

SUBMISSION FROM GERARD AGUILA

The Director, Justice Policy
Department of Justice

Dear Director

Whilst I note the submission date has passed I would like you to consider the following, if not already put forward by someone else.

Please note this is a personal submission, in my own capacity, as a submission has already been made by Cabonne Council.

1. The Model code of conduct for local government states: “7.1 The general manager **and public officer** [emphasis added] are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the Government Information (Public Access) Act 2009.”

The obligation for the Public Officer to have such responsibility is inconsistent with the authority normally held by the public officer. I propose the GIPA Act make it clear that such responsibility can not be delegated down by the executive officer (general manager) unless equivalent authority to ensure the records system meets the obligations is also delegated to the same officer.

2. GIPA refers to information rather than documents or records. Most agencies are now working in an electronic environment through an EDRMS. These systems normally have a capacity for officers to enter comments against documents to indicate progress and final comments explaining how the task was dealt with. This may include conversations held with third parties, etc. I am aware that in some instances when providing information under GIPA the “Comments” have not been released on the argument that they are not part of the record. An explanatory note or guideline may assist in ensuring they are released and maintaining transparency.

Kind regards

Gerard Aguila