

THE RICE MARKETING BOARD FOR THE STATE OF NEW SOUTH WALES



GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009

ANNUAL REPORT

1 July 2010 – 30 June 2011

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GOVERNMENT INFORMATION (PUBLIC ACCESS) Act 2009

Introduction

The Government Information (Public Access) Act 2009 (GIPA Act) became operational on 1 July 2010 and introduced a new right to information system to New South Wales, replacing the existing Freedom of Information Act system that had been operating since 1989.

Reporting Requirements

Rice Marketing Board for the State of New South Wales (RMB) has a statutory obligation under the GIPA Act pursuant to Section 125 of that Act.

This report must be prepared on an annual basis and submitted to the Minister for Primary Industries and a copy being forwarded to the Information Commissioner.

As provided by Section 125(6) of the Act, the regulations may make provision for:

- a) The information to be included in annual reports
- b) The form in which annual reports are to be prepared

Clause 7(a) (b) (c) and (d) of the GIPA Regulation 2009 stipulates the information that must be included in the annual report and those requirements are addressed hereunder:

- (a) Details of the review carried out by the agency under section 7 (3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review,

The Board reviewed all its information that should, in the public interest, be made publicly available and information released on its web site complied with section 7 of the Act.

- (b) The total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications),

The Board received one application during the year. This application was for a copy of a commercial in confidence agreement with SunRice. Before the Board was required to make a determination SunRice agreed to release the information on its website for all share holders.

- (c) The total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (Information for which there is conclusive presumption of overriding public interest against disclosure), Note. Table D in Schedule 2 also requires information relating to access applications in respect of which there is a conclusive presumption of overriding public interest against disclosure.

No Access for information was refused wholly or partly.

- (d) Information, as set out in the form required by the tables in Schedule 2, relating to the access applications (if any) made to the agency during the reporting year.

Table A: Number of applications by type of applicant and outcome.

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refused to deal with applicant	Refuse to confirm/deny whether information in held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	0	0	0	0	0	0	0
Not for profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the Public (application by legal representative)	0	0	0	0	1	0	0	0
Members of the Public (other)	0	0	0	0	0	0	0	0

*More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

Table B: Number of Applications by Type of Applicant and Outcome

	Access Granted in Full	Access Granted in Part	Access Refused in Full	Information Not Held	Information Already Available	Refused to Deal with Applicant	Refuse to Confirm/Deny Whether Information in Held	Application Withdrawn
Personal Information Applications*	0	0	0	0	0	0	0	0
Access Application (other than personal information applications)	0	0	0	0	1	0	0	0
Access Applications that are partly personal information Applications and Partly Other	0	0	0	0	0	0	0	0

*A *Personal Information application* is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

Table C: Invalid Applications

Reason for Invalidity	Number of Applications
Application does not comply with formal requirements (section 41 of the Act)	0
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applicants received	0
Invalid applicants that subsequently became valid applications	0

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 of Act

	Number of times Consideration used*
Overriding Secrecy Laws	0
Cabinet Information	0
Executive Council Information	0
Contempt	
Legal Professional Privilege	0
Excluded Information	0
Documents Affecting Law Enforcement and Public Safety	0
Transport Safety	0
Adoption	0
Care and Protection of Children	0
Ministerial Code of Conduct	0
Aboriginal and Environmental Heritage	0

More than one public interest consideration may apply in relation to a particular access application and, if so, each such application is to be recorded (but only once per application).

Table E: Other Public Interest Considerations Against Disclosure: Matters Listed in Table to Section 14 of the Act

	Number of Occasions When Application Not Successful*
Responsible and Effective Government	0
Law Enforcement and Security	0
Individual Rights, Judicial Processes and Natural Justice	0
Business interests of agencies and other persons	
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0

More than one public interest consideration may apply in relation to a particular access application and, if so, each such application is to be recorded (but only once per application).

Table F: Timeliness

	Number of Occasions When Application Not Successful*
Decided within the statutory timeframe (20 days plus any extensions)	1
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	0

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner*	0	0	0
Private Sector Business	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Total	0	0	0

The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

Table H: Applications for review under Part 5 of the Act (by type of applicant)

	Number of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

The Secretary
The Rice Marketing Board for the State of New South Wales
Yanco Avenue
PO Box 151
LEETON NSW 2705
Telephone: (02) 6953 3200
Facsimile (02) 6953 7684
E-mail: secretary@rmbnsw.org.au