

27 August 2014

Our ref: F08/126  
Contact: Bruce Cooke 9562 1590

The Director, Justice Policy  
Department of Justice  
GPO Box 6, Sydney NSW 2001



### **Rockdale City Council submission to the review of the GIPA Act**

Rockdale City Council is pleased to make a submission on the operation of the Government Information (Public Access) Act. I have outlined two issues below that would benefit from additional clarification or amendments to the Act.

Firstly, clarification is required on the interaction between the Copyright Act and the GIPA Act. Whilst the Information and Privacy Commission has issued Knowledge Updates relating to copyright, the issue still remains.

Open and Informal Requests are frequently received requesting copies of documents (almost exclusively from development applications) subject to copyright that are listed as Open Access information under the GIPA Act. Applicants include current property owners requesting plans for their properties.

No uniform approach appears to have been adopted by local Government in relation to the issue. Some councils require the owner's approval for copies of documents subject to copyright to be supplied to an applicant, however in many cases the copyright is not held by the owner of the property.

Rockdale City Council wishes to provide access to as much information as possible in keeping with the spirit of the GIPA Act. If clarification is provided it would assist members of the public to gain access to a broader range of information.

The second issue relates to the fees associated with provision of electronic information in response to Open and Informal requests. The majority of requests (around 650 per year) fall into this category.

Council frequently provides copies of documents requested via email. Section 4(1)(b) of the Government Information (Public Access) Regulation 2009 states that:

*(b) providing a copy of a record containing the information (or providing the facilities for making a copy of a record containing the information) to any person either free of charge or for a charge not exceeding the reasonable cost of photocopying.*

As no photocopying costs are incurred where documents are scanned and not photocopied Council has not been charging for access to this information. In some cases large numbers of documents are requested to be supplied electronically, requiring significant staff time in scanning.

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Clarification for fees payable (or not payable) when documents are supplied electronically would assist in advising applicants of the cost (or lack thereof) in supplying large amounts of information.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce Cooke', with a stylized, sweeping flourish extending to the right.

Bruce Cooke  
Acting Manager Executive Services  
Rockdale City Council