



**COBAR SHIRE
COUNCIL**
outback nsw

Annual Report

Government Information (Public Access) Act 2009

Mr Gary Woodman | Public Officer
Version: 3.0 | 28 October 2013 | File: A2-6-2

In accordance with Section 125 of the *Government Information (Public Access) Act 2009 (NSW)* (GIPAA), Cobar Shire Council provides the following Annual Report for the Council from July 2012 to June 2013.

Table of Contents

Introduction3

Clause 7(a) – Proactively Released Documents3

Clause 7(b) – Total Number of Formal Access Applications3

Clause 7(c) – Total Number of Formal Access Applications Refused3

Clause 7(d) – Schedule 2 Reporting Tables3

Introduction

Section 125 of the Government Information (Public Access) Act 2009 (GIPA Act) requires each agency (other than a minister) to prepare an annual report on its GIPA obligations (GIPA Annual report). This report is submitted to the Minister responsible for that agency within four months after the end of each reporting year.

Agencies must also provide a copy of the report to the Information Commissioner.

Council's GIPA Annual Report 2012-2013 will be sent to:
Minister for Local Government
Department of Premier and Cabinet (Division of Local Government)

Information Commissioner
Office of the Information Commissioner.

Clause 7(a) – Proactively Released Documents

Cobar Shire Council has reviewed the type of information held by Council that should be made publicly available and is satisfied that all such information is currently available to the public. This is reflected in the fact that only two formal access applications and one informal access application has been received by Council which indicates that the public has access to all the information held by Council that is in the public interest to be made available.

The review was conducted through discussions with senior staff and managers to consider any recently available information not previously considered and/or in existence.

Clause 7(b) – Total Number of Access Applications

Two formal access applications were received and one informal access application during the 2012/13 reporting period, there were no withdrawn applications.

Clause 7(c) – Total Number of Access Applications Refused

There were no formal or informal access applications refused during the 2012/13 reporting period, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act.

Clause 7(d) – Schedule 2 Reporting Tables

SCHEDULE 2 - Statistical information about access applications to be included in annual report

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	1	-	-	-	-	-	-	-
Members of Parliament	-	-	-	-	-	-	-	-
Private sector business	-	-	-	-	-	-	-	-
Not for profit organisations or community groups	-	-	-	-	-	-	-	-
Members of the public (application by legal representative)	1	-	-	-	-	-	-	-
Members of the public (other)	1	-	-	-	-	-	-	-
Note:* More than one decision can be made in respect of a particular access application. If so, recording must be made in relation to each such decision. This also applies in Table B.								

Table B: Number of application 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
Personal information applications*	-	-	-	-	-	-	-	-
Access applications (other than personal information applications)	2	-	-	-	-	-	-	-
Access applications that are partly personal information applications and partly other	-	1	-	-	-	-	-	-
Note: * 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)	-
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	-
Invalid applications that subsequently became valid applications	-

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	1
Excluded information	-
Documents affecting law enforcement and public safety	1
Transport safety	-
Adoption	-
Care and protection of children	-
Ministerial code of conduct	-
Aboriginal and environmental heritage	-
Note: * 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 the Act	
	Number of occasions when application not successful
Responsible and effective government	-
Law enforcement and security	1
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	-
Note: * 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).	

Table F: Timeliness	
	Number of applications
Decided within statutory timeframe (20 days plus any extensions)	3
Decided after 35 days (by agreement with applicant)	-
Not decided within time (deemed refusal)	-
Total	-

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 the Act	-	-	-
Review by ADT	-	-	-
Total	-	-	-
Note: * 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: Number of applications reviewed 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)	-