



LOCAL GOVERNMENT ACT 1993 - SECT 12

What information is publicly available?

12 What information is publicly available?

(1) Everyone is entitled to inspect the current version of the following documents free of charge:

- the model code prescribed under section 440 (1) and the code of conduct adopted by the council under section 440 (3)
- the council's code of meeting practice
- annual report
- annual financial reports
- auditor's report
- management plan
- EEO management plan
- the council's policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors
- the council's land register
- register of investments
- returns of the interests of councillors, designated persons and delegates
- returns as to candidates' campaign donations
- agendas and business papers for council and committee meetings (but not including business papers for matters considered when part of a meeting is closed to the public)
- minutes of council and committee meetings, but restricted (in the case of any part of a meeting that is closed to the public), to the resolutions and recommendations of the meeting
- any codes referred to in this Act
- register of delegations
- annual reports of bodies exercising delegated council functions
- applications under Part 1 of Chapter 7 for approval to erect a building, and associated documents
- development applications (within the meaning of the [Environmental Planning and Assessment Act 1979](#)) and associated documents
- local policies adopted by the council concerning approvals and orders
- records of approvals granted, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- records of building certificates under the [Environmental Planning and Assessment Act 1979](#)
- plans of land proposed to be compulsorily acquired by the council
- leases and licences for use of public land classified as community land

- plans of management for community land
- environmental planning instruments, development control plans and contributions plans made under the [Environmental Planning and Assessment Act 1979](#) applying to land within the council's area
- the statement of affairs, the summary of affairs and the register of policy documents required under the [Freedom of Information Act 1989](#)
- Departmental representatives' reports presented at a meeting of the council in accordance with section 433
- the register of graffiti removal work kept in accordance with section 67C.

(1A) Despite subsection (1) and the other provisions of this Act, a person does not have the right to inspect so much of a development application, or an application under Part 1 of Chapter 7 for approval to erect a building, as consists of:

(a) the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or

(b) commercial information, if the information would be likely:

- (i) to prejudice the commercial position of the person who supplied it, or
- (ii) to reveal a trade secret.

(2) Everyone is entitled to inspect free of charge:

- (a) a document that was replaced by a current document referred to in subsection (1), and
- (b) if a document referred to in subsection (1) is produced annually-the corresponding document produced for the previous year.

(3) The documents may be inspected at the office of the council during ordinary office hours.

(5) The council must allow inspection of versions of the documents other than the current and immediately preceding versions if those other versions are reasonably accessible.

(6) The council must allow inspection of its other documents free of charge unless, in the case of a particular document, it is satisfied that allowing inspection of the document would, on balance, be contrary to the public interest.

(7) However, subsection (6) does not apply to the part (if any) of a document that deals with any of the following:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) trade secrets,
- (d) a matter the disclosure of which would:
 - (i) constitute an offence against an Act, or
 - (ii) found an action for breach of confidence,
- (e) that part of a draft or adopted plan of management that is the subject of a resolution of confidentiality under section 36DA.

(8) For the purpose of determining whether allowing inspection of a document would be contrary to the public interest, it is irrelevant that the inspection of the document may:

- (a) cause embarrassment to the council or to councillors or to employees of the council, or
- (b) cause a loss of confidence in the council, or
- (c) cause a person to misinterpret or misunderstand the information contained in the document because of an omission from the document or for any other reason.

Note: Subsection (8) is in similar terms to section 59A (Public interest) of the [*Freedom of Information Act 1989*](#) .

Note: A council could also make copies of the documents available at other places, for example, at libraries.

A council may have other information available for inspection free of charge: for example, the rate record, the valuation list and the register of dog registrations.

LOCAL GOVERNMENT ACT 1993 - SECT 12A

Restriction of access to information

12A Restriction of access to information

(1) If the general manager or any other member of the staff of a council decides that access to a document or other information held by the council should not be given to the public or a councillor, the person concerned must provide the council with written reasons for the restriction.

(2) The reasons must be publicly available.

(3) The council must review any such restriction no later than 3 months after it is imposed.

(4) The council must, at the request of any person made after the expiry of a period of 3 months after that review (or of a period of 3 months after the most recent of any subsequent reviews), carry out a further review of the restriction.

(5) The council must remove the restriction if, at any time:

(a) it finds that there are no grounds for the restriction, or

(b) access to the relevant document or other information is obtained under the [*Freedom of Information Act 1989*](#).

(6) A review is not required under this section if the restriction concerned has been removed.

LOCAL GOVERNMENT ACT 1993 - SECT 12B

Copies of documents

12B Copies of documents

(1) A right under this Act to inspect a document includes the right to take away a copy of the document.

(2) Accordingly, a council must have a copy of all relevant documents available for copying by, or on behalf of, any person who asks for one.

(3) The copies may be taken away either free of charge or on payment of reasonable copying charges, as the council chooses (except as otherwise specifically provided by or under this Act).

(4) This section does not apply to the following:

(a) the residential roll of electors referred to in section 302 (1),

(b) the information sheets of candidates for election referred to in section 308,

(c) building certificates.

Note: Section 174 (3) provides that a person may obtain a copy of a building certificate from the council's record with the consent of the owner of the building (and on payment of the approved fee).