

NSW Information Commissioner refers six councils to the Office of Local Government for non-compliance

The NSW Information Commissioner has referred six Councils to the Office of Local Government (OLG) for non-compliance with their mandatory open access requirements under the *Government Information (Public Access) Act 2009* (GIPA Act) to publish returns disclosing the interests of councillors and designated persons.

The six Councils were identified as non-compliant in a [Follow-up Audit Report](#) issued by the Information Commissioner in June 2023. Following publication of the audit, the Commissioner issued correspondence to the six Councils requesting a response and a plan that sets out their steps to achieve compliance.

The six Councils identified as non-compliant were Strathfield Council, Hornsby Shire Council, Fairfield City Council, Hilltops Council, Bayside Council and Liverpool City Council.

While plans were received from two Councils (Fairfield and Strathfield), neither plan demonstrated a comprehensive approach to achieving compliance with the recommendations contained in the Audit Report or the mandatory legislative requirements under the GIPA Act.

Since June 2023, only two of the Councils (Strathfield and Hilltops), achieved a partial level of compliance. The remaining four Councils (Hornsby, Fairfield, Bayside and Liverpool) remain non-compliant.

Accordingly, all six Councils have been referred to the OLG by the Information Commissioner in accordance with section 33(2) of the *Government Information (Information Commissioner) Act 2009* (GIIC Act).

NSW Information Commissioner, Elizabeth Tydd, said, “The GIPA Act is calibrated to address risks and promote integrity in government. Councils are required to declare interests that might impact their decision-making. These requirements are designed to combat corruption in Councils.

“The wilful and repeated disregard of the mandatory requirements by the Councils identified in the Audit Report is extremely concerning. The public have a right to expect that their Councils will abide by these anti-corruption measures.

“The *Model Code of Conduct for Councils in New South Wales 2020* (Model Code) published by the OLG reflects the requirements to achieve compliance with legal obligations such as those under the GIPA Act. I have referred the Councils to the OLG as the regulator responsible for compliance with the Model Code. I will continue to engage with the OLG as appropriate in any regulatory action they may take.

“Current regulatory tools and mechanisms available under the GIIC Act do not appear to be sufficient in addressing instances of systemic non-compliance. Further regulatory reform would therefore be welcome to assist the Information Commissioner in directing, reporting, referring and/or enforcing compliance across the local government sector.”



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About the Information and Privacy Commission:

The Information and Privacy Commission NSW (IPC) is an independent statutory authority that administers New South Wales' legislation dealing with privacy and access to government information. The IPC supports the Information Commissioner and the Privacy Commissioner in fulfilling their legislative responsibilities and functions and to ensure individuals and agencies can access consistent information, guidance and coordinated training about information access and privacy matters.

About the NSW Information Commissioner

The NSW Information Commissioner's statutory role includes promoting public awareness and understanding of the Government Information (Public Access) Act 2009 (GIPA Act); providing information, advice, assistance and training to agencies and the public; dealing with complaints about agencies; investigating agencies' systems, policies and practices; and reporting on compliance with the GIPA Act.

The *Government Information (Information Commissioner) Act 2009* (GIIC Act) establishes the procedures for appointing the Information Commissioner and sets out the Commissioner's powers and functions. It outlines the method for people to complain about the conduct of agencies when undertaking their duties under the GIPA Act, and the way in which the Information Commissioner may deal with the complaint. The GIIC Act also enables the Information Commissioner to investigate and report on how agencies carry out their functions under the GIPA Act.

For further information about the IPC visit our website at www.ipc.nsw.gov.au