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29 August 2014

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

Dear Director

REVIEW OF THE GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009

Council would like to thank you for the opportunity to make a submission to the review of the Government Information (Public Access) Act 2009 (GIPA Act).

Council understands the importance of the GIPA Act and notes the objective is to encourage and maintain transparency and Open Government, by way of proactive and informal release of information to the public.

The implementation of the GIPA Act has seen many changes in the way in which Council manages its information. It is important to note Council's need to appoint additional resources in order to meet the many proactive informal applications for information received by Council. In 2013, Council received a total of 512 applications for proactive informal release of information and only 3 formal applications. It should be noted that the majority of proactive informal release applications relate to development applications and plans.

The introduction of the GIPA Act has assisted Council with the continuing move toward electronic records. Planning documentation is continually being transferred to electronic means to be more easily accessible and ultimately available to the public through Council's internet. Although this function is not yet available, Council is working towards having this function available in the near future.

Council has managed the request of development / building plans by requesting copyright consent from the applicant at the time of responding to the application. A process to obtain copyright consent at the commencement of the planning stage for future applications is planned to ensure all development applications lodged with Council may have all documents containing copyright capable of being released to members of the public in the future.

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a place for everyone

However, consideration may be given to the release of information that is subject to copyright to assist homeowners who require final inspections in order for Council to release bonds for works undertaken in accordance with their consent. Currently, copyright restrictions make it difficult for homeowners who may have misplaced plans (approved) required for a final inspection to be carried out by a third party organisation (ie, landscape planner), and apply to Council for a copy of the approved plan. Under the GIPA Act, Council is unable to provide a copy of the plan unless written consent is provided by the copyright owner. It is difficult to assist the applicant should the designer no longer be in operation and copyright consent cannot be obtained.

The statutory fee of \$30 applied for formal applications has remained constant since the introduction of the GIPA Act. Consideration may be given to an annual increase in the formal application fee in line with the fees and charges imposed by an agency.

Processes and procedures are continually being reviewed to streamline the release of information that is available under proactive information release. Council's Annual Report to the Office of Information Commissioner identifies how Council has reviewed its procedures to manage the increasing requests for information.

Thank you again for the opportunity to make a submission to the GIPA Act, and if you wish to discuss any aspect of this submission further, please contact Council's Right to Information Officer on 9840 9731.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Merv Ismay', with a stylized flourish extending to the right.

Merv Ismay
GENERAL MANAGER