



# Hay Shire Council

## Government Information (Public Access) Act

### Annual Report 2021/2022

Hay

Hay Shire Council GIPA Annual Report 2021/2022

## Background

The Government Information (Public Access) Act 2009 (*GIPA Act*) became operational on 1 July 2010 and introduced a new “right to information” approach for access to government information.

Council is required to prepare an annual report in accordance with the requirements of section 125 of the *GIPA Act* and clause 7 of the Government Information (Public Access) Regulation (*GIPA Regulation*). In this annual report we are required to include statistical information on formal access applications in the form required by *Schedule 2 of the GIPA Regulation*.

This report is Council's *GIPA Act Annual Report* for the period 1 July 2021 to 30 June 2022.

## Review of proactive release program (clause 7(a) - GIPA Regulation)

Under section 7(3) of the *GIPA Act*, Council must review its program for the release of government information to identify the kinds of government information held by Council that should in the public interest be made publicly available and that can be made publicly available without imposing unreasonable additional costs on Council. This review must be undertaken at least once every 12 months.

Council's program for the proactive release of information involves maintaining and promoting to staff a practice of openness and accountability of corporate information and decision making which is embodied in Council's organisational values as “*Openness - We will be readily accessible and will be transparent in all our dealings. We will communicate truthfully and regularly with our community. We will give reasons for our decisions*”. The program is achieved by providing information through the extensive publication on Council's website or through inspection and/or paper or electronic copy of information following a written request. Council prefers written requests for access to information that cannot be sourced from its website in order to clearly identify the information sought and reduce the possibility of delays being experienced by our customers through misinterpretation of verbal requests. In order to reduce costs to our customers, Council encourages applications to be made, in the first instance, under the informal request provisions of the *GIPA Act*.

During the reporting period, Council continued to proactively release information, in addition to the statutory release of *open access information*, by:

- Reporting to the community through prominent display on its website and social media platforms
- Publishing a regular newsletter to the community called “Shire Snippets”
- Distributing regular Media Releases on Council decisions, projects, services and events and matters of community interest and activities that are supported by Council,
- Host events that promote what we do and enhance community engagement.
- Work closing with local and Regional media.

## Number of access applications received (clause 7(b) - GIPA Regulation)

During the reporting period, Council received nil formal access applications (including withdrawn applications but not invalid applications).

## Number of refused applications for Schedule 1 information (clause 7(c) - GIPA Regulation)

During the reporting period, Council did not refuse any formal access applications using the reason that the information requested was information referred to in Schedule 1 to the GIPA Act.

## Statistical information about access applications (clause 7(d) and Schedule 2 - GIPA Regulation)

Information, in the form required by the tables in *Schedule 2 of the GIPA Regulation*, relating to the access applications made to Council during the reporting year is shown in the following Tables A – H.

The data demonstrates Council's commitment to openness and accountability and a willingness to meet the needs of our customers.

**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	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private Sector Business	0	0	0	0	0	0	0	0
Not for profit organisation or community groups	0	0	0	0	0	0	0	0
Members of the Public (application by legal representative)	0	0	0	0	0	0	0	0
Members of the Public (other)	1	0	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\* 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.

**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*	0	0	0	0	0	0	0	0
Access applications (other than personal information applications)	1	0	0	0	0	0	0	0
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\* 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)	0
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

**Table D** Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 of the Act

	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0
<b>Total all considerations</b>	<b>0</b>

\* More than one public interest consideration may apply in relation to a particular access application and, if so, each such application is to be recorded (but only once per application).

**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	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	0
Business interests of agencies and other persons	0
Environmental, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0
<b>Total all considerations</b>	<b>0</b>

\* More than one public interest consideration may apply in relation to a particular access application and, if so, each such application is to be recorded (but only once per application).

**Table F Timeliness**

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	1
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
<b>Total</b>	<b>1</b>

**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	0	0	0
Review by Information Commissioner*	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Review by ADT	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

\* 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	0
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0
<b>Total</b>	<b>0</b>