA Act and the documents listed in Schedule 1 of the GIPA Regulations. Please see Annexure marked “A” which lists the information that must be made publicly available. This information is known as “open access information” under the GIPA Act. Documents required to be available for public inspection as open access information, will, where practicable, be made available on Council’s website, unless to do so would impose unreasonable additional costs to Council. Copies of such documents may be provided for a charge not exceeding reasonable photocopying costs. Council is not required to make government information available in any way that would constitute a breach of copyright.

### **1.2 Proactive Release**

Council can make an executive decision to release extra information that is not covered by the mandatory provision and that is not already publicly available, free of charge.

### **1.3 Informal Application**

This is to allow the public to request information without the need of a formal application and may be inspected free of charge, however, copies of documents may incur charges not exceeding reasonable photocopying costs. It should be noted that this form of access does not allow for the applicant to seek any type of review of their determination. An informal application may be submitted via an “Informal Request for Information” Application (refer Annexure “C”).

### **1.4 Formal Application**

If a request for information involves a large volume of information, extensive research is required or if the information relates to third party personal/business information, Council may require the lodgement of a Formal Access Application. A Formal Access Application (refer Annexure “D”) may be submitted to Council including enough information for the required information to be identifiable, submitted with the prescribed \$30.00 fee attached to validate the application. A processing charge for each application is applicable at a rate of \$30 per hour for each hour of processing time for the application after the first hour. If a Formal Access Application is made for personal information about the applicant (the applicant being an individual) the first 20 hours of processing time is free. Lodgement of a Formal Access Application entitles the applicant to review rights under the GIPA Act. There are three avenues of review; internal review, review by the Information and Privacy Commissioner and review by the NSW Civil and Administrative Tribunal (NCAT).

## 2 Restrictions on Access to Information

Council may refuse a request for information if there is an overriding public interest against disclosure or if searching for the requested information would require unreasonable and substantial diversion of Council's resources.

Council will not refuse access to information unless there are clear reasons for doing so, and such reasons will be explained to the applicant. Where documents contain some information which cannot be released, any remaining information contained within the requested document will be available under the Act.

### 2.1 Public Interest Test

In determining whether there is an overriding public interest against the disclosure of the information, Council will fully consider the Public Interest Test.

What is the Public Interest Test? When deciding to release information, Council must weigh the factors in favour of disclosure against the public interest factors against disclosure. Unless there is an overriding public interest against disclosure, Council must provide the information.

In applying the Public Interest Test, Council will not take into account:

- That disclosure might cause embarrassment to, or loss of confidence in, the Council.
- That any information disclosed might be misinterpreted or misunderstood by any person.

Council will consider any submissions made by an applicant in relation to public interest considerations, as well as any factors personal to the applicant.

### 2.2 Excluded Information

The only considerations against disclosure that Council will consider in applying the public interest test are those provided in the GIPA Act. These considerations are grouped under the following headings:

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes and natural justice
- Business interests of agencies and other persons
- Environment, culture, economy and general matters
- Secrecy provisions
- Exempt documents under interstate Freedom of Information legislation.

Under the GIPA Act, there are 16 categories of information (8 of which appear to affect local government) for which there is a conclusive presumption of an overriding public interest against disclosure. This information is known as Excluded Information and the eight categories are:

- 1 Information subject to an overriding secrecy law (26 specifically named Acts)
- 2 Information subject to the direction or order of a court or other body with the power to receive evidence on oath
- 3 Information subject to legal professional privilege

- 4 “Excluded information” (judicial and prosecutorial information, information about complaints handling and investigative functions, competitive and market sensitive information)
- 5 Documents affecting law enforcement and public safety
- 6 Specific information relating to transport safety
- 7 Specific reports concerning the care and protection of children
- 8 Specific information relating to Aboriginal and environmental heritage

Generally under the GIPA Act, Council must not publish and must refuse requests to disclose information in the above categories. Formal applications for excluded information are invalid under the Act.

In dealing with informal applications Council will apply a similar decision making framework.

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests, or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will endeavour to assist in defining the request to a more management one.

### **2.3 Copyright**

Copyright issues may arise when requests are made for copies of documents held by Council. The Commonwealth Copyright Act 1968 takes precedence over State legislation. Therefore the right to copy documents under the GIPA Act does not override the Copyright Act. Nothing in the GIPA Act or Regulations permits Council to make government information available in any way that would constitute an infringement of copyright.

Access to copyrighted documents will be granted by way of inspection only, unless the copyright owner’s written consent is provided. Where authority is unable to be obtained, copies of copyright material will not be provided.

Copyright material includes, but not limited to, plans/drawings, consultant reports and survey reports.

### **2.4 Third Party Consultation**

Third party consultation must be taken when the Application to access information includes:-

- Personal information about a person, or
- Concerns the person’s business, commercial, professional or financial interest, or
- Concerns research that has been, is being, or is intended to be, carried out by or on behalf of the person, or
- Concerns the affairs of a government of the Commonwealth or other State (and the person is that government).

If the third party objects to the release of their information, they must show evidence consistent with the GIPA Act as to why to restrict the release of information. The evidence provided by the third party will be taken into account; however, in any event the decision to release information rests with Council.

### **3 Formal Application Process**

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Upon receipt of a formal application, Council must acknowledge receipt of the application and accept or reject the application within 5 working days.

If the application is invalid and does not contain enough information to process the Council staff member determining the application must assist the applicant to enable a valid application.

A decision regarding access to information must be made within 20 working days after receipt of the application. The decision period can be extended by up to 10-15 days if third party consultation is required or records are required to be retrieved from Council's archives.

### **4 Rights of Review and Appeal**

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A right of review exists only for formal applications made in accordance with the GIPA Act. No right of review exists for informal applications.

If an applicant has lodged a formal application and is aggrieved by a decision of Council, that person is entitled to a review of the decision in any of the following methods:

#### **4.1 Internal Review by Council**

The applicant can seek an internal review to be made by Council within 20 working days following the date of receipt of the decision.

A fee of \$40.00 must be paid upon application of the review of the decision.

The internal review cannot be conducted by the original decision maker and is to be no one less senior than the decision maker.

An internal review is not available to the applicant, if the initial decision was made by Council's delegated principal officer.

A decision of the internal review must be made within 15 working days and 25 working days if consultation is required.

#### **4.2 Review by Information Commissioner**

Must be made by the applicant within 40 working days following the date of receipt of the decision.

The Information Commissioner will consider the application and the onus is on Council to justify the decision.

The Information Commissioner must complete the review, and make any recommendations to Council within 40 working days after the Information Commissioner receives all information it considers necessary to complete the review.

The Information Commissioner can make a recommendation for reconsideration of the matter by Council and or refer the matter to the NCAT.

#### **4.3 Review by NCAT**

Must be made by the applicant within 40 working days following the date of receipt of the decision.

If the decision is the subject of review by the Information Commissioner, an application for NCAT review can be made at any time up to 20 working days after the applicant is notified of the completion of the Information Commissioner's review.

The onus is again on Council to justify decision.

## **5 Processing Times/Fees and Charges**

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### **5.1 Informal Requests for Information**

Where possible, Council will process Informal Applications under the GIPA Act and will respond to such requests within ten working days.

No processing charges apply and there are no charges to view the requested information, however, copies of documents can be supplied for charges not exceeding reasonable photocopying charges as outlined in Council's Fees and Charges annually adopted by Council.

### **5.2 Formal Access to Information**

Formal Access to Information Applications must be determined within 20 working days (statutory requirement) after receipt of the application, however, this decision period may be extended by 10-15 working days where consultation with a third party is required or to retrieve information from Council's archives.

The formal Access application fee is \$30.00 (statutory fee). Processing charges of \$30.00 per hour also apply in dealing with the application. The application fee of \$30.00 paid by the applicant counts as payment towards any processing charge payable by the applicant.

### **5.3 Discount in Processing Charges – Formal Access Applications**

#### **a) Financial Hardship (Section 65 GIPA Act)**

An applicant is entitled to a 50% reduction in processing charges if Council is satisfied the applicant is suffering financial hardship and provides evidence that the applicant:

- Is the holder of a Pensioner Concession card issued by the Commonwealth that is in force; or
- Is a full-time student; or
- Is a non-profit organisation.

#### **b) Special Public Benefit (Section 66 GIPA Act)**

An applicant is entitled to a 50% reduction in a processing charge if Council is satisfied that the information applied for is of special benefit to the public generally.

#### **c) Personal Information**

If a formal Access to Information application is made for personal information about the applicant (the applicant being an individual), the first 20 hours of processing time for the application is free (statutory requirement).

A processing charge must not be discounted under financial hardship or special public benefit by more than 50% even if both apply.

## **6 Disclosure Log**

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As required by the GIPA Act, Council must keep and maintain a disclosure log which is to record all formal access applications made to Council that Council decides to provide access to if the information is information that Council considers may be of interest to other members of the public. The disclosure log must include the date the application was decided, a description of the information to which access was provided in response to the application and a statement as to whether any of the information is now available from the agency to other members of the public and (if it is) how it can be accessed.

## **7 Agency Information Guide**

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Under the GIPA Act, Council is required to have an Agency Information Guide which must include information about Council, its structure, functions, policies and detail Council information that is made publicly available.

This needs to be developed within 6 months of the commencement of the Act and reviewed and adopted at least every twelve months. Council must notify the Information Commissioner before adopting or amending its Agency Information Guide. Council's Agency Information Guide is accessible on Council's website.

## **8 Contracts Register**

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Council is required to maintain a Government Contracts Register for any Contract with a value of \$150,000 (including GST) or more. Information that is to be entered in the government contracts register is set out in Annexure "B".

## **9 Offences**

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There are individual and Council offences for any decisions made that are contrary to the GIPA.

Penalties may be imposed if Council employees are proven to act unlawfully, conduct direct unlawful action, improperly influence a decision of the decision maker, misled or deceive, conceal or destroy information.

Each offence is currently charged at 100 penalty points.

## 10 Annexures

### 10.1 Annexure A – Open Access Information

The following government information held by Council is Council's *open access information* as listed under Section 18 of the GIPA Act that is required to be made publicly available by Council under Section 6 of the GIPA Act (Mandatory proactive release of certain government information):

- a) Council's Information Guide
- b) Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament
- c) Council's Disclosure Log of Access Applications (Division 4 of the GIPA Act)
- d) Council's Register of government contracts (Division 5 of the GIPA Act)
- e) Council's record (kept under Section 6 of the GIPA Act) of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure.
- f) Such other government information as may be prescribed by the regulations as open access information.

The following government information held by Council is prescribed by the GIPA Act Regulations (Schedule 1) as Additional open access information:

#### 1 Information about Council

- 1 Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:
  - a) the model code prescribed under section 440 (1) of the LGA and the code of conduct adopted under section 440 (3) of the LGA
  - b) code of meeting practice
  - c) annual report
  - d) annual financial reports
  - e) auditor's report
  - f) management plan
  - g) EEO management plan
  - h) policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors
  - i) annual reports of bodies exercising functions delegated by Council any codes referred to in the LGA
  - j) any codes referred to in the LGA.
- 2 Information contained in the following records (whenever created) is prescribed as open access information:

- a) returns of the interests of councillors, designated persons and delegates
  - b) agendas and business papers for any meeting of Council or any committee of Council (but not including business papers for matters considered when part of a meeting is closed to the public)
  - c) minutes of any meeting of Council or any committee of Council, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting
  - d) Departmental representative reports presented at a meeting of Council in accordance with section 433 of the LGA.
- 3 Information contained in the current version of the following records is prescribed as open access information:
- a) land register
  - b) register of investments
  - c) register of delegations
  - d) register of graffiti removal work kept in accordance with section 13 of the *Graffiti Control Act 2008*
  - e) register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA
  - f) the register of voting on planning matters kept in accordance with section 375A of the LGA.

## **2 Plans and policies**

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

- a) local policies adopted by Council concerning approvals and orders
- b) plans of management for community land
- c) environmental planning instruments, development control plans and contributions plans made under the *Environmental Planning and Assessment Act 1979* applying to land within Council's area.

## **3 Information about Development Applications**

- 1 Information contained in the following records (whenever created) is prescribed as open access information:
  - a) development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and any associated documents received in relation to a proposed development including the following:
    - (i) home warranty insurance documents
    - (ii) construction certificates
    - (iii) occupation certificates

- (iv) structural certification documents
  - (v) town planner reports
  - (vi) submissions received on development applications
  - (vii) heritage consultant reports
  - (viii) tree inspection consultant reports
  - (ix) acoustics consultant reports
  - (x) land contamination consultant reports
- b) records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal)
  - c) a record that describes the general nature of the documents that Council decides are excluded from the operation of this clause by subclause 2
- 2 This clause does not apply to so much of the information referred to in subclause 1(a) as consists of:
- a) The plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
  - b) Commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.
  - c) Development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.

#### **4 Approvals, orders and other documents**

Information contained in the following records (whenever created) is prescribed as open access information:

- a) applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application
- b) applications for approvals under any other Act and any associated documents received in relation to such an application
- c) records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- d) orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- e) orders given under the authority of any other Act
- f) records of building certificates under the *Environmental Planning and Assessment Act 1979*

- g) plans of land proposed to be compulsorily acquired by the local authority
- h) compulsory acquisition notices
- i) leases and licences for use of public land classified as community land.
- j) Performance improvement orders issued to council under Part 6 of Chapter 13 of the LGA

## 10.2 Annexure B – Register of Government Contracts valued a \$150,000 or more

### CLASS 1 CONTRACTS

The following information about a class 1 contract is to be entered in the government contracts register:

- a) the name and business address of the contractor
- b) particulars of any related body corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth) in respect of the contractor, or any other private sector entity in which the contractor has an interest, that will be involved in carrying out any of the contractor's obligations under the contract or will receive a benefit under the contract
- c) the date on which the contract became effective and the duration of the contract
- d) particulars of the project to be undertaken, the goods or services to be provided or the real property to be leased or transferred under the contract
- e) the estimated amount payable to the contractor under the contract
- f) a description of any provisions under which the amount payable to the contractor may be varied
- g) a description of any provisions with respect to the renegotiation of the contract
- h) in the case of a contract arising from a tendering process, the method of tendering and a summary of the criteria against which the various tenders were assessed
- i) a description of any provisions under which it is agreed that the contractor is to receive payment for providing operational or maintenance services.

### CLASS 2 CONTRACTS

Additional information is required to be entered in the government contracts register for Class 1 Contracts to which any of the following paragraphs apply (class 2 contracts):

- a) there has not been a tender process, the proposed contract has not been made publicly available and the terms and conditions of the contract have been negotiated directly with the contractor
- b) the proposed contract (whether or not made publicly available) has been the subject of a tendering process and the terms and conditions of the contract have been substantially negotiated with the successful tenderer
- c) the obligations of one or more parties under the contract to maintain or operate infrastructure or assets could continue for 10 years or more
- d) the contract involves a privately financed project as defined by guidelines published by the Treasury (as in force from time to time)
- e) the contract involves a transfer of a significant asset of the agency concerned to another party to the contract in exchange for the transfer of an asset to the agency.

The additional Information required to be entered in the register for Class 2 Contracts is as follows:

- a) particulars of future transfers of significant assets to the State at zero, or nominal, cost to the State, including the date of their proposed transfer
- b) particulars of future transfers of significant assets to the contractor, including the date of their proposed transfer
- c) the results of any cost-benefit analysis of the contract conducted by the agency
- d) the components and quantum of the public sector comparator if used
- e) if relevant, a summary of information used in the contractor's full base case financial model (for example, the pricing formula for tolls or usage charges)
- f) if relevant, particulars of how risk, during the construction and operational phases of a contract to undertake a specific project (such as construction, infrastructure or property development), is to be apportioned between the parties, quantified (where practicable) in net present-value terms and specifying the major assumptions involved
- g) particulars as to any significant guarantees or undertakings between the parties, including any guarantees or undertakings with respect to loan agreements entered into or proposed to be entered into
- h) particulars of any other key elements of the contract.

### **CLASS 3 CONTRACTS**

If a Class 2 Contract has (or is likely to have) a value of \$5 million or more (a Class 3 Contract), the register must include a copy of the class 3 Contract.

**10.3 Annexure C – Informal Request for Information Application Form**



# Informal Request for Information

Government Information (Public Access) Act 2009 ("GIPA")

## Part 1: Applicant Details

1 of 2

Title	Given Name/s	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Company name (if applicable)		
<input type="text"/>		
Postal Address	Town/City/Suburb	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>
Contact Telephone	Email Address	
<input type="text"/>	<input type="text"/>	

## Part 2: Information Requested

Please describe the information you seek. If you do not provide sufficient detail, Council may not be able to process your application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

To assist Council with processing your application, please indicate why you want this information

\_\_\_\_\_

\_\_\_\_\_

Date range of the information required Start date:  End date:

## Part 3: Property Details

For property related enquiries, please also include property address, LOT & DP if known:

Street No.	Street Name		
<input type="text"/>	<input type="text"/>		
Lot No/s (if known)	Section No. (if known)	DP/SP No. (if known)	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
<input type="checkbox"/> Owner	<input type="checkbox"/> Purchaser of property	<input type="checkbox"/> Solicitor/Conveyancer	<input type="checkbox"/> Other <input type="text"/>

## Part 4: Form of Access

<input type="checkbox"/> COPY OF DOCUMENTS (Photocopying fees payable as per Council's fees & Charges. Copyright conditions may apply – see Part 5)	<input type="checkbox"/> INSPECT DOCUMENTS	<input type="checkbox"/> EMAIL (fees not exceeding photocopying fees payable as per Council's fees and charges. Copyright conditions may apply – see Part 5)
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PO Box 35 Orange NSW 2800 [D19/54177 V7 Sep 2019]	135 Byng Street Orange NSW 2800	P: 6393 8000 F: 6393 8199	council@orange.nsw.gov.au www.orange.nsw.gov.au 1 of 2
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### Part 5: Proof of Identity/Property Owner's Consent/Copyright Owner's Consent

**Personal Information:** An applicant must provide proof of identity in the form of a **certified copy** of any one of the following documents if seeking access to their personal information or access to all their property related files:

Current Australian Driver's Licence
  Current passport
  Other (please specify):

**Non Open-Access Information:** Access to property information not listed as "Open Access" information under the GIPA Act (refer to Council's Access to Information Policy and Agency Information Guide available on Council's website) including internal residential floor plans **will require the property owner's written consent, together with a certified copy of property owner's proof of identity.**

Property owner's written consent attached, together with certified copy property owner's identity

**COPYRIGHT** Access to copyrighted documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained or the architect/copyright owner is not able to be contacted, copies of copyright material will not be provided. Such documents include Plans and consultant reports submitted with a DA (please note this list is not definitive). If requested documents are subject to copyright, Council will provide you with the details of the copyright owner to assist you in obtaining copyright owner written consent.

### Part 6: Applicant Declaration

1 The information I have provided is complete and correct.  
 2 I understand written permission is required before copies of documents can be provided as per above.  
 3 I understand I may peruse records and take notes.  
 4 I will observe any directions given to me while viewing records.  
 5 I will not photograph, trace, write on or otherwise deface, damage or remove a record.  
 6 I understand there are fees associated with obtaining copies of documents, either in hard copy or electronic format.  
 7 I have read the Privacy & Personal Information Protection Notice below.

Signature  Date

### Privacy & Personal Information Protection Notice

The personal information requested on this form is collected for the purpose of recording and processing this application and providing the information requested. Access is limited to use by Council employees and other authorised persons. Supply of the personal information is voluntary, but if you cannot, or do not wish to, provide the information sought, Council may not be able to process your application. You may make application for access or amendment to information held by Council. This document will be stored on Council's electronic Records Management Database and archives.

#### OFFICE USE ONLY

Receiving Officer:		Date Received:		Ident. docs sighted/copied (specify details)	
Processing Officer:		Date Completed:		File Ref:	
Outcome of request/action taken:					
Consents attached:	Property Owner consent/identification: <input type="checkbox"/> Yes <input type="checkbox"/> NA		Copyright Owner consent details: <input type="checkbox"/> Yes <input type="checkbox"/> NA		
	Details:		Details:		
File numbers:					
Date files returned:	<input type="checkbox"/> Records: ___/___/___ <input type="checkbox"/> Other: (Department name) _____ Date: ___/___/___				
Fees calculation:					

#### CASHIERS

<b>RECEIPT TYPE: 100</b> Plans: 01.00502.0072.1501 Other: 01.00201.0072.2500 Ref: Informal GIPA fee	Date:	Copying/scanning fees:	Receipt No:	Cashier:
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please lodge this form by post, in person or email at the addresses below. Council aims to process your request within ten (10) working days

PO Box 35 Orange NSW 2800 [D19/34177 V7 Sep 2019]	135 Byng Street Orange NSW 2800	P: 6393 8000 F: 6393 8199	council@orange.nsw.gov.au www.orange.nsw.gov.au
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# Formal Access Application

Government Information (Public Access) Act 2009 ("GIPA")

## Part 1: Applicant Details

1 of 3

Title	Given Name/s	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Company name (if applicable)		
<input type="text"/>		
Postal Address	Town/City/Suburb	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>
Contact Telephone	Email Address	
<input type="text"/>	<input type="text"/>	

## Part 2: Information Requested

Please describe the information you seek. If you do not provide sufficient detail, Council may not be able to process your application.

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To assist Council with processing your application, please indicate why you want this information.

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Date range of the information required Start date:  End date:

## Part 3: Property Details

For property related enquiries, please also include property address, LOT & DP if known:

Street No.	Property Name and Street Name		
<input type="text"/>	<input type="text"/>		
Lot No/s (if known)	Section No. (if known)	DP/SP No. (if known)	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
<input type="checkbox"/> Owner	<input type="checkbox"/> Purchaser of property	<input type="checkbox"/> Solicitor/Conveyancer	<input type="checkbox"/> Other <input type="text"/>

## Part 4: Form of Access

COPY OF DOCUMENTS       INSPECT DOCUMENTS       OTHER (please specify)

PO Box 35  
Orange NSW 2800  
[D19/54176 V7 Sep 2019]

135 Byng Street  
Orange NSW 2800

P: 6393 8000  
F: 6393 8199

council@orange.nsw.gov.au  
www.orange.nsw.gov.au

1 of 3

**GIPA Formal Access Application**

Applicant Name: \_\_\_\_\_

File Ref: \_\_\_\_\_

**Part 5: Proof of Identity**

2 of 3

Only required when an applicant is requesting information on their own behalf.

When seeking access to personal information, an applicant must provide proof of identity in the form of a **certified copy** of any one of the following documents:

- Current Australian Driver's Licence       Current passport       Other (please specify):

**Part 6: Third Party Consultation**

Council may need to consult with other parties about the release of the information that you have requested.

- Yes, I object to the release of my name
- No, I have no objection to the release of my name only

**Part 7: Disclosure Log**

If the information sought is released to you and would be of interest to other members of the public, details about your application may be recorded in Council's "Disclosure Log" (s.25 GIPA Act) This is published on Council's website. The information recorded is the date the application is decided, a general description of the information to which access is provided in response to the application and a statement as to whether any of the information is now available from Council other members of the public and (if it is) how it can be accessed. Do you object to this?

- Yes, I object.
- No, I have no objection.

**Part 8: Application Fee**

**\$30.00 application fee to be paid:**

- In person (cash / cheque / money order / credit card)
- By mail (cheque / money order only) Note: do NOT send cash by post
- By telephone (credit card only - processing surcharge may apply) Note: we will call you once the application has been received to arrange payment

**Part 9: Processing Charges**

- A **\$30 per hour processing charge** will apply in processing your application.
- You will be supplied with an estimate of processing charges prior to processing of your application.
- You may be required to pay an advance deposit (s.68 GIPA Act)
- You may apply for a reduction of the processing charge under the following categories, but you will be required to provide supporting documentation. A 50% reduction applies to holders of a Pension or Centrelink Card, full time students and non-profit organisations. If you wish to apply for a discount, please indicate the reason:

- 1 Personal information (first 20 hours of processing time is free – proof of identity required)
- 2 Financial hardship (50% reduction) (certified copy Pension or Centrelink Card required)
- 3 Full-time student (50% reduction) (proof required)
- 4 Non-profit organisation (50% reduction) (proof required)
- 5 Special benefit to the public (50% reduction)

If you selected a special benefit to the public, please specify why below. Council will consider if such reasons substantiate that the information requested would better inform the public about government and/or concerns a public issue which would be of special benefit or special interest to the public generally.

**GIPA Formal Access Application**

Applicant Name: \_\_\_\_\_

File Ref: \_\_\_\_\_

**Part 10: Applicant Declaration**

3 of 3

- 1 The information I have provided is complete and correct.
- 2 Where applicable, I have attached documents required for the purpose of this application (eg evidence of identity, evidence of financial hardship re processing charges.
- 3 I have included the relevant application fee.
- 4 I understand that I may be required to pay processing charges and an advance deposit in respect of this request and that I will be supplied with an estimate of charges prior to processing if appropriate.
- 5 I understand it is an offence to give misleading information about my identity, and doing so may result in a decision to refuse to process my application.
- 6 I have read the Privacy & Personal Information Protection Notice below.

Signature

Date


**Privacy & Personal Information Protection Notice**

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**Processing Times**

Under "Formal Access" Council must give you notice of its decision within 20 working days, although this time may be extended by 10-15 working days where consultation with a third party is required or to retrieve information from archives. Under "Formal Access" you have a right of review of Council's decision of whether or not to provide the information requested.

**NOTE:** Council encourages applications for access to information to be made, in the first instance, under the "Informal Release" provisions of the Government Information (Public Access) Act 2009. Please contact Council's GIPA Right to Information Officer for more information.

**Lodgement**

You may lodge this form by post, in person, or email at the addresses below.

**OFFICE USE ONLY**

<b>RECEIPT TYPE: 85</b> NO: 01.201.72.2500 Ref: GIPA Application Fee (GST FREE)	Date: <input type="text"/> / <input type="text"/> / <input type="text"/>	<b>Formal Application Fee:</b> <input type="text" value="\$30.00"/>	Receipt No: <input type="text"/>	Cashier: <input type="text"/>
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<b>RECEIPT TYPE: 85</b> NO: 01.201.72.2500 Ref: GIPA Advance Deposit (GST FREE)	Date: <input type="text"/> / <input type="text"/> / <input type="text"/>	<b>Advance Deposit Fee:</b> <input type="text" value="\$"/>	Receipt No: <input type="text"/>	Cashier: <input type="text"/>
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<b>RECEIPT TYPE: 85</b> NO: 01.201.72.2500 Ref: GIPA Processing Fees (GST FREE)	Date: <input type="text"/> / <input type="text"/> / <input type="text"/>	<b>Processing Fee:</b> <input type="text" value="\$"/>	Receipt No: <input type="text"/>	Cashier: <input type="text"/>
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 PO Box 35  
 Orange NSW 2800  
 [D19/54170 V7 Sep 2019]

 135 Byng Street  
 Orange NSW 2800

 P: 6393 8000  
 F: 6393 8199

 council@orange.nsw.gov.au  
 www.orange.nsw.gov.au

3 of 3