

Circular Details	Circular No 18-30 / 3 October 2018 / A620191
Previous Circular	NA
Who should read this	General Managers and Governance Staff
Contact	Council Governance Team / 02 4428 4100
Action required	Information

Changes to GIPA – IPC Advice

What's new or changing

- Under the new *Government Information (Public Access) Regulation 2018* (GIPA Regulation) changes have been made to the definition of open access information for local government in relation to development applications.

What this will mean for your council

- Development applications received or made before 1 July 2010 (as well as associated documents and records of decision) are no longer open access information within the definition under the *Government Information (Public Access) Act 2009* (GIPA Act) and the Regulation.

Key points

- The new GIPA Regulation was made on 31 August 2018. It repeals and replaces the previous *Government Information (Public Access) Regulation 2009*.
- The GIPA Regulation amends the additional open access information for local government under Schedule 1 Clause 3 in relation to development applications.
- From 31 August 2018 the following information no longer falls within the definition of open access information for local government:
 - development applications made before 1 July 2010
 - in relation to a development application received before 1 July 2010, any associated documents which were received before, on or after 1 July 2010, and
 - the records of decisions, including decisions on appeal, on development applications made before 1 July 2010.
- Development applications and decisions before 1 July 2010 continue to be 'government information' within the meaning of the GIPA Act and can be requested via an access application.
- Any development applications received, or records of decisions made, on or after 1 July 2010 continue to be open access information for local government.
- As with any other access application, local councils should apply the public interest test under Part 2 Division 2 of the GIPA Act when making a decision

to release, or refuse access to information in relation to development applications.

Where to go for further information

- The new GIPA Regulation can be viewed on the [NSW Legislation](#) website.
- Further information on open access information requirements for public sector agencies is available on the [Information and Privacy Commission NSW](#) website.
- Contact the Information and Privacy Commission at 1800 472 679.



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