

Muswellbrook Shire Council

Government Information (Public Access)

Annual Report

2010/2011



Adopted by Council
10 October 2011

Minute No.
179

Introduction

In accordance with section 125 (1) of the Government Information (Public Access) Act 2009 (GIPA Act) Muswellbrook Shire Council would like to present our first GIPA Annual Report. The GIPA Act replaced the Freedom of Information Act 1989 on 1 July 2010. The GIPA Act provided widespread reform for the public sector in the way community members access Government Information. There are now four ways in which government information can be released;

Open access information

Council releases certain categories of information on our website as a normal procedure; this is known as Open Access Information. Open Access Information includes Council's policies, planning documents and agendas and minutes as well as many other categories of information.

Proactive release

Council releases as much information other than Open Access as possible to the public free of charge predominately on our website and various Council owned locations.

Informal release of information

Members of the public may contact us and ask for information. This is known as an informal request.

Formal access application for release of information

If information cannot be accessed through any of the above ways, members of the public may submit an access application.

This annual report provides an account of Muswellbrook Shire Council's activity for the period 1 July 2010 to 30 June 2011. In this time Council's focus was to meet the requirements of the GIPA Act with regard to Open Access Information and the proactive release of information within the interest of the public.

During the reporting period the following categories of information have been published on the Council's website:

- Council Policies
- Various Planning Documentation
- Agenda and Minutes Archive of the past 5 years.

The following documents relevant to the GIPA Act have been published on the Council's website:

- Publication Guide
- Disclosure Log
- Government Contract Register

Muswellbrook Shire Council for the 2011-2012 year will continue to review the requests of our community and work toward creating further procedures to publish information which can be accessed as either Open Access Information or a proactive release.

STATISTICAL INFORMATION ABOUT ACCESS APPLICATIONS

Total number of access applications received during the reporting year	13
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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								
Members of Parliament								
Private sector business			1					
State or Federal Government Agency		1						
Not for profit organisations or community groups								
Members of the public (application by legal representative)	1	2						
Members of the public (other)		8						

*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*			1					
Access applications (other than personal information applications)		10						
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).

Table C: Invalid applications	
Reason for invalidity	No of applications
Application does not comply with formal requirements (section 41 of the Act)	9
Application is for excluded information of the agency (section 43 of the Act)	
Application contravenes restraint order (section 110 of the Act)	
Total number of invalid applications received	9
Invalid applications that subsequently became valid applications	1

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act	
	Number of times consideration used*
Overriding secrecy laws	
Cabinet information	
Executive Council information	
Contempt	
Legal professional privilege	2
Excluded information	
Documents affecting law enforcement and public safety	
Transport safety	
Adoption	
Care and protection of children	
Ministerial code of conduct	
Aboriginal and environmental heritage	

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	
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	

Table F: Timeliness	
	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	2
Decided after 35 days (by agreement with applicant)	
Not decided within time (deemed refusal)	
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			
Review by Information Commissioner*			
Internal review following recommendation under section 93 of Act			
Review by ADT			
Total			

Table H: Applications for review under Part 5 of the Act (by type of applicant)	
	Number of applications for review
Applications by access applicants	
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	