



Contact Details:

Postal Address: Locked Bag 5,
Young NSW 2594
Telephone: (02) 6380 1200
Facsimile: (02) 6380 1299

HOW CAN I GAIN ACCESS TO COUNCIL INFORMATION, DOCUMENTS OR RECORDS?

The *Government Information (Public Access) Act 2009* (the GIPA Act) provides three ways in which you can access Council information. These are:-

1. Open Access

Open Access Information is available free of charge and is located either on Council's website (<http://www.young.nsw.gov.au>) or on request at Council. A list of Open Access Information is located on the back of this document.

2. Informal Request (Section 18 GIPA Act)

For access to the majority of the information held by Council, you should make application via an informal request.

However, the release of information and the form of access under an Informal Request are both at the discretion of Council. Council will advise if it is not prepared to release the information requested under an Informal Request. In these circumstances you may reapply by a Formal Request. You do not have any right to request a review of any decision Council makes in relation to an Informal Request.

3. Formal Request (Section 41 GIPA Act)

If you wish to make a Formal Request, the application fees and possible discount are as follows:

Nature of Application	Application Fee	Processing Charge
Formal access request	\$30.00	\$30.00 per hour after the first hour
Formal access request to personal information by an individual about their personal affairs	\$30.00	\$30.00 per hour after the first 20 hours
Internal review	\$40.00	Nil
Amendment of records	Nil	Nil

As the name suggests, this is a formal request to access Council information. The legislation provides timeframes in which Council must respond to your request and, if you are dissatisfied with Council's response, you have a right of review.

The application fee of \$30.00 must be forwarded to Council with the application. There is no reduction in this fee for financial hardship. Council will require all other charges to be paid prior to providing access to documents.

A 50% discount of the processing charge may be granted in certain circumstances. These are detailed on the Formal Access Request Form.

4. Application Forms

Application Forms for both an Informal Request and a Formal Request are available on Council's website (<http://www.young.nsw.gov.au>). Additional Forms can be obtained from Council's Customer Service Centre or can be accessed on Council's website.

5. Release of Council Information

Under the *Government Information (Public Access) Act 2009* there are four ways that government information will be released:

- **Mandatory Disclosure** – certain information must be published on State and Local Government agency's websites, free of charge. For example, these could include a register of government contracts, policies, media releases and annual reports;
- **Proactive Release** – State and Local Government agencies are encouraged to make as much other information as possible publicly available, in an appropriate manner, including on the internet. The information should be available free of charge or at the lowest reasonable cost. For example, frequently requested information or information of public interest may be made readily available;
- **Informal Release** – State and Local Government agencies are encouraged to release other information in response to an informal request, subject to any reasonable conditions an agency imposes, without the need for a formal application, unless there are good reasons to require one. For example, such information could include requests for personal information by the individual concerned;
- **Formal Access** – State and Local Government agencies may release information in response to a formal access application. This is the last resort, if the information is not available in any other way.

6. Certain Restrictions to Access

Sometimes there is an overriding public interest against disclosing certain information. Generally agencies must not publish and must refuse requests to disclose information under the GIPA Act in the 12 categories listed below. Formal applications for 'excluded information' are invalid under the Act.

1. Information subject to an overriding secrecy law (26 specifically named Acts)
2. Cabinet information
3. Executive Council information
4. Information subject to the direction or order of a court or other body with the power to receive evidence on oath, or to Parliamentary privilege
5. Information subject to legal professional privilege

6. 'Excluded information' (judicial and prosecutorial information, information about complaints handling and investigative functions, competitive and market sensitive information and information in relation to specific functions of the Public Trustee, and information about the ranking and assessment of students completing the HSC)
7. Documents affecting law enforcement and public safety
8. Specific information relating to transport safety
9. Specific information relating to adoption procedures and records
10. Specific reports concerning the care and protection of children
11. Information contained in the Register of Interests kept in relation to the Ministerial Code of Conduct
12. Specific information relating to Aboriginal and environmental heritage.

**List of Open Access Information
Available on Council's website or on Request at Council**

Council's policy documents

Publication Guide

Disclosure Log of Formal Access Applications

Register of contracts worth more than \$150,000 that Council has with private sector bodies

Record of open access information that Council does not make publicly available on the basis of an overriding public interest against disclosure

In addition Schedule 5 of the GIPA Act requires that certain documents held by Council, are to be made publicly available for inspection, free of charge. These documents are:

Information about Council
The model code of conduct prescribed under section 440(1) of the Local Government Act
Council's adopted Code of Conduct
Code of Meeting Practice
Annual Report
Annual Financial Reports
Auditor's Report
Management Plan
EEO Management Plan
Policy concerning the Payment of Expenses and Provision of Facilities to the Mayor and Councillors
Annual Reports of Bodies Exercising Functions Delegated by Council (e.g. Section 355/377 Committees)
Any Codes referred to in the Local Government Act
Returns of the Interests of Councillors, Designated Persons and Delegates
Agendas, Business Papers and Minutes of Council/Committee meetings (except meetings that are closed to the public)
Division of Local Government, NSW Department of Premier and Cabinet Representative Reports presented at a meeting of Council
Land Register
Register of Investments
Register of Delegations
Register of Graffiti removal works
Register of current Declarations of Disclosures of Political donations
Register of Voting on Planning Matters

Plans and Policies
Local Policies adopted by Council concerning approvals and orders
Plans of Management for Community Land
Environmental Planning Instruments, Development Control Plans and Contribution Plans
Information about Development Applications
Development Applications and any associated documents received in relation to a proposed development, eg:
<ul style="list-style-type: none"> •Home Warranty Insurance documents •Construction Certificates •Occupation Certificates •Structural Certification Documents •Town Planner Reports •Submissions received on Development Applications •Heritage Consultant Reports •Tree Inspections Consultant Reports •Acoustic Consultant Reports •Land Contamination Consultant Reports •Records of decisions on Development Applications including decisions on appeals •Records describing the general nature of documents that Council decides to exclude from public view after application of public interest test considerations
Approvals, Orders and Other Documents
Applications for approvals under part 7 of the LGA
Applications for approvals under any other Act and any associated documents received
Compulsory Acquisition Notices
Leases and Licenses for use of Public Land classified as Community Land
Orders given under the Authority of any other Act
Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
Plans of land proposed to be compulsorily acquired by Council
Policies with reasons for the variation, and decisions made on appeals concerning approvals
Records of approvals granted or refused, any variation from Council
Records of Building Certificates under the Environmental Planning and Assessment Act 1979