



LEETON

SHIRE COUNCIL

INFORMATION GUIDE

PREPARED IN ACCORDANCE WITH THE
PROVISIONS OF SECTION 20 OF THE
GOVERNMENT INFORMATION
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REVIEW OF THIS POLICY

This Policy will be reviewed every 12 months (as required by Government Information (Public Access) Act 2009 - Sect 21) or as required in the event of legislative changes. The Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy. Any amendment to the Policy must be by way of a Council Resolution.

CONTENTS

CONTENTS	3
1. What is this Information Guide for?	4
2. Who does this Guide apply to?	4
3. What are the Guide's objectives?	4
4. Roles and Responsibilities	4
5. Definitions.....	4
6. Procedure	5
Structure and Functions of Council	5
How Council Functions Affect Members of the Public	8
How the Public can Participate in Council's Policy Development and the Exercising of Functions	8
Type of Information Held by Council and How to Access It	10
Public Interest Considerations	11
What Fees and Charges Apply	11
Documents held by Leeton Shire Council.....	12
How member of the public may access information and amend Council documents concerning their personal affairs	14
Rights of Review	16
7. Legislation	16

1. What is this Information Guide for?

The Information Guide is a mandatory document prescribed in the Government Information (Public Access) Act 2009 (GIPAA). This Information Guide describes the structure and functions of Council, the various kinds of information Council holds and how the public can access this information.

2. Who does this Guide apply to?

This Information Guide applies to all Leeton Shire Council staff, organisations and community members who wish to access information - held by Leeton Shire Council.

3. What are the Guide's objectives?

The objectives of Council's Information Guide are:

1. To show what Council does
2. How Council does it
3. The type of information it holds and generates through the exercise of its function,

With a particular focus on how those functions affect members of the public.

The Guide aims to make it easier for people to identify and locate information held by Council and know whether the information can be obtained on the website, upon request or under a formal access application.

4. Roles and Responsibilities

Principal Officer – General Manager

The General Manager has been appointed the Principal Officer. Amongst other duties the Principal 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 documents and information of the Council.

Right to Information Officer – Director Corporate and Community

The Director Corporate and Community has been appointed as the Right to Information Officer. The Right to Information Officer 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 Principal Officer. If you would like to amend a document of Council which you feel is incorrect it is necessary for you to make a written application to the Principal Officer in the first instance.

5. Definitions

Representation/Representative – More commonly known as Councillors. These are the people who are elected by the community to act and make decisions on its behalf.

Information - Information relates to data, specifics, details, images, film, correspondence and files held by Leeton Shire Council which can be obtained through the making of Access Applications.

Mandatory Disclosure – The provision of information by Council to the Community which is included in the GIPA Act and Regulations

Proactive Release – Information which Council makes publicly available.

Public Interest Considerations – An assessment process which measures the right of the community to have information against the requirements to maintain confidentiality.

Access Application – This is the process of applying for the release of information to an individual or organisation.

6. Procedure

Structure and Functions of Council

Introduction

Leeton Shire Council was constituted in 1928 and was known as Willimbong Shire. On the 29th July 1928 it became Leeton Shire Council.

Basis for Constitution

The Council is constituted under the Local Government Act, 1993.

Organisational Structure and Resources

Leeton Shire Council is composed of nine councillors elected proportionally to represent the whole Local Government Area.

The role of the Councillors, as members of the body corporate are:

1. To direct and control the affairs of the council in accordance with the Local Government Act 1993 and other applicable legislation;
2. To participate in the optimum allocation of the Council's resources for the benefit of the area;
3. 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;
4. To review the performance of the Council and its delivery of services and management plans of the Council.

The role of a Councillor is, as an elected person:

- To represent the interests of the residents and ratepayers;
- To provide leadership and guidance to the community;
- To facilitate communication between the community and Council.

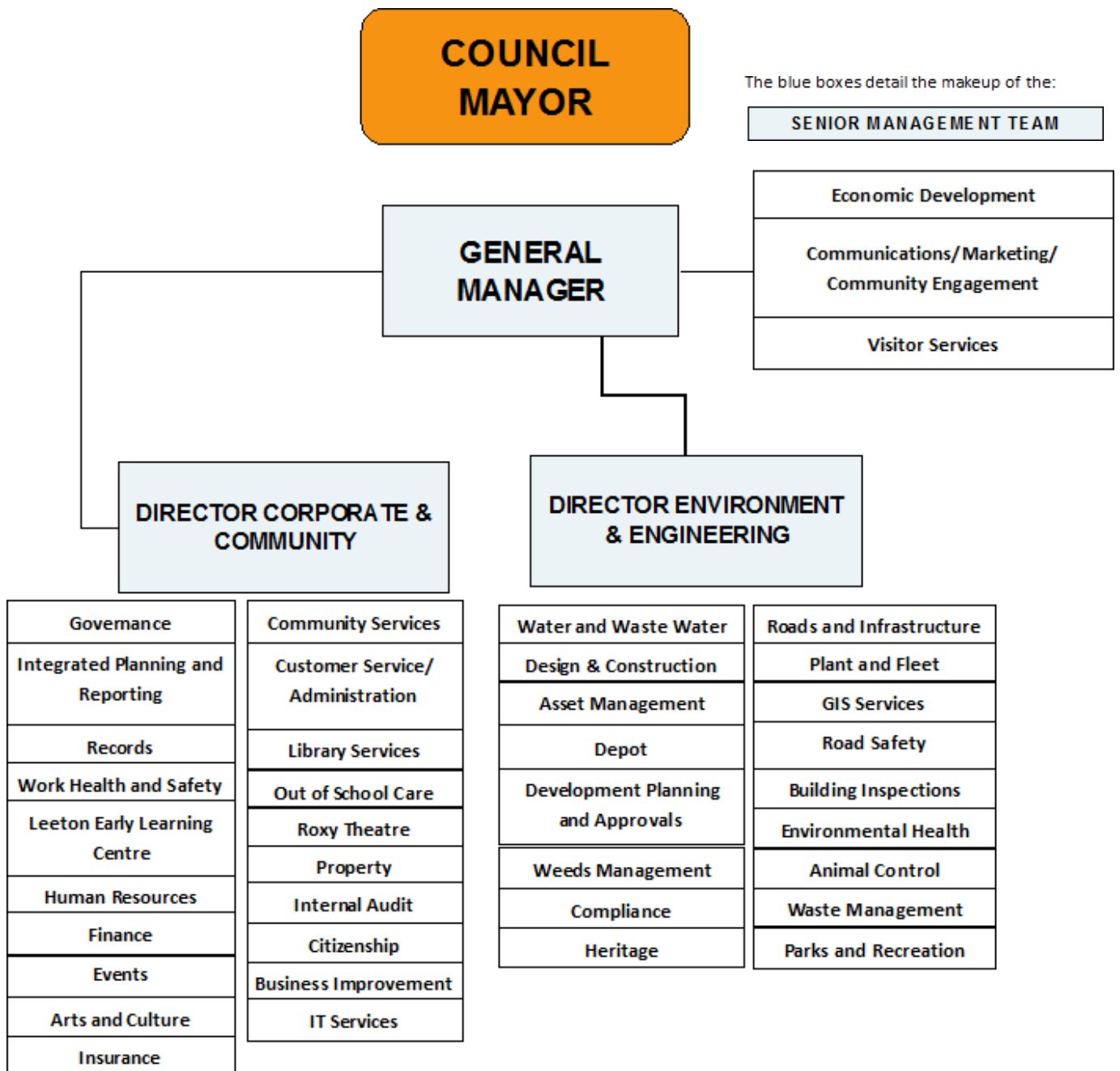
The Mayor is elected from within the group of elected Councillors and serves for a period of two years.

The Mayor presides at meetings of 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 is the General Manager. The General Manager is responsible for the efficient operation of the Council's 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 (EEO) Management Plan.

To assist the General Manager in the exercise of these functions, there are two (2) directors overseeing the following functional areas – Corporate and Community as well as Environment and Engineering. These functional areas are set out in the Council Organisation Structure on the following page.

Leeton Shire Council Organisation Structure



Council's Vision

To be a community that enjoys a rich and diverse lifestyle, in harmony with the environment through the provision of quality services and the sustainable development of our built and natural resources.

Functions of Leeton Shire Council

Under the Local Government Act 1993, Council's functions can be grouped into the following categories:

(A Council exercises functions under the Local Government Act, 1993)

Service Functions	<ul style="list-style-type: none">• Provisions of community health, recreation, education and information services• Environmental protection• Waste removal and disposal• Land and property, industry and tourism development and assistance• Civil infrastructure planning• Civil infrastructure maintenance and construction
Regulatory Functions	<ul style="list-style-type: none">• Building and development approval and control• Building Certificates• Development of Codes and Policies• Leases and Licences of public reserves• Land management
Ancillary Functions	<ul style="list-style-type: none">• Resumption of land• Powers of entry and inspection• Power to sell and for overdue rates• Power to order the demolition of unsafe or unapproved structures
Revenue Functions	<ul style="list-style-type: none">• Levying of rates• Levying of fees and charges• Authority to borrow funds• Authority to make investments• Authority to grant subsidies
Administrative Functions	<ul style="list-style-type: none">• Employment of staff• Management Plans• Financial Reporting• Annual Reports• Codes of Conduct and Practice• Policy preparation
Enforcement Functions	<ul style="list-style-type: none">• Proceedings for breaches of the Act• Prosecution of offences• Recovery of rates and charges

As well as the Local Government Act 1993, Council has powers under a number of other Acts in accordance with appropriate delegated authority. Some of these Acts include:

- Environmental Planning and Assessment Act 1979
- Protection of the Environment Operation Act 1997
- Roads Act 1993
- Companion Animals Act 1993
- Swimming Pools Act 1993

How Council Functions Affect Members of the Public

As a service organisation, the majority of the activities of Leeton Shire Council have an impact on the public. The following is an outline of how the broad functions of Council affect the public.

Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as library services, 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 functions 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 affect areas such as cultural development, social planning and community profile and involves:

- Advocating and planning for the needs of our community. This includes initiating partnerships, participating on regional, State or Commonwealth working parties, and preparation and implementation of the Community Action 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 Local Government Week, Education Week, Youth Week, Children's Week, etc, as well as promoting events of others.

How the Public can Participate in Council's Policy Development and the Exercising of Functions

There are two broad 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 elections are to be held in September 2020.

At each election, voters elect nine 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 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. The Councillors, if they agree with the issue 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 has several committees which include members of the public. Some of these committees :

- Whitton Court House and Historical Museum Group
- Community Hall Groups for Whitton, Yanco and Murrumbidgee
- Leeton Men's Shed
- Sunrice Festival Committee
- Light Up Leeton Committee
- Bidgee Classic Committee
- Leeton Tree Management Committee
- Wattle Hill Progress Committee
- Leeton Shire Heritage Group
- Roxy Community Theatre Group
- Leeton Traffic Committee
- Town Improvement Committees for Whitton, Yanco and Wamboona
- Leeton Early Learning Centre
- Central Business District Working Group
- Visitor Services Information Committee
- Action Groups for Tidy Towns, Youth and Australia Day

Members of the public are also able to attend Council meetings (usually the fourth Wednesday of each month from 7pm) held in the Council Chambers, 23-25 Chelmsford Place, Leeton. The Council meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda. Anyone wishing to address Council is requested to register to speak for a maximum of five (5) minutes by Tuesday 12 noon preceding the meeting by contacting Council on (02) 6953 0911.

Members of the public are able to provide submission on draft policies, strategies and plans that are placed on public exhibition, complete community surveys, attend community forums and become involved in various activities as a volunteer.

Residents can write to Council on any matter. If it is outside the delegations or policies by which staff or the General Manager can make a decision, the matter will be referred to the next available relevant Committee or Council Meeting.

Residents also have the opportunity to provide feedback to Council on a range of strategies, plans and projects through its online consultation portal – Have Your Say Leeton. Following a registration process, the hub provides participants with information and allows residents and ratepayers to get involved, helping to shape the future of the Shire. This hub allows participants to find out about the Shire's current and upcoming projects providing an opportunity to share ideas on important issues and projects to help inform Council's decision making. The feedback received from community is highly valued, and Council's goal is to keep people informed about the projects and issues that are most important to the community.

Type of Information Held by Council and How to Access It

Leeton Shire Council hold information in respect of a wide range of functions undertaken by it and information which is pertinent to different issues in relation to the Leeton Shire Council Local Government Area.

Some of the information is available for inspection as a requirement of the GIPA Act, some information is available for purchase as outlined in Council's adopted Revenue Policy.

Under the GIPA Act, there is a right of access to certain information held by Council unless there is an overriding public interest against disclosure of the information.

There are four main ways in which Council will provide access to information:

- Mandatory Proactive Release
- Authorised Proactive Release
- Informal Access Application
- Formal Access Application

Applications for Access to information are subject to a \$30 fee and will be processed in accordance with the GIPA Act's requirements. A determination will be made to release the information or refuse access on the basis of the relevant considerations under that Act.

Council will assess requests for access to information having regard to:

- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- State Records Act 1998
- Local Government Act 1993
- Environmental Planning and Assessment (EPA) Act 1979
- Companion Animals Act 1998

And any other relevant legislation and guidelines as applicable.

Mandatory Disclosure of Open Access Information

Under Section 6 of the GIPA Act, Council must make its 'open access information' publicly available unless there is an overriding public interest against disclosure of the information. Open access information is required to be published on Council's website unless to do so would impose an unreasonable additional cost on Council (in these instances, Council's website explains where that information can be obtained – generally by contacting Council's Customer Service Centre or by contacting Council's Public Officer as stated).

Open access information is defined in Section 18 of the GIPA Act and includes:

- Council's policy documents;
- An Information Guide which contains information about Council's structure and functions, and lists the type of information that is publicly available;
- A disclosure log of formal access applications which includes release of information that Council believes may be of interest to other members of the public;
- A register of contracts worth more than \$150,000 which Council has with private sector bodies;
- A record of open access information that Council has not made publicly available on the basis that there is an overriding public interest against disclosure;

- Such other information that may be prescribed by the GIPA Regulation as open access information.

Proactive Release

In addition, Council will make as much other information publicly available as possible in an appropriate manner, including on its website. The information will be available free of charge (or at the lowest reasonable cost).

Informal Access Application

Access to information which is not available as Mandatory Release or Authorised Proactive Release information may be provided through Informal Release. Council will endeavour to release information in response to such a request, subject to any reasonable conditions as Council deems fit to impose.

Formal Access Application

Council will require a formal access application to be submitted where the information sought:

- Is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or
- Contains personal or confidential information about a third party that requires consultation, or
- Would involve an unreasonable amount of time and resources to produce.

To make a formal request for access to information an "Access Application" form should be completed (available on Council's website or by request at Council's Customer Service Centre). An application fee of \$30 is payable in accordance with Council's adopted Revenue Policy (Fees and Charges).

Public Interest Considerations

When considering whether or not to provide information Council will apply the public interest test having regard to their obligation to promote the objectives of the GIPA Act and to any relevant guidelines issued by the Information Commissioner.

The GIPA Act provides a table of items for which there is an overriding public interest against disclosure. Council must consider each application for information against these criteria before information can be released.

What Fees and Charges Apply

Access to Information Request – there is no application fee for a request for access to information however council may charge a fee for copying as per Council's adopted Revenue Policy.

Formal Access Application – an application fee is payable in accordance with Council's adopted Revenue Policy which outlines its Fees and Charges. The application is invalid until the fee is paid.

Processing Charges

Council may impose a charge for processing an application.

The processing charge is calculated at an hourly rate in accordance with Council's adopted Revenue Policy (Fees and Charges).

Under certain circumstances an applicant may be entitled to a 50% reduction in the processing charge (not the application fee).

A 50% reduction in the processing charge imposed will apply if Council is satisfied that the applicant is suffering financial hardship or is satisfied that the information applied for is of special benefit to the public generally.

If an Access Application is made for personal information about the applicant (the applicant being an individual), the fee for the first 20 hours of processing time will be waived.

Information on Council's website is available for viewing free of charge at Council's administration office. If hard copies are required, a copying charge will be levied in accordance with Council's adopted Revenue Policy (Fees and Charges).

Documents held by Leeton Shire Council

Council holds documents (hard copy and/or electronic form) that relate to a number of different issues concerning the Leeton Shire Council Area. These documents are grouped into four categories:

- A. Electronic Documents
- B. "Physical Files"
- C. Policy Documents
- D. General Documents

Documents listed in "General Documents" in this Information Guide may be made available to the public on request unless there is an overriding public interest not to do so.

Some documents may require a formal access application in accordance with the Government Information (Public Access) Act.

A & B – Electronic and "Physical Files"

Council implemented an Electronic Document Management System (TRIM) and in 2010 hard copy, physical files were dispensed with, except for development/building/construction applications.

Accordingly, TRIM captures information against the following indices:

- Customer
- Property
- Application
- Request Type
- Subject
- Meetings

Prior to 2010 the main types of "physical files" held by Council included general subject files, development and building files and property files.

Council's files are not available on the website however this information may be made available either by informal release or via an access application in accordance with Sections 7-9 of the GIPA Act, unless there is an overriding public interest against disclosure of the information as outlined in Section 14 of the GIPA Act. Members of the public who require an information release or an access application can do so by contacting Council.

C – Policy Documents

Council's policies are maintained in a Policy Register – access to which is available on the website.

D – General Documents

The following list of general documents held by Council has been divided into four sections as outlined by Schedule 5 of the Government Information (Public Access) Act:

- Information about Council.
- Plans and Policies;
- Information about Development Applications;
- Approvals, Orders and other Documents

Schedule 5 of the Government Information (Public Access) Act requires that these documents held by Council are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to place these documents 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 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 adopted Revenue Policy (Fees and Charges).

These documents are:

Information about Council

- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Policy concerning the Payment of Expenses incurred by, and the Provision of Facilities to, Councillors
- Annual Reports of Bodies Exercising Functions delegated by Council
- Any Codes referred to in the Local Government Act 1993
- 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

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

Information about Development Applications

Development Applications and any associated documents received in relation 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 documents that council decides to exclude from public view including internal specifications and configurations and commercially sensitive information.

Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the Local Government Act 1993
- Applications for approvals under any other Act and any associated documents received
- Records of approval granted or refused, any variation from Council Policies and reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the Local Government Act 1993, and any reasons given under Section 136 of the Local Government Act 1993
- 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 a member of the public may access information and amend Council documents concerning their personal affairs

As far as practicable, Council documents will be accessible by members of the public during office hours (8.30 am to 5.00 pm, Monday to Friday).

Council information can be accessed by:

- Searching council's website, www.leeton.nsw.gov.au to see if the information is already available (in accordance with the GIPA Act certain information must be published on Council's website, free of charge, this is referred to as 'mandatory disclosure')
- Contact Council either in person or by telephoning Council's customer service centre on (02) 6953 0911 and ask for the information. Council will decide whether the information requested:

- Is Open Access information that is readily available. If it is, you will be told where and how to access the information;
- Should be made available as part of a 'Proactive Release' of information;
- Can be disclosed to you through 'Informal Release' for example where no third party personal information is involved, or
- Requires a 'Formal Access Application'

The right to information reforms means that formal applications for access to information should be a last resort.

Persons who wish to seek an amendment to the Council's records concerning their personal affairs, should contact a Customer Service Officer.

If you experience difficulty in obtaining documents or information you should contact Council's Right to Information Officer or the Principal Officer.

Principal Officer

The General Manager has been appointed the Principal Officer.

Amongst other duties the Principal 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 documents and information of the Council.

Right to Information Officer

The Director Corporate and Community has been appointed as the Right to Information Officer.

The Right to Information Officer 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 Principal Officer.

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 Principal Officer in the first instance.

Enquiries should be addressed as follows:

General Manager Leeton Shire Council
 23-25 Chelmsford Place
 LEETON NSW 2705
 Telephone: (02) 6953 0911
 Email: www.leeton.nsw.gov.au

Office of the Information Commissioner

The Office of the Information Commissioner has been established to oversee the GIPA Act.

If you require any other advice or assistance about access to information you may contact the Office of the Information Commissioner by:

Telephone: 1800 463 626 (free call) Monday to Friday, 9.00am to 5.00pm (excluding public holidays)
 Fax: (02) 8114 3756
 Email: oiinfo@oic.nsw.gov.au
 Mail: GPO Box 7011, Sydney NSW 2001
 or visit in person at Level 11, 1 Castlereagh Street, Sydney NSW 2000

Rights of Review

There are rights to review a decision made by the Leeton Shire Council's Public Officer. A full list of reviewable decisions is set out in Section 80 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 fee. Internal review involves a senior person in the agency reviewing the decision to reject the Access to Information Application.

Role of the Information Commissioner

The Information Commissioner can review a decision to refuse access to information if requested by the applicant, notwithstanding any internal review being undertaken. However, for other persons seeking review, an internal review must first be undertaken. The Information Commissioner also deals with complaints under the GIPA Act.

External Review (Administrative Decisions Tribunal)

Applicants also have formal avenues via the New South Wales Administrative Decisions Tribunal to review the decision of refuse access. This application must be made within eight (8) weeks of the original decision or four (4) weeks after a review undertaken by the Information Commissioner.

7. Legislation

The Information Guide is a mandatory document prescribed in the Government Information (Public Access) Act 2009 (GIPA Act).