

Productivity Commission
Local Government Team
GPO Box 1428
CANBERRA CITY
ACT 2601

Attn: C Underwood

10/Oct/2011

Dear Ms Underwood,

Re: Review of the NSW Local Government Act

I submit the following submission with respect to Part 2 –ACCESS TO INFORMATION 12 (1), of the New South Wales Local Government Act, 1993.

It is not uncommon for a NSW local government council to declare that revenue from the annual granted rate increase is insufficient for the council to function, and thus introduce various levies (or increase existing ones), or charge for a service that was once gratis to the ratepayer. The rationale for my submission concerns (albeit a few years ago) an attempt by my local council to derive a charge from me (a ratepayer) for information that was (and is) freely available under the NSW Local Government Act.

The NSW Local Government Association, or a NSW Local Government Council, might submit an argument to this Productivity Commission Review that as council records are nowadays in digital format, access to the data requires e.g. for security reasons, the assistance of a council staff member and thus should attract a service fee for the retrieved information.

In the NSW Local Government Act 1993, Part 2 - ACCESS TO INFORMATION, under the heading of **What information is publicly available ?** Provision 12(1) states the following *Everyone is entitled to inspect the current version of the following documents free of charge:*

Provision 12(1) tabulates some 26 documents that may be inspected free of charge. The tabulation includes the following document - **records of approval granted and decisions made on appeals concerning approvals.**

Background:

Early 2009 I wanted to peruse a register i.e. the Records of Approval, at the City of Canada Bay Council office, to ascertain the status of a Development Application (relating to a semi-detached house). The said register, that councils are obliged to maintain and provide on request, contains the bare bones of any DA received by a council e.g. name of applicant, street address, name of builder, etc., and on what date the DA application was approved or

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refused. On presenting myself at the Council office I was informed by the clerk responsible for DAs that i/ it was all electronically stored and not accessible by the public, ii/ a search would attract a fee, etc.etc. Although I am familiar with the Local Govt Act, I wrote the Director General of the NSW Dept of Local Government. He in turn confirmed a council's obligations under Regulation 12(1A) the Local Govt Act. I faxed the Council's delegated Manager (for DAs) advising that I wished to view the Record of Approvals five days hence. When I arrived at the Council chamber on the nominated day, I was once again given the brush off by Council staff. I wrote a letter of complaint to the Council General Manager regarding the attitude of the staff, attaching a copy of the letter from the DG of the NSW DLG. I received a letter of apology from the delegated Manager (for DAs). On the 19/May/2009 (at approximately 10:00hrs) at the City of Canada Bay Council office I got the sought information – gratis. Almost three months to get information that previously I could have got by perusing the hand written information in a hard backed tome, expending no more than ten minutes of my time.

Hence my concern that local government councils may use this Productivity Commission Review as a means to derive income by circumnavigating their obligation to provide at no cost access to information covered by the Provision 12(1) of the Local Government Act.

I look forward to your acknowledgement of this submission.

Yours sincerely,

D G Jones.