

Circular Details	18 - 42 / 10 December 2018 / A630402
Previous Circular	18-30 Changes to GIPA – IPC Advice
Who should read this	General Managers / Council governance staff
Contact	Council Governance / (02) 4428 4100 / olg@olg.nsw.gov.au
Action required	Information / Council to Implement

Recent amendments to the *Government Information (Public Access) Act 2009*

What's new or changing

- The NSW Parliament recently passed amendments to the *Government Information (Public Access) Act 2009* (GIPA Act). These changes came into effect on 28 November 2018 and will impact on how councils fulfil their obligations under the GIPA Act.
- The NSW Information and Privacy Commission (IPC) has issued guidance on the changes which can be accessed [here](#). The IPC is also reviewing and updating its guidance material and fact sheets to reflect the amendments to the GIPA Act.
- The IPC has requested that Councils refer to the new guidance and the GIPA Act and Regulation before relying on any guidance materials published prior to December 2018.

What this will mean for your council

- Councils should review their practices for dealing with access applications and the exercise of other functions under the GIPA Act in light of the amendments.
- Councils should note the amendment to the definition of 'working day' in the GIPA Act. The NSW Government Christmas Closedown period is now considered as being equivalent to a public holiday for the purpose of processing applications. The closedown period applies to the official decision-making period for applications irrespective of whether or not an agency remains open for any days over the closedown period, and applies to all public sector agencies including local councils.

Key points

- Among other things, the amendments will impact on the following:
 - the calculation of the value of contracts for inclusion in the contract register
 - the management of access applications
 - timeframes for internal reviews
 - external reviews by the Information Commissioner
 - administrative reviews by the NSW Civil and Administrative Tribunal
 - submission of the annual GIPA report to the Information Commissioner
 - the circumstances in which there is a conclusive presumption of overriding public interest against disclosure.

Where to go for further information

- Contact the IPC by phone 1800 472 679 or email ipcinfo@ipc.nsw.gov.au.
- Contact OLG's Council Governance Team by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au



Tim Hurst
Chief Executive

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 44 913 630 046