



**GOVERNMENT ACCESS (PUBLIC
ACCESS) ACT 2009**

**ANNUAL REPORT FOR
TAMWORTH REGIONAL COUNCIL
2010-2011**

Table of Contents

Purpose of Annual Report	3
Review of Publicly Available Information	3
Access Applications	3
Schedule 2 Statistical Information about Access Applications to be included in Annual Report	4
Table A: Number of applications by type of applicant and outcome	4
Table B: Number of applications by type of application and outcome	4
Table C: Invalid applications	5
Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act	5
Table E: Other public interest considerations against disclosure: matters listed in table to Section 14 of Act	5
Table F: Timeliness	6
Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)	6
Table H: Applications for review under Part 5 of the Act (by type of applicant)	6

Purpose of Annual Report

Tamworth Regional Council is required under Section 125 (1) of the Government Information (Public Access) Act 2009 (GIPA) to produce a report on our GIPA obligations and submit this report to the Minister of Local Government by 31 October each year.

Review of Publicly Available Information

Tamworth Regional Council under Clause 7 of the Government Information (Public Access) Regulation 2009 is required to provide details of the review for the release of government information carried out during the reporting year and to provide details of any information made publicly available under the review.

Tamworth Regional Council is committed to providing as much information as possible to the public via the Council website – www.tamworth.nsw.gov.au. Council's GIPA Publication Guide details the documents that are made publicly available by Council.

Council has reviewed the information held in the document management system, TRIM, as well as hard copy documentation and concluded that this information is not able to be published on the web, due to the costs involved to place this information on a web platform, and concerns in relation to privacy once the information is made publicly available. Therefore, an assessment will be made upon request for this information, on whether to make it available to the public.

A Formal Access Application Form and an Informal Access Application Form were implemented on 1 July 2010 to assist Customer Service staff in receiving requests for information from the public and to assist in the recording of GIPA requests.

Access Applications

Tamworth Regional Council received 11 formal access applications for the reporting year. One application was being processed as at 30 June 2011, and another had been deemed an invalid application. The total number of applications processed by Tamworth Regional Council during the reporting year was 9.

There were no access applications received by Tamworth Regional Council during the reporting year that were refused, either wholly or in part, because the disclosure was for information referred to in Schedule 1 of GIPA.

Tamworth Regional Council processed 355 informal requests for information during the reporting year. The information sought related to documents and information held primarily in paper form such as Development Applications and Cemetery records, and therefore, is not publicly available as identified by the review undertaken during the reporting year.

Schedule 2 Statistical Information about Access Applications to be included in Annual Report

(Clause 7)

	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	-	-	-	-	-	-	-	-
Not for profit organisations or community groups	1	-	-	-	-	-	-	-
Members of the public (application by legal representative)	2	-	-	-	-	-	-	-
Members of the public (other)	3	1	-	2	-	-	-	-

* 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.

	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)	6	1	-	2	-	-	-	-
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)	1
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	1
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	-
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)	9
Decided after 35 days (by agreement with applicant)	-
Not decided within time (deemed refusal)	-
Total	9

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	-	-	-

* 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	-
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	-