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## NSWALC Right to Information Policy

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<b>Drafted by:</b>	Manager Governance		
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<b>Presented by:</b>			
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<b>Responsible Unit:</b>	Governance Unit		
<b>Contact:</b>	Manager Governance Unit		

## 1 Summary

1.1 This document establishes the NSW Aboriginal Land Council's ("NSWALC") policy with respect to the publication and disclosure of information held by NSWALC. The policy details and internally assigns NSWALC's responsibilities under the *Government Information (Public Access) Act 2009* ('GIPA Act').

## 2 Purpose and Scope

2.1 This policy applies to all information held by NSWALC and details the manner in which NSWALC discharges its obligations under the GIPA Act. In addition, the policy aims to promote NSWALC's commitment to open and transparent governance generally.

## 3 Background and context

3.1 In order to maintain a system that is open, accountable, fair and transparent, the objective of this Act is to open information to the public by:

- (a) authorising and encouraging the proactive public release of information and
- (b) giving members of the public an enforceable right to access information, and
- (c) providing that access to information is restricted only when there is an overriding public interest against disclosure.

## 4 Legislative requirements

4.1 Pursuant to section 248 of the *Aboriginal Land Rights Act 1983*, NSWALC is deemed to be a public authority for the purposes of the GIPA Act and is therefore subject to its provisions.

## 5 Open Access information

5.1 Pursuant to section 18 of the GIPA Act, NSWALC will make NSWALC's 'open access information' publicly available via the NSWALC Website. In the event such publication imposes an unreasonable cost to NSWALC, such information will be made available free of charge by another means specified by the NSWALC Agency Information Guide.

### **NSWALC Agency Information Guide**

5.2 NSWALC is required by Div 2 of Part 3 of the GIPA Act to adopt an 'agency information guide'.

5.3 The Chief Executive Officer ('CEO') will determine what information held by NSWALC will be made publicly available pursuant to section 7 of the GIPA Act, and on what terms it is to be made available.

5.4 The Manager Governance will review NSWALC's program for the release of information under section 7 of the GIPA Act annually, pursuant to section 7(3) of the GIPA Act.

## **NSWALC Register of Certain Contracts**

5.5 The Governance Unit is responsible for ensuring compliance with NSWALC's obligations pursuant to Div 5 of Part 3 of the GIPA Act.

## **6 Informal Release of Information**

6.1 The CEO may authorise the release of information held by NSWALC in response to an informal request by a person, pursuant to section 8 of the GIPA Act.

## **7 Access applications**

7.1 NSWALC will deal with, and determine, access applications made under the GIPA Act, in accordance with the legislation and any directions made by the Information and Privacy Commission, and in the spirit in which the GIPA Act was enacted.

7.2 Determination of, and all decisions pertaining to the dealing with access applications made under Part 4 of the GIPA Act (except decisions made pursuant to s127 of the GIPA Act; see 7.6 ), are the responsibility of the Manager of the Governance Unit under delegation of the CEO; or such other NSWALC Officer under specific written delegation of the CEO.

7.3 Internal Review of NSWALC's determination of access applications made under the GIPA Act, pursuant to Div 2 of Part 5 of the GIPA Act shall be conducted by: the Principal Legal Officer ('**PLO**') on delegation of the CEO, provided he/she did not make the initial determination; or another NSWALC officer under specific written delegation of the CEO, provided he/she did not make the initial determination and is suitably situated in relation to the officer who made the initial determination.

### **Fees and Charges**

7.4 Fees and charges shall be levied by NSWALC pursuant to the GIPA Act and any directions of the Information and Privacy Commission.

7.5 Applicants are to be kept fully informed of any applicable fees and charges and shall be provided with cost estimates prior to the levying of charges.

7.6 Where the CEO is of the view that it is appropriate, any fee or charge payable or paid under the GIPA Act may be waived, reduced or refunded pursuant to section 127 of the GIPA Act.

### **Reports to Parliament**

7.7 Pursuant to section 125 of the GIPA Act, NSWALC shall prepare, as part of the NSWALC Annual Report, within 4 months of 30 June each year, a report on the fulfilment of NSWALC's obligations under the GIPA Act.

## **8 Communication and promotion**

8.1 This policy is to be made available to staff via NSWALC's Policy Portal on the NSWALC Intranet and to the general public on the NSWALC Website; [www.alc.org.au](http://www.alc.org.au) .

## 9 Authorities and accountabilities

9.1 The following table identifies the authorities and delegations relating to NSWALC obligations under the GIPA Act:

<b>GIPA Act Reference</b>	<b>Obligation</b>	<b>Officer Responsible</b>
Part 2, Div 1, S6(1)	To determine whether there is an overriding public interest against disclosure of 'open access information' that is held by NSWALC.	CEO
Part 2, Div 1, S6(1) & Part 3 (except s20 & Div 5)	Ensuring open access information held by NSWALC, for which there is not an overriding public interest against disclosure, is publicly available free of charge.	Manager, Governance
Part 2, Div 1, S6(5)	Maintaining the record of open access information that is not made available due to an overriding public interest against disclosure.	Manager, Governance
Part 2, Div 1, S7(1)	Authorise the proactive disclosure of information held by NSWALC.	CEO
Part 2, Div 1, S7(3)	Annual review of NSWALC's program of proactive disclosure.	Manager, Governance
Part 2, Div 1, S8(1)	Informal release of information held by NSWALC in response to an informal request.	CEO
Part 2, Div 1, S9 & Part 4 (except Part 7, S 127)	The making of decisions in connection with access applications (except the discretion to waive, reduce or refund any fee or charge payable or paid pursuant to s127).	Manager, Governance or such other NSWALC officer under specific written delegation of the CEO.
Part 2, Div 3, S 16	To provide advice and assistance to a person in relation to accessing NSWALC information.	Manager, Governance
Part 3 Div 2 S20(1)& S21	Approval of an Agency Information Guide.	CEO
Part 3 Div 2 S20(2)	Ensuring information held by NSWALC is made publicly available as per NSWALC's Agency Information Guide.	Manager, Governance
Part 3 Div 2 S21	Annual review of the Agency Information Guide.	Manager, Governance
Part 3 Div 3 Ss 23 & 24	To determine what 'policy documents' are required to be made available.	Manager, Governance
Part 3 Div 4	Maintenance of NSWALC's Disclosure Log of Access Applications.	Manager, Governance
Part 3 Div 5	Maintenance of NSWALC's Government Contracts Register.	Governance Officer, Governance Unit
Part 5 Div 2.	Internal review of reviewable decisions made in dealing with access applications made in respect to information held by NSWALC.	PLO, or another NSWALC officer under specific written delegation of the CEO,

		provided he/she did not make the initial determination and is suitably situated in relation to the officer who made the initial determination.
Part 7 S125	Preparation of annual report on the NSWALC's obligations under the GIPA Act for the Minister of Aboriginal Affairs.	Manager, Governance
Part 7 S 127	Decision to waive, reduce or refund any fee or charge payable or paid in connection with an access application.	CEO