

SUBMISSION FROM ORANGE CITY COUNCIL

Good afternoon

On behalf of Orange City Council, I wish to make a submission concerning the operation of the Government Information ("Public Access") Act 2009 in its present form.

Orange City Council receives, as do many Councils, voluminous informal access applications in any given week with the vast majority of such applications requesting property-related information including all DA approvals, final occupation certificates, plans and consultancy reports. Requests for such information from solicitors and conveyancers acting for vendors/purchasers continue to increase exponentially each year.

The operation of the Act in its current form has put a large amount of pressure on Council in terms of time expenditure, staff resourcing and lost revenue to process such informal applications.

Council does not have the resources nor technological capability to make property related "open access" information relating to every property within the Orange City Council jurisdiction available on Council's website. Given that such requested information is deemed "open access" under the GIPA Act, Council is required to make the information publicly available (unless there is an overriding public interest against disclosure of the information).

One particular local conveyancing firm lodges, in respect of every conveyancing matter, a GIPA Application requesting "copies of **all** Approvals, home warranties, plans, building certificates and final occupation certificates/inspections for property.....". On average, Council receives 5 applications from this 1 conveyancing firm alone every week.

In processing such application, Council is required to obtain every file relating to such property. Council's electronic record keeping system only commenced in 2004 and all files preceding this date are in hard copy format only. Processing of just one application can take several hours, given that searches need to be undertaken to ascertain the whereabouts of every physical property/DA file relating to the matter, retrieval of archived files held off-site, review of information, redacting of any personal information (eg, phone numbers, signatures, email addresses), considering copyright implications, disassembling of files and photocopying of requested documentation (not requiring copyright owner consent/property owner consent).

In compliance with the provisions of the GIPA Act, Council must make the information available free in one format. Provision of information in any other format Council can charge a fee not exceeding reasonable photocopying charges.

In order to ease the pressure on Councils the following matters could be considered when reviewing the operation of the GIPA Act:

- a) Requirement for “open access” information in relation to property matters to be limited to the last 7 years only; information requested prior to that can be sought under Formal access/or other process that allows Council to re-coup reasonable processing costs;
- b) Implementation of a fee for processing of informal applications;
- c) Limiting property related “non open-access’ information searching to no more than, say, 10 years.

Regards

Jackie Foxall

Legal and Property Officer | Corporate and Commercial Services | Orange City Council
PO Box 35, ORANGE NSW 2800 | P: 02 6393 8232 | F: 02 6393 8199
Email: JFoxall@orange.nsw.gov.au