

SUBMISSION TO DEPARTMENT OF JUSTICE

REVIEW OF THE GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009

Council Background

Location

Cessnock City is located in the Hunter Valley, New South Wales, about 120 kilometres north of Sydney and 40 kilometres west of Newcastle. Cessnock City is bounded by Maitland City in the north; the Cities of Newcastle and Lake Macquarie in the east, Wyong Shire and the Cities of Gosford and Hawkesbury in the south; and the Singleton Council area in the west.

At a Glance

The population of Cessnock City was 53,289 as at 30 June 2012. Population density in the Cessnock LGA sits at just 0.27 people per hectare. In the Cessnock City local government area (LGA) 14 percent of households earned \$2,500 or more per week.

Only 8 percent of the dwellings are medium or high density, compared to 16 percent in regional NSW. Almost 20 percent of our population is aged between 35 and 49 with 12.3 percent aged 25 to 34 and 13.4 percent aged 50 to 59. Just over 11 percent are aged 60 to 69 years.

History

Cessnock is named after Cessnock Castle in Ayrshire, Scotland. The local government area is largely made up of the traditional lands of the Wonnarua people. European settlement dates from the 1820s when pastoralists arrived using land mainly for farming, market gardening and timber getting.

The Great North Road was constructed in the 1830s, linking the Hawkesbury and Hunter Valleys. Wollombi was the centre of the area till the late 1800s. The township of Branxton emerged from 1848, spurred by its accessibility to water, rich agricultural land and its location as a road junction.

The township of Cessnock developed from 1850 as a service centre at the junction of the Great North Road. There was some growth in the 1850s and 1860s with wheat, tobacco and grapes being grown, especially around Cessnock, Nulkaba and Pokolbin.

Significant development in Cessnock occurred when coal was struck in 1892 and several coal mines were established. By 1926 the Cessnock local government area had a population of 12,000 increasing to 18,000 by the 1940s. Until the 1960s mining was the principal industrial base source of employment in the Cessnock area.

The three largest ancestry groups in the Cessnock LGA are Australian, English and Scottish. Only 3 percent of the LGA's population come from countries where English is not the first language. Almost half (43 percent) of working residents travel out of the area for work. Only 1 percent of the working population use public transport to get to work. 19 percent of those employed work as technicians and trades workers followed by 14.6 percent as machinery operators and drivers and 13.4 percent as

labourers. Together, managers and professionals make up 19.5 percent of the working population.

The Cessnock Local Government Area covers approximately 1,950 square kilometres within the Hunter Valley of New South Wales. Whilst mining was the principal industrial base and source of employment in the Cessnock area for the first half of the 20th century, changes to the mining industry, including automation and the introduction of sophisticated computerised equipment, led to the closure of the vast majority of mines in the area.

The decline of mining has been paralleled by growth in the wine industry. The Hunter Valley wine-growing area in the Cessnock LGA is Australia's oldest wine region and one of the most famous, with around 4,500 acres under vine. The vineyards of Pokolbin, Mount View and Allandale, with their rich volcanic soils tended by entrepreneurial vignerons, are also the focus of a thriving tourism industry.

As well as vineyards and wineries there are fine restaurants, motels, cabins, guest houses and galleries. Wine-related tourism has also created opportunities for other attractions, such as the historic Marthaville Arts and Crafts Centre, Wollombi Village, the Richmond Main Mining Museum and the Richmond Vale Railway. Other primary industries in Cessnock City include beef and poultry.

Issues

Council supports the objectives of the Government Information (Public Access) Act 2009 (GIPA Act) in principle, but recommends that the narrative supporting the objects be redefined.

It would appear that community members interpret "*giving members of the public an enforceable right to access government information*" as access all areas, and clearly this is not the case. This interpretation often results in complaints being received and requiring additional administrative time in managing. They often ignore the provisions regarding the public interest test of non-disclosure, despite being advised of Schedule 1 (Sect 14). IPC should consider facilitating public awareness campaigns that deliver a clear message that not all information will be released.

Other areas of common complaint arise when applicants are provided with 'view only' access to copies of plans and the like due to provisions within the Copyright Act 1968 and Crown Solicitors advice on this issue. Customers state that access has been denied if photocopies are not provided, when indeed, access has not been denied to view the documents.

Further, complaints from customers are often received when seeking personal information under GIPA about other private citizens and such information is declined due to provisions of Privacy and Personal Information Protection Act 1998.

It is recommended that consideration be given to work towards harmonisation of various pieces of legislation to mitigate conflict between others, both State and Commonwealth.

Many Councils throughout NSW have varying practices in the release of information. It poses significant challenges for those that uphold protection of privacy, commercial-in-confidence, and legal privilege provisions, when some Councils ignore such obligations and could be deemed to be in breach of other Acts. It is a common

response from customers who have been denied access under such provisions to state “*Council X always gives it to me*”.

Arising from such issues, it is recommended that consideration be given to regular training opportunities based on real-life scenarios. Council commends the Information and Privacy Commission on the knowledge updates provided online, but greater face-to-face delivery modes of training would be advantageous.

Conclusion

Cessnock City Council welcomes the opportunity to provide input into the current legislative review of the GIPA Act, and strongly recommends harmonisation with other pieces of legislation to ensure no conflict occurs in the interpretation and implementation of the Acts.
