



**GILGANDRA  
SHIRE COUNCIL**

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## **GILGANDRA SHIRE COUNCIL**

# **AGENCY INFORMATION GUIDE - GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009**

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# ***STRUCTURE AND FUNCTIONS***

## **Introduction**

The Gilgandra Shire Local Government Area (LGA) covers approximately 4,817 square kilometres. Gilgandra Shire Council has been constituted under the Local Government Act 1993. It is an undivided area, with nine (9) Councillors and the Mayor is elected each year by the Councillors.

The roles of the Councillors are:

- to direct and control the affairs of the Council in accordance with the Local Government Act and other applicable legislation;
- to participate in the optimum allocation of the Council's resources for the benefit of the area;
- to play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions;
- to review the performance of the Council and its delivery of services, management plans and revenue policies of the Council;
- to represent the interests of the residents and ratepayers;
- to provide leadership and guidance to the community;
- to facilitate communication between the community and the Council.

The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings and performs any other functions that the Council determines.

The Principal Officer of the Council, the General Manager, is responsible for the efficient operation of the organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of Council's Equal Employment Opportunity Management Plan.

To assist the General Manager in the exercise of these functions, there are four (4) Divisions of Council which are Corporate & Business Services, Community Development & Services, Works & Technical Services and Environmental Services and each Division is headed by a Director.

# Council's Organisational Structure



## Functions

Council has the following functions as required by the Local Government Act, 1993:

<b>SERVICE FUNCTIONS</b>	<p>Including:</p> <ul style="list-style-type: none"> <li>• Community services and community housing</li> <li>• Cultural, sporting and recreation facilities</li> <li>• Waste removal and disposal</li> <li>• Water, sewerage and drainage works and facilities</li> <li>• Land &amp; property, industry &amp; tourism development and assistance</li> </ul> <p>For other functions, see the Introduction to Chapter 6 LGA 1993</p>
<b>REGULATORY FUNCTIONS</b>	<p>Including:</p> <ul style="list-style-type: none"> <li>• Approvals</li> <li>• Orders</li> <li>• Building certificates</li> </ul>
<b>ANCILLARY FUNCTIONS</b>	<p>Including:</p> <ul style="list-style-type: none"> <li>• Resumption of land</li> <li>• Powers of entry and inspection</li> </ul>
<b>REVENUE FUNCTIONS</b>	<p>Including:</p> <ul style="list-style-type: none"> <li>• Rates</li> <li>• Charges</li> <li>• Fees</li> <li>• Borrowings</li> <li>• Investments</li> </ul>
<b>ADMINISTRATIVE FUNCTIONS</b>	<p>Including:</p> <ul style="list-style-type: none"> <li>• Employment of staff</li> <li>• Management plans</li> <li>• Financial reporting</li> <li>• Annual reports</li> </ul>
<b>ENFORCEMENT FUNCTIONS</b>	<p>Including:</p> <ul style="list-style-type: none"> <li>• Proceedings for breaches of the Act</li> <li>• Prosecution of offences</li> <li>• Recovery of rates and charges</li> </ul>
<b>VARIOUS FUNCTIONS</b>	<p>Including:</p> <ul style="list-style-type: none"> <li>• Proceedings for breaches of the Local Government Act &amp; Regulations and other Acts &amp; Regulations</li> <li>• Prosecution of offences</li> <li>• Recovery of rates and charges</li> </ul>

Council also has jurisdiction under the following:

Community Land Development Act 1989	planning functions as consent authority
Companion Animals Act 1998	companion animal registration and control
Conveyancing Act 1919	placing covenants on Council land
Environmental Planning and Assessment Act 1979	environmental planning
Fire Brigades Act 1989	payment of contributions to fire brigade costs and furnishing of returns
Fluoridation of Public Water Supplies Act 1957	fluoridation of water supply by Council
Food Act 1989	inspection of food and food premises
Impounding Act 1993	impounding of animals and articles
Library Act 1939	library services
Protection of the Environment Operations Act 1987	pollution control
Public Health Act 1991	inspection of systems for purposes of microbial control
Recreation Vehicles Act 1983	restricting use of recreation vehicles
Roads Act 1993	roads
Rural Fires Act 1997	issue of permits to light fires during those periods requiring the furnishing of information to the Rural Fire Services Advisory Council and its Co-ordinating Committee
State Emergency Service Act 1989	recommending appointment of local controller
Strata Schemes (Freehold Development) Act 1973	approval of strata plans
Strata Schemes (Leasehold Development) Act 1986	approval of leasehold strata plans
Swimming Pools Act 1992	ensuring restriction of access to swimming pools

The exercise by a council of its functions under this Act may also be modified by the provisions of another Act. Some of those Acts and some of the modifications they affect include:

Environmental Offences and Penalties Act 1989	forfeiture of Council functions to person appointed by Governor
Government Information (Public Access) Act 2009	Council required to publish certain information, to grant access to certain information and to amend certain records that are shown to be incomplete, incorrect, out of date or misleading
Heritage Act 1977	rating based on heritage valuation
State Emergency and Rescue Management Act 1989	Council required to prepare for emergencies
Unclaimed Money Act 1995	unclaimed money to be paid to the Chief Commissioner of Unclaimed Money

## How Council Functions Affect Members of the Public

As a service organisation, the majority of activities conducted impact on the public and the Gilgandra Shire Local Government area. The broad functions of Council that affect the public are as follows:

### ***Service functions:***

Affect the public as Council provides services and facilities to the public. These include provision of human services such as Meals on Wheels, child care services and libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

### ***Regulatory functions:***

Place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

### ***Ancillary function:***

Affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

### ***Revenue functions:***

Affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

### ***Administrative functions:***

Do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

### ***Enforcement functions:***

Only affect those members of the public who are in breach of certain legislation. This includes matters such as the non payment of rates and charges, unregistered dogs and parking offences.

### ***Community planning and development functions:***

Cultural development, social planning and community profile may involve:

- Advocating and planning for the needs of our community including initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Plan.
- Providing support to community and sporting organisations through provision of grants, training and information.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as Australia Day, Youth Week and Seniors' Week. Council also assists in the promotion of a number of other local events.

## **How the Public can participate in Council's Policy Development and the Exercising of Functions**

There are two main methods that the public may participate in the policy development and, indeed, the general activities of the Council. These are through representation and personal participation.

### ***Representation***

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives for their local Council who make decisions on their behalf.

In New South Wales, local government elections are held every four years. The next elections are to be held in September 2016.

The Gilgandra Shire Local Government area is undivided, with nine (9) Councillors, the Mayor of which is elected each year by the Councillors. At the election property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non residential roll. Voting is compulsory

Residents are able to raise issues with, and make representations to, the elected Councillors who may pursue a matter on the resident's behalf.

Members of the public are also able to attend Council meetings which are held in the Council Chambers, Warren Road, Gilgandra on the 3<sup>rd</sup> Thursday of each month commencing at 1.00pm.

### ***Personal Participation***

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council. Several Council Committees comprise or include members of the public. Some of these special committees or bodies are:

- Aged Care Committee
- Disability Services Committee
- Floodplain Management Committee
- Promotion & Economic Development Committee
- Tooraweenah Management Committee
- Sports Council
- Shire Hall Committee
- Tooraweenah Community Technology Centre Management Committee
- Curban Community Hall & Tennis Management Committee
- Tooraweenah Memorial Hall Committee

Council also has a Community Engagement Strategy. There are three key strategies that include:

### **Strategy 1: Information provision**

#### **Aim**

To supply the community with information about Council, its services, projects and events.

#### **Response**

- Council will utilise a number of different communication tools to inform the community eg. website, letters, Web 2.0, email, verbal communication
- Information will be provided in a timely manner
- Utilisation of local and regional media
- Internal communication is an important part of this process eg. internal newsletter
- Information supplied will be objective in nature

#### **Output**

The community will be appropriately informed

### **Strategy 2: Community Feedback**

#### **Aim**

To ascertain community views on Council/community plans, strategic directions, issues and priorities.

#### **Response**

- Council will encourage diversity of representation
- The community will have the opportunity to attend Council meetings
- E-participation methods eg. blogs will be encouraged
- Workshops
- Surveys
- Public meetings

#### **Output**

The community will have the opportunity to be actively involved in Council planning and decision making

### **Strategy 3: Partnerships**

#### **Aim**

To work on an ongoing basis with the community to ensure that community ideas, concerns and aspirations are listened to and understood.

#### **Response**

Discussion will be held directly with the community, with advice to be included in final decision making made in relation to a solution.

#### **Output**

The methodology includes:

- consultative groups
- working groups
- focus groups
- user groups
- volunteer groups
- liaison groups, and
- on-line involvement - Wikis, open data, blogs, social networks etc.

### **Information held by Council**

In accordance with the Government Information (Public Access) Act 2009, “government information” means information contained in a record held by an agency (Section 4 (1)). There is an underlying rationale to encourage greater accessibility to government information for members of the public.

Information may be made available to the public through:

- Mandatory disclosure requirements; or
- Proactive release by Council; or
- An informal request made to Council; or
- A formal application may be needed. Any member of the public may make a formal application for access to Council information not readily available.

Council holds a range of information in various formats relating to a number of different issues concerning Gilgandra Shire.

The public is entitled to inspect this information either on Council's website (unless there is an unreasonable additional cost to Council to publish this information on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous information of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

This information includes:

### **Information about Council**

- Council's Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Community Strategic Plan
- Delivery Program/Operational Plan
- EEO Management Plan
- Policy concerning the Payment of Expenses Incurred by, and the Provision of Facilities to, Councillors
- Any Codes referred to in the LGA
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of Council
- Minutes of any meeting of Council or any Committee of Council
- Departmental Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters

### **Information about Development Applications**

Development Applications and any associated information received in relations to a proposed development:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing general nature of information that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

## Plans and Policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

## Approvals, Orders and Other Information

- Applications for approvals under part 7 of the LGA
- Applications for approvals under any other Act and any associated information received
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community land

## How Members of the Public may Access and Amend Council Information

Access to Council information may be obtained via the Council website or by contacting Council's Administration Office, Warren Road, Gilgandra between 8.30 am and 5.00 pm Monday to Friday:

Phone: (02) 6817 8800  
Fax: (02) 6847 2521  
Email: council@gilgandra.nsw.gov.au

If you ask for records or information and you are not able to obtain them, you may apply for them under the Government Information (Public Access) Act (GIPA) by:

- Completing a [GIPA Application Form](#) (if you cannot download this form you may obtain a form from Council's Customer Service Centre).
- Present the form and the appropriate fee to Council's Customer Service Officer.

Details of procedures and fees are detailed in the [GIPA Act](#) or may be obtained from Council's Public Officer.

Arrangements can be made for amendments to records concerning personal information of members of the public by contacting Council's Public Officer.

## Public Officer – Right of Information Officer

Council's Director Corporate & Business Services is Council's Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public information of the Council. The Public Officer is also Council's Right to Information Officer and, as such, is responsible for determining applications for access to information or for the amendment of records. If you have any difficulty in obtaining access to Council information, you may wish to refer your enquiry to the Public Officer. Also, if you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Public Officer in the first instance.

Enquiries should be addressed to:

General Manager  
Gilgandra Shire Council  
PO Box 23  
GILGANDRA NSW 2827

## Schedule of Fees

A one off \$30 application fee\* must accompany a formal access application. This fee is set by legislation. A \$30 per hour processing charge may be imposed for formal access applications with the processing time exceeds more than one hour. This is to cover the time needed to process the application. However, if the information sought by the applicant is personal information, then the first 20 hours of processing is free. Council will advise the applicant if a processing fee will be applied and how this amount has been calculated. If a fee for photocopying information applies, this fee will be in line with Council's Fees and Charges.

*\* subject to a 50% reduction for financial hardship*

## Information and Privacy Commission

The Information and Privacy Commission has been established to oversee the GIPA Act. The IPC provides information about the right to access information and can be contacted via:

Website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Enquiries: 1800 472 679

### Assisted contact:

If you are deaf or have a hearing or speech impairment, contact IPC through the National Relay Service on 133 677 for assistance.

If you do not speak English, or English is your second language, and you need assistance to communicate with IPC, call the Translating and Interpreting Service on 131 450.

## **Rights of Review**

There are rights to review a decision made by the Public Officer. A full list of reviewable decisions is set out in s80 of the GIPA Act.

### ***Internal Review***

If an access application has been refused, there is a general right to seek an internal review of the decision. An internal review must be applied for within 20 working days of the original decision and is subject to a \$40 fee. If the decision has been made by the principle officer (s82) – General Manager of Council – you cannot ask for an internal review, however you can ask for an external review (see below).

### ***External Review***

The Information Commissioner can review a decision to refuse access to information. If you are the person applying for access to information, you do not have to have an internal review of the decision before asking the Information Commission to review it. If you are not the access applicant, you must seek an internal review of the decision first. You have eight weeks from being notified of the decision to ask for a review by the Information Commissioner.

### ***External Review (Administrative Decisions Tribunal)***

Applicants also have formal avenues via the New South Wales Administrative Decisions Tribunal to review the decision or refuse access. This application must be made within eight weeks of the original decision or four weeks after a review undertaken by the Information Commissioner.

## Version Control

Version	Adopted	Comments
1	18/11/10	
2	31/7/11	No change
3	18/7/12	No change
4	21/8/13	Change in Organisational Structure; removal of Plant Committee from page 8; changes to names of strategic planning documents
5	24/7/14	Addition of Road Safety to Organisational Structure; removal of Community Services Committee from page 8
6	31/7/15	No change
7	10/9/20	Branding updated

GSC Main Office/General/GIPA Act 2009/Publication Guide 2015