



COOLAMON SHIRE COUNCIL AGENCY INFORMATION GUIDE 2020

Date Adopted	15 October 2020		
Council Minute	214/10/2020		
Version	2020 Version		
Policy Responsibility	Corporate & Community Services		
Review Timeframe	Annually		
Last Review Date	September 2020	Next Scheduled Review Date	September 2021

INTRODUCTION

The Coolamon Shire Council Agency Information Guide has been prepared in accordance with Section 20 of the *Government Information (Public Access) Act 2009* (GIPA Act).

By describing Council's functions, responsibilities and organizational structure, the Guide aims to promote a better understanding of Council's work in the community. It also describes the various types of information held by Council, how that information can be accessed and how members of the public can participate in Council's decision making processes.

THE STRUCTURE & FUNCTION OF THE COOLAMON SHIRE COUNCIL

The Coolamon Shire was proclaimed in 1906. The Shire covers an area of 2,433 square kilometres and is located in the Riverina bounded by the neighbouring Shires of Narrandera, Bland, Temora, Junee and the City of Wagga Wagga.

The Coolamon Shire Council is incorporated under the *Local Government Act 1993*. Section 8 of the *Local Government Act* sets out Council's Charter. Section 222 of the *Local Government Act* provides that representatives called 'Councillors' comprise the governing body of Council. The Coolamon Shire Council has nine Councillors who are elected by the residents and ratepayers of the Shire every four years. These Councillors elect a Mayor and Deputy Mayor for the two year terms.

Section 232 of the *Local Government Act* provides that the role of a Councillor is to:

- Be an active and contributing member of the governing body;
- Make considered and well informed decisions as a member of the governing body,
- Participate in the development of the integrated planning and reporting framework;
- Represent the collective interests of residents, ratepayers and the local community;
- Facilitate communication between the local community and the governing body;
- Uphold and represent accurately the policies and decisions of the governing body;
- Make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

A Councillor is accountable to the local community for the performance of the Council.

Section 226 of the *Local Government Act* provides that the role of the Mayor is to:

- Be the leader of the council and a leader in the local community;
- Advance community cohesion and promote civic awareness;
- Be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities;
- Exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council;
- Preside at meetings of the council;
- Ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act;
- Ensure the timely development and adoption of the strategic plans, programs and policies of the council;
- Promote the effective and consistent implementation of the strategic plans, programs and policies of the council;
- Promote partnerships between the council and key stakeholders;
- Advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council;
- In conjunction with the general manager, ensure adequate opportunities and mechanisms for engagement between the council and the local community;
- Carry out the civic and ceremonial functions of the mayoral office;
- Represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level;
- In consultation with the councillors, lead performance appraisals of the general manager;
- Exercise any other functions of the council that the council determines.

The General Manager is responsible for the efficient operation of Council as an organisation and for ensuring the implementation of the decisions of Council.

Section 335 provides that the General Manager has the following functions:

- To conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council;
- To implement, without undue delay, lawful decisions of the council;
- To advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council;
- To advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council;
- To prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report;
- To ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions;

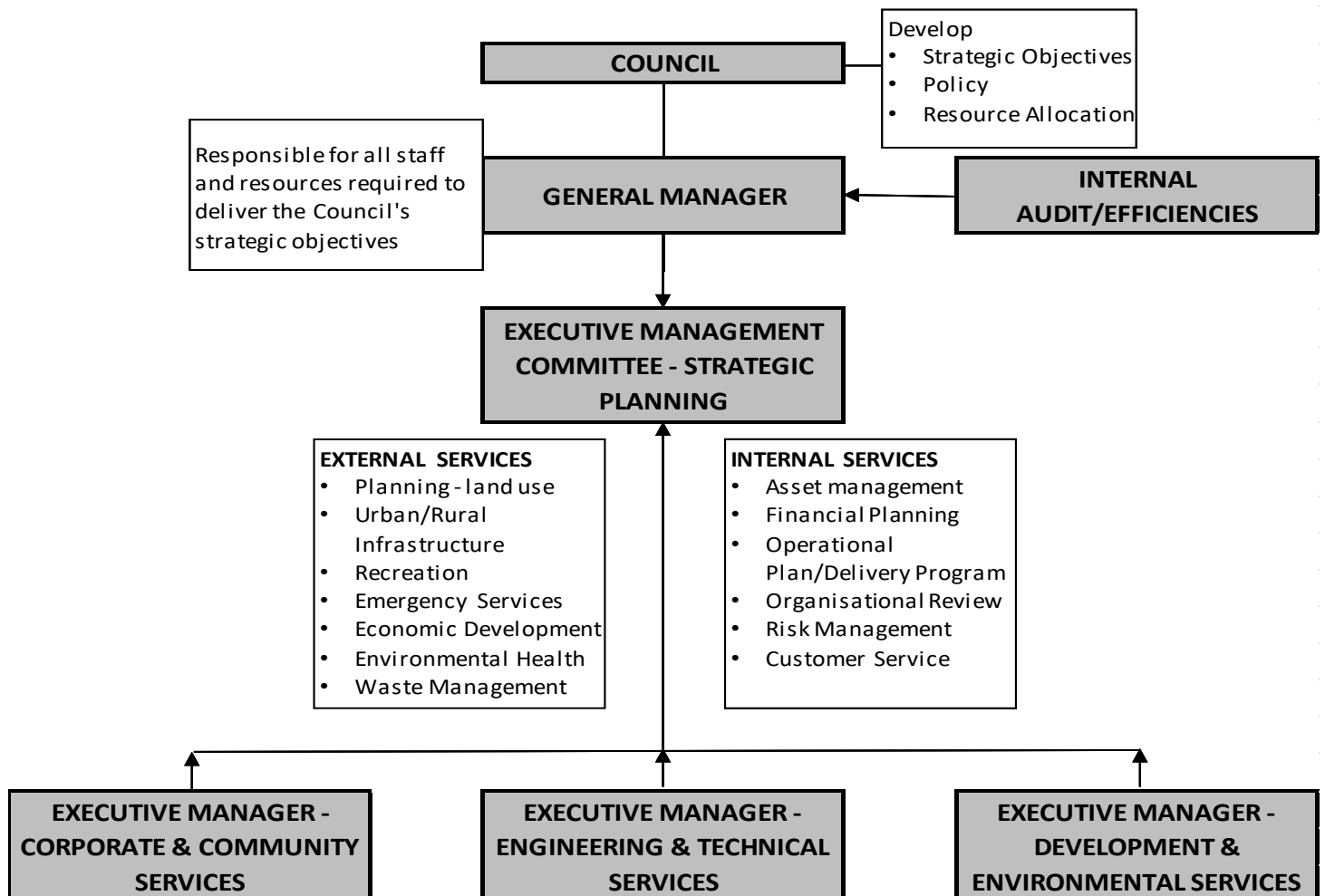
- To exercise any of the functions of the council that are delegated by the council to the general manager;
- To appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council;
- To direct and dismiss staff;
- To implement the council's workforce management strategy;
- Any other functions that are conferred or imposed on the general manager by or under this or any other Act.

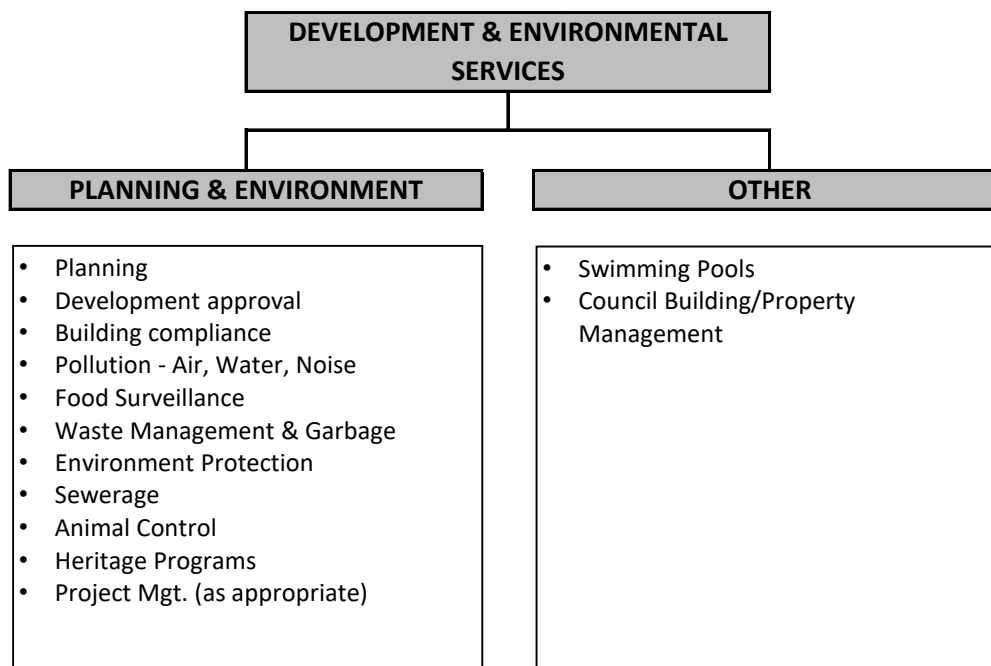
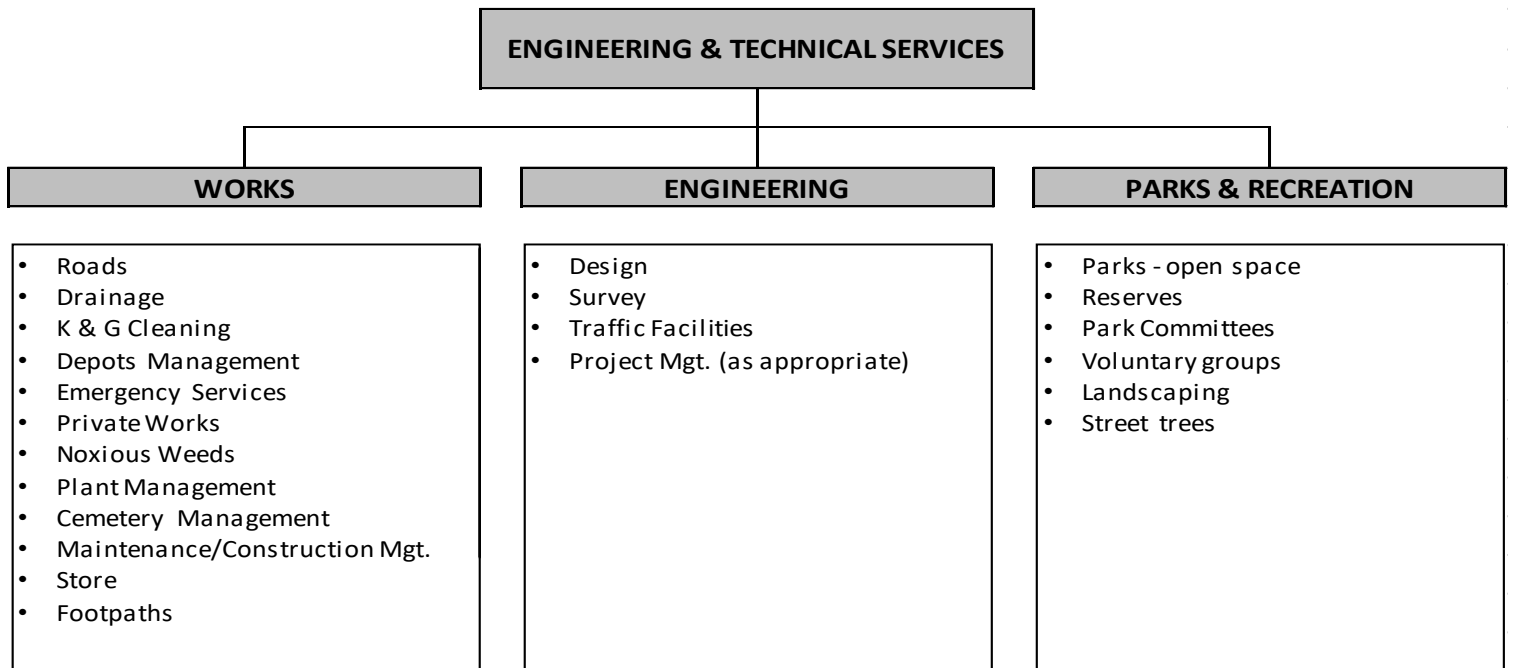
To assist the General Manager in the exercise of these functions, there are 3 departments of Council. These departments are Corporate & Community Services, Development & Environmental Services and Engineering & Technical Services. Each of these departments is headed by an Executive Manager.

Within these departments, Council employs staff such as Engineers, Building Surveyors, Finance Officers, Rangers, Child-care and Aged-care workers who carry out the day-to-day operations of the Council and implement Council policies and other decisions as directed by the General Manager.

ORGANISATIONAL STRUCTURE

Council reviews and adopts its organisational structure as part of the annual review of the Delivery Program and development of the annual Operational Plan. Council adopted the structure on 18 June 2020.





AFFECT OF COUNCIL FUNCTIONS ON MEMBERS OF THE PUBLIC

The Coolamon Shire Council is a governing body, therefore every decision it makes affects members of the public. Council is a planning body for the future that manages infrastructural and community services of past, current and future residents.

The functions imposed on Council by the *Local Government Act* are as follows:

- Service Functions - affect the public as Council provides services and facilities to the public. These include the provision of human services such as child care services and local libraries, halls and community centres, sport and recreation facilities and programs, 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 do not endanger the lives or safety of members of the public. Members of the public must be aware of, and comply with, such regulations.
- Ancillary Functions - affect only some members of the public. These functions include, for example, the resumption of land or Council's power 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 members of the public directly but do have an indirect impact on the community through the efficiency and effectiveness of the services provided by Council.
- 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 animals, and parking offences.
- Community Planning & Development functions - affect areas such as cultural development, social planning and community profile

In addition, various other Acts and associated Regulations confer or imposed functions on Council including (but not limited to):

- *Aged Care Act 1997*
- *Children and Young Persons (Care & Protection) Act 1998*
- *Companion Animals Act 1998*
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning & Assessment Amendment Act 1997*
- *Food Act 2003*
- *Government Information (Public Access) Act 2009*
- *Heritage Act 1977*
- *Impounding Act 1993*
- *Independent Commission Against Corruption Act 1998*
- *Biosecurity Act 2015*
- *Biodiversity Conservation Act 2016*
- *Work Health & Safety Act 2011*
- *Privacy & Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *Protection of the Environment Operations Act 1997*
- *Public Health Act 2010*
- *Roads Act 1993*
- *State Emergency & Rescue Management Act 1989*
- *Swimming Pools Act 1992*
- *Transport Administration Act 1988*
- *Waste Minimisation Act*
- *Water Management Act 2010*
- *Workers Compensation Act 1987*
- *Library Act 1939*
- *Noxious Weeds Act 1993*
- *Public Interest Disclosures Act 1994*
- *Recreation Vehicles Act 1983*
- *State Emergency Service Act 1989*
- *State Records Act 1998*
- *Unclaimed Money Act 1995*

PUBLIC PARTICIPATION IN LOCAL GOVERNMENT

There are a number of ways in which 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 to their Local Council to make decisions on their behalf. In New South Wales, Local Government elections are held every four years. The next general elections are to be held in September, 2021 after being delayed due to the COVID-19 pandemic.

At each election, voters elect 9 Councillors for a four year term. All residents of the area who are on the electoral roll are eligible to vote. 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.

Councillors are the elected representatives of the residents and ratepayers of a local government area and make decisions on behalf of their constituents. Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

Personal Participation

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council.

Council meetings are open to the public and are usually held in the Council Chambers on the third Thursday of each month. Business papers are available from Council before meetings and the minutes can be access on Council's website.

Public exhibitions are a key way for the community to participate in local government. Members of the community can submit feedback on proposed policies, plans, projects or development that Council is considering. Members of the public can, either personally or in writing, address any matter that falls within Council jurisdiction.

Information provided to Council in correspondence, submissions or requests, including personal information such as names and addresses, may be made publicly available in accordance with the GIPA Act.

There are several Committees to which Council has delegated a function of Council to under Section 355 of the *Local Government Act* that allow direct community input into the decision making process. In performing their role on the Committees, members of the public exercise some of the functions of Council. These committees include

- Advance Ardlethan Committee
- Advance Ganmain Committee
- Advance Marrar Committee
- Advance Matong Committee
- Beckom Hall & Community Committee
- Ardlethan Showground Management Committee
- Community Drug Action Team
- Coolamon Shire Community Benefit Fund Committee
- Coolamon Shire Photographic Competition
- Coolamon Showground Management Committee
- Friends of the Up-to-Date Cultural Precinct Committee
- Local Heritage Fund Committee
- Kindra Bike & Walking Trail-Management Committee
- Rannock Community Centre – Reserve 89397 Committee

INFORMATION HELD BY THE COOLAMON SHIRE COUNCIL

Council holds information in various formats in respect to the wide range of functions undertaken by it as well as information that is pertinent to different issues relating to the Coolamon Shire Local Government area.

The GIPA Act provides the public with a general right of access to information held by Council as long as it does not infringe privacy or other laws or there aren't public interest considerations against disclosure.

The following information is prescribed Open Access information in accordance with the GIPA Act and is available on Council's website:

- This information guide
- Documents (if any) tabled in Parliament on behalf of Council (will be available on Council's website if and when any information is tabled in parliament on behalf of Council)
- Council's Policy documents
- Council's Disclosure Log of Access Applications
- Council's Register of Government Contracts
- A record of open access information that is not made available to the public on the basis of an overriding public interest against disclosure.

Council holds a range of information in various formats that relate to a number of different issues concerning the Coolamon Shire Local Government Area. This information may be available on Council's website, via an Informal Access to Information request or a Formal Access to Information application. All requests for access to information held by Council will be determined in accordance with the requirements of the GIPA Act.

In addition, pursuant to Schedule 1 of the *Government Information (Public Access) Regulation 2018*, all of Council's 'Open Access' information is required to be available via Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website). Where this is the case, the information will be available for inspection at Council offices. Any current (and the immediately preceding version of) documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges, in accordance with Council's Fees and Charges.

Open Access information includes:

Information about Council

- 1) Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:
 - a) the model code prescribed under section 440 (1) of the *Local Government Act* and the code of conduct adopted under section 440 (3) of the *Local Government Act*,
 - b) code of meeting practice,
 - c) annual report,
 - d) annual financial reports,
 - e) auditor's report,
 - f) management plan,
 - g) Equal Employment Opportunity management plan,
 - h) policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors,
 - i) annual reports of bodies exercising functions delegated by Council,
 - j) any codes referred to in the *Local Government Act*.
- 2) Information contained in the following records (whenever created) is prescribed as open access information:
 - a) returns of the interests of Councillors, designated persons and delegates,
 - b) agendas and business papers for any meeting of Council or any committee of Council (but not including business papers for matters considered when part of a meeting is closed to the public),
 - c) minutes of any meeting of Council or any committee of Council, 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,
 - d) reports by the Chief Executive of the Office of Local Government presented at a meeting of Council in accordance with section 433 of the *Local Government Act*.
- 3) Information contained in the current version of the following records is prescribed as open access information:
 - a) land register,
 - b) register of investments,
 - c) register of delegations,
 - d) register of graffiti removal work kept in accordance with section 13 of the *Graffiti Control Act 2008*,
 - e) register of current declarations of disclosures of political donations kept in accordance with section 328A of the *Local Government Act*,
 - f) the register of voting on planning matters kept in accordance with section 375A of the *Local Government Act*.

Plans and Policies

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

- (a) local policies adopted by Council concerning approvals and orders,
- (b) plans of management for community land,
- (c) environmental planning instruments, development control plans and contributions plans made under the *Environmental Planning and Assessment Act 1979* applying to land within the Coolamon Shire Local Government area.

Information about development applications

(1) Information contained in the following records (whenever created) is prescribed as open access information:

(a) development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and any associated documents received in relation to a proposed development including the following:

- i. home warranty insurance documents,
- ii. construction certificates,
- iii. occupation certificates,
- iv. structural certification documents,
- v. town planner reports,
- vi. submissions received on development applications,
- vii. heritage consultant reports,
- viii. tree inspection consultant reports,
- ix. acoustics consultant reports,
- x. land contamination consultant reports,

(b) records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal),

(c) a record that describes the general nature of the documents that Council decides are excluded from the operation of this clause by subclause (2).

(2) However, this clause does not apply to so much of the information referred to in subclause (1) (a) 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 to prejudice the commercial position of the person who supplied it or to reveal a trade secret, or
- (c) development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.

(3) Council must keep the record referred to in subclause (1) (c).

Approvals, orders and other documents

Information contained in the following records (whenever created) is prescribed as open access information:

- (a) applications for approvals under Part 1 of Chapter 7 of the *Local Government Act* and any associated documents received in relation to such an application,
- (b) applications for approvals under any other Act and any associated documents received in relation to such an application,
- (c) records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals,
- (d) orders given under Part 2 of Chapter 7 of the *Local Government Act*, and any reasons given under section 136 of the *Local Government Act*,
- (e) orders given under the authority of any other Act,
- (f) records of building certificates under the *Environmental Planning and Assessment Act 1979*,
- (g) plans of land proposed to be compulsorily acquired by Council
- (h) compulsory acquisition notices,
- (i) leases and licences for use of public land classified as community land,
- (j) performance improvement orders issued to a council under Part 6 of Chapter 13 of the *Local Government Act*.

HOW TO ACCESS INFORMATION HELD BY COUNCIL

Under the GIPA Act there is an underlying rationale to encourage greater accessibility to government information for members of the public. A large amount of the information Council holds is made available on the Council's website. Information that is not published on Council's website may be requested via informal release or via a formal access application in line with sections 7 to 9 of the GIPA Act. There are four ways to obtain access to information held by Council:

Mandatory Proactive Release (open access)

- Under legislation Council must release certain information unless there is an overriding public interest against doing so.
- Council's website is the central reference point where members of the public can search for this information.
- This type of information includes Council policies, meeting agendas and minutes, media releases, annual reports, register of government contracts and disclosures log of access applications.

Authorised Proactive Release

- Council proactively releases information with a commitment to providing as much information as possible for free on Council's website, or in another appropriate manner and by the amount specified in Council's Fees and Charges.

Informal Access Applications

- Information that is not available by mandatory or authorised proactive release may be provided through informal release, subject to any reasonable conditions that Council may wish to impose, including deleting matter that would otherwise result in there being an overriding public interest against disclosure.
- Applications for informal release can be made in writing to the Access to Information Officer at council@coolamon.nsw.gov.au or PO Box 101, Coolamon NSW 2701.

- There is no fee required for an informal access application, however photocopying fees may apply as specified in Council's Fees and Charges.
- Informal requests will be processed in a timely manner and as soon as practical. Turnaround times will also depend on the volume of information sought and whether documents need to be retrieved from archives.

Formal Access Applications

A formal access application may be required where the information requested is not available by proactive or authorised release or informal access, and the information sought:

- Is of a sensitive nature that requires careful consideration of the public interest test;
 - Contains confidential information;
 - Contains personal information of third parties who must be consulted;
 - Contains business information of third parties who must be consulted; or
- Would involve a significant diversion of Council resources
- Formal access applications must be made in writing by completing a Formal Access Application form which is available on Council's website.
- Processing charges as outlined in Division 5 of the GIPA Act apply to formal access applications, and additional processing costs, such as photocopying costs, may apply as outlined in Council's Fees and Charges.
- Formal access applications will be acknowledged and determined within the statutory periods prescribed by section 57 of the GIPA Act, which includes making a determination and notifying the applicant of the decision within 20 working days, unless the applicant agrees to extend the time. Council may also extend the time by up to 15 working days when consultation with a third party is required or if Council needs to retrieve records from archives.

ADDITIONAL INFORMATION

Copyright

Some information may be subject to copyright laws and the consent of the copyright owner will be required before releasing copies of such information. Alternatively, Council may grant 'view only' access to such material.

Council will advise if the information is subject to copyright.

Privacy and Personal Information Protection

Access to certain information may be limited in accordance with the *Privacy and Personal Information Protection Act 1998* (PIIP Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act).

The PIIP Act and HRIP Act provide for the protection of personal and health information and for the protection of the privacy of individuals generally.

In accordance with the PIIP Act and the HRIP Act, Council has adopted a Privacy Management Plan which outlines Council's practice for dealing with privacy and personal information in accordance with Information Protection Principles contained within the PIIP Act and the Health Protection Principles contained within the HRIP Act.

Public Interest Considerations in Favour of Disclosure

The GIPA Act provides a presumption in favour of disclosure of government information but allows for consideration of **any** public interest in favour of disclosure.

The GIPA Act lists the following examples of interests Council might consider (but is not limited to):

- Promoting open discussion of public affairs
- Enhancing Government accountability or contributing to positive and informed debate on issues of public importance
- Informing the public about the operations of Council and, in particular, policies and practices for dealing with members of the public
- Ensuring effective oversight of the expenditure of public funds
- The information is the personal information of the person to whom it is to be disclosed
- Revealing or substantiating that an agency (or member of an agency) has engaged in misconduct, or in negligent, improper, or unlawful conduct

Public Interest Considerations Against Disclosure

The GIPA Act provides an exhaustive list of public interest considerations against disclosure under s 14. These are the only considerations against disclosure that Council may consider in applying the public interest test.

Considerations are grouped under the following headings:

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes, and natural justice
- Business interests of agencies and other persons
- Environment, culture, economy, and general matters
- Secrecy provisions
- Exempt documents under interstate freedom of information legislation

Review of Decisions

Where an applicant is refused access to information under a formal application pursuant the GIPA Act, Council will provide details of the reasons for refusal in writing. If the applicant is dissatisfied with Council's determination of their application, they may seek to have the decision reviewed either by:

- Internal review - this is a review by a Council officer more senior than the original decision maker. Applicants have 20 working days from receiving notice of a decision to ask for a review, and a \$40 fee is payable by the applicant.
- External Review by the Information Commissioner - the applicant has eight weeks from receiving notice of a decision to ask for a review.
- External Review by NSW Civil Administration Tribunal – the applicant has eight weeks from receiving notice of a decision from Council to ask for a review, or four weeks after the completion of a review by the Information Commissioner.

Third Party Consultation

In accordance with section 54 of the GIPA Act, Council must consult where the information requested concerns:

- Personal information
- Business interests
- Research that has been carried out; or
- The affairs of another state or the Commonwealth government

Consultation must take place if the information is such that the person may have reasonable concerns about disclosure and those concerns are relevant to the public interest test.

Disclosure Log

Council's Disclosure Log lists information released under a formal access application under the GIPA Act that is considered to be of interest to the wider public.

It should be noted that applicants can object to inclusion in Council's Disclosure Log.

Public Officer

The *Local Government Act* requires Council to appoint a Public Officer. The Public Officer may:

- Deal with requests from the public concerning Council's affairs;
- Accept service of documents on behalf of Council;
- Receive submissions made to Council;
- Assist the public to gain access to public documents.

NSW Information and Privacy Commission

The NSW Information and Privacy Commission is responsible for overseeing the application of the PPIP Act, HRIP Act and the GIPA Act.

Further information about the right to information can be sourced from the Information & Privacy Commission New South Wales:

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au

ASSOCIATIONS & RELATIONSHIPS

Legislation	<i>Government Information (Public Access) Act 2009</i> <i>Government Information (Public Access) Regulation 2018</i> <i>Privacy & Personal Information Protection Act 1998</i> <i>Privacy & Personal Information Protection Regulation 2014</i> <i>Health Records & Information Privacy Act 2002</i> <i>Health Records & Information Privacy Regulation 2012</i> <i>Local Government Act 1993</i> <i>Graffiti Control Act 2008</i>
Policies	<i>Coolamon Shire Council Records Management Policy</i> <i>Coolamon Shire Council Privacy Management Plan</i> <i>Coolamon Shire Council Community Engagement Strategy</i>
Procedures/Protocols, Statements, Documents	

REVIEW

This guide may be reviewed at any time or as required in the event of legislative changes. Council is required to review and adopt a new agency information guide at intervals of not more than 12 months.

2020 Version Adopted: Council Meeting held 15 October 2020 (Minute No. 214/10/2020)

2018 Version Adopted: Council Meeting held 15 November 2018 (Minute No 231/11/2018)

2017 Version Adopted: Council Meeting held 21 September 2017 (Minute No 175/09/2017)

2015 Version Adopted: Council Meeting held 15 October, 2015 (Minute No. 231/10/2015)