
**NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 10 APRIL 2024
REPORTS TO COUNCIL – GENERAL MANAGER**

1. VOLUNTEER MANAGEMENT POLICY

Author	Director Governance
Responsible Officer	Acting General Manager
Link to Strategic Plans	CSP – 1.2.2 Encourage volunteering in the Shire and recognise the positive outcomes for both the community and volunteers CSP - 4.3.1 Operate and manage Council in a financially sustainable manner that meets all statutory and regulatory compliance and Council policies

Executive Summary

This report is presented to Council to endorse the revised Volunteer Management Policy.

Report

The purpose of the Volunteer Management Policy is to provide Council with a framework on best practice management of volunteers engaged by Council. The policy defines the responsibilities of Council, and the expectations of volunteers. Council is committed to ensuring that it provides a safe workplace for volunteers.

The Volunteer Management Policy was initially considered and adopted by Council on 16 March 2010 and has subsequently been revised and endorsed by Council in December 2015 and again in November 2019.

The policy is due for further review. Suggested amendments are minor in nature (**See Attachment No. 1**).

Financial Implications

Volunteers willingly give of their time for the common good and without financial gain.

Legal and Regulatory Compliance

Volunteers are recognised as workers under the NSW Work Health and Safety Act 2011. Council has a duty of care to provide a safe workplace to its workers.

National Standards for Volunteer Involvement (2015).

Risk Management Issues

All volunteer activities involve a level of risk. The Policy provides guidance regarding volunteer management in order to support employees who manage volunteers and provide understanding for volunteers in their roles, rights and responsibilities.

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1. VOLUNTEER MANAGEMENT POLICY (Cont'd)

Internal/External Consultation

There is no requirement to place this policy on public exhibition.

Attachments

- Revised Volunteer Management Policy

RECOMMENDATION

That Council endorses the revised Volunteer Management Policy.

2. PUBLIC ACCESS TO COUNCIL INFORMATION POLICY

Author	Director Governance
Responsible Officer	Acting General Manager
Link to Strategic Plans	CSP - 4.3.1 Operate and manage Council in a financially sustainable manner that meets all statutory and regulatory compliance and Council policies

Executive Summary

This report is presented to Council to endorse the revised Public Access to Council Information Policy.

Report

The purpose of the Public Access to Council Information Policy is to describe standards regarding public access to information and to assist in the processing of requests for such access.

The Policy was initially considered and adopted by Council on 19 April 2011 and has subsequently been revised and endorsed by Council in June 2013, December 2016 and again in February 2019.

The policy is due for further review. Suggested amendments are minor in nature, reflecting updates in legislation etc. (**See Attachment No. 2**).

Financial Implications

The GIPA Application fee is a statutory fee of \$30.00. Processing charges may also be applicable. The Internal Review fee is a statutory fee of \$40.00.

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2. PUBLIC ACCESS TO COUNCIL INFORMATION POLICY (Cont'd)

Legal and Regulatory Compliance

Council deals with requests for information under the Government Information (Public Access) Act 2009. There is a right of access to certain documents held by Council unless there is an overriding public interest not to do so.

Council will also provide access to information under the NSW Privacy and Personal Information Protection Act (PPIPA) 1998, the NSW Health Records and Information Privacy Act (HRIPA) 2002, the Environmental Planning and Assessment Act 1979, the Local Government Act 1993 and the State Records Act 1998.

Risk Management Issues

Compliance with legislative requirements

Internal/External Consultation

There is no requirement to place this policy on public exhibition.

Attachments

- Revised Public Access to Council Information Policy

RECOMMENDATION

That Council endorses the revised Access to Council Information Policy.

3. TOMINGLEY GOLD OPERATIONS (TGO) – COMMUNITY FUND PANEL

Author	Director Governance
Responsible Officer	Acting General Manager
Link to Strategic Plans	CSP – 4.4.3 Develop and build partnerships with State and Federal Governments, industry and community organisations to foster development and delivery of community services and emerging business sectors

Executive Summary

This report is presented to Council to approve the recommendations from the Tomingley Gold Operations (TGO) Community Fund Panel for distribution of the Voluntary Planning Agreement funds.

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REPORTS TO COUNCIL – GENERAL MANAGER

3. TOMINGLEY GOLD OPERATIONS (TGO) – COMMUNITY FUND PANEL (Cont'd)

Report

The Voluntary Planning Agreement (VPA) with TGO is to provide Council with the following "community funds" as outlined in clause 4.1 of the Agreement –

\$75,000 (plus CPI adjustments) per year until 31 December 2030 with 50% payable on 1st July and 50% payable on 1st January each year with a total of \$600,000 over the period.

The VPA also states in clause 4.3 "The Development Contributions paid pursuant to clause 4.1 may be pooled with other monies held by Council which have similar and relevant objectives".

The objective of the Community Fund is to satisfy the four elements of:

- Economic Development – directly contribute to the resilience and/or long-term economic growth of the community.
- Community Connectivity – promote community togetherness in a positive family focused way.
- Education and Training – foster the education and up-skilling of members of the community.
- Community Infrastructure.

The TGO Community Fund awards funds twice per year. The Panel usually confers in April and September to review applications. The Panel recommends to Council that the following projects receive funding from the Community Fund (Round 1 2024):

- Australian Skin Cancer Foundation – bring skin check truck to Narromine in October 2024 - \$3,000
- Dusty Boots Festival & Awards – assist with hosting country music festival and awards in Narromine - \$5,000
- Narromine Aero Club – hosting outdoor cinema event at Narromine Aerodrome \$5,800
- Narromine Business Collective – hosting rural women in business luncheon at Narromine \$10,000
- Narromine Junior Jets – purchase new football equipment - \$2,500
- Tomingley Picnic Race Club – Tomingley Picnic Races sponsorship and race track improvements - \$30,000
- St Augustines PnF – Installation of LED notice board for the school - \$5,000
- CWA of NSW Far Western Group – Prize money for public speaking competition - \$300

Recommended projects are determined in accordance with the objectives and assessment criteria for the distribution of the Community Funds agreed to by Council and TGO.

Acknowledgement of the successful applicant will be in a joint letter from Council (signed by the Mayor) and the TGO (signed by the Mining Manager).

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3. TOMINGLEY GOLD OPERATIONS (TGO) – COMMUNITY FUND PANEL (Cont'd)

Financial Implications

VPA Funds of \$75,000 per annum are available. The balance of the community VPA fund is \$137,203. There were 8 applications received comprising a total value of \$71,600.

Recommended financial contribution is \$61,600.

Legal and Regulatory Compliance

In accordance with section 377 of the Local Government Act 1993, Council must resolve to approve the allocation of funds for a donation.

Guidelines adopted by Council on 9 October 2013 for distribution of funds for Tomingley Gold Operations – Community Fund in accordance with the Voluntary Planning Agreement.

Risk Management Issues

Nil

Internal/External Consultation

TGO Community Fund Panel

Attachments

Nil

RECOMMENDATION

That Council approves the allocation of funds from the TGO Community Fund as follows:

- Australian Skin Cancer Foundation – bring skin check truck to Narromine in October 2024 - \$3,000
- Dusty Boots Festival & Awards – assist with hosting country music festival and awards in Narromine - \$5,000
- Narromine Aero Club – hosting outdoor cinema event at Narromine Aerodrome \$5,800
- Narromine Business Collective – hosting rural women in business luncheon at Narromine \$10,000
- Narromine Junior Jets – purchase new football equipment - \$2,500
- Tomingley Picnic Race Club – Tomingley Picnic Races sponsorship and race track improvements - \$30,000
- St Augustines PnF – Installation of LED notice board for the school - \$5,000
- CWA of NSW Far Western Group – Prize money for public speaking competition - \$300

Phil Johnson
Acting General Manager



VOLUNTEER MANAGEMENT POLICY AND PROCEDURES

Adopted by Council 13 November 2019
(Resolution No 2019/281)

Created by: Governance Department
Version No: ~~43.0~~
Adopted by Council: First Adopted 16 March 2010, Reviewed and Adopted
9 December 2015, Reviewed and Adopted 13 November
2019
Review Date: ~~April 2027-12 November 2023~~

Introduction

At times, Narromine Shire Council may have ~~a number of several~~ community members who volunteer their time to assist in the provision and enhancement of some of Council's services. Council recognises the importance of volunteers and the valuable contribution they make to our community.

This policy applies to all volunteers.

Purpose

The purpose of this policy is to provide Council with guidance on the management of volunteers engaged by Council.

Council is committed to providing a safe workplace for its workers. ~~Under the Work Health and Safety Act 2011,~~ Volunteers are recognised as workers under the NSW Work Health and Safety Act 2011:-

Definitions

'Volunteer' means a person who willingly gives their time for the common good and without financial gain. This is irrespective of whether the person receives out of pocket expenses.

'Work' means any activity carried out in any capacity for Council.

Applicable Legislation and Documentation

NSW Work Health and Safety Act 2011 and 2017 WHS Regulations
Local Government Act 1993
National Standards for Volunteer Involvement 2015
Council's Code of Conduct
Council's Work Health and Safety Policy
Council's Grievance Resolution Policy

Roles and Responsibilities

Council's Responsibilities To Volunteers

- Volunteers will be recruited in a fair, equitable and formal manner.
- knowledge and skills relevant to their roles will be identified and training and development opportunities will be provided to meet these needs.
- Volunteers will be provided with a safe workplace as per the legislative requirements of the NSW Work Health and Safety Act 2011.
- Volunteers will be provided with support and direction from the relevant Program Manager.
- Volunteers will be provided with relevant insurance cover when they are registered and have the approval of Council whilst undertaking their designated volunteer roles.
- Volunteers will be provided with relevant induction prior to each project.
- Volunteers will have their complaints and grievances addressed in accordance with Council's policy and procedures.

Volunteer's Responsibilities to Council

- Volunteers must take reasonable care ~~for~~of the health and safety of themselves and others.
- Volunteers must follow Council's guidelines, policies, and procedures relevant to the volunteering position.
- Volunteers must participate in training when it is defined as mandatory and are encouraged to participate in training that is offered to assist in skill development.
- Volunteers must work within a team structure and report any unsafe conditions.
- Volunteers must respect and maintain confidential information and perform their role to the expected standards defined within their role descriptions.
- Volunteers must abide by Council's Code of Conduct and understand that unsatisfactory volunteer work and/or inappropriate behaviour may result in termination of the volunteer registration.
- Volunteers must record attendance details in an attendance register, logbook or minutes for a meeting for insurance purposes.
- Volunteers must inform Council's Program Manager if they are unable to attend their volunteer activities at any time.
- Volunteers must decline or withdraw from work if it is unsuitable or if it is placing excessive demands on them.
- Volunteers will be personally responsible for any fine or suffer any civil or criminal penalty which may be imposed on them for his or her non-compliance with any legislation.

The **General Manager** is responsible for ensuring that:

- The Volunteer Management Policy and Procedures are effectively implemented.
- Council's WH&S principles-values are enforced in the workplace.

Program Managers are responsible ~~and will be held accountable~~ for ensuring that:

- The Volunteer Management Policy and Procedures is effectively implemented in their area of control.
- Supervisors have the support necessary ~~and are held accountable~~ for their specific responsibilities.
- Volunteers under their control are consulted about issues affecting their health and safety.
- Prompt action is taken to eliminate unsafe or unhealthy conditions or behaviour.
- Program Managers are responsible and ~~will be held accountable~~ for taking all practical measures to ensure that the area they control is ~~safe and~~ without risks to health and safety and that the Volunteer Management Policy and procedures are adhered to.
- Ensuring that persons at the workplace ~~are behaving~~behave in a safe manner.
- Volunteers are supervised and trained sufficiently to perform the required tasks and are inducted accordingly.
- Detecting and promptly ~~remedying-controlling all~~ risks to health and safety in consultation with all volunteers present, where they have the necessary authority, or promptly reporting these risks with a proposed solution to their Supervisor who has the necessary authority to fix the problem.
- Referring volunteers' health and safety concerns to their Directors/Managers Supervisor or the WHS and Risk Coordinator if they cannot be resolved.

Procedures

1. Volunteers must complete the attached application form and lodge it with the relevant Program Manager prior to commencement.
2. Volunteers who undertake work not organised by Council on property owned or managed by Council must complete the attached application form and lodge it with the relevant Program Manager prior to commencement.
3. Assessment of ~~suitability~~the suitability of the volunteer for the specified project will be undertaken by the relevant Program Manager. This includes ensuring that all licences and qualifications required to operate plant or equipment are evidenced.
4. Council will undertake an assessment of the groups' activities according to the Volunteer Activity Safety Rating attached.
5. Working hours will be agreed to and complied with for the purposes of communication and contact, and ~~in the event that~~if there is a claim made by or against a volunteer. Volunteers must advise the Program Manager who they are working with if they cannot commit to the agreed hours on any occasion.

Procedures (Cont'd)

6. A volunteer suspected of breaching Council's Code of Conduct or a Council policy may be asked by the Program Manager to cease duties immediately and/or have their position as a volunteer suspended until an investigation into the suspected breach can be conducted.
7. Where a volunteer's work performance or conduct is considered unsatisfactory, they will be informed in the first instance and counselling will be provided to assist the volunteer achieve the required standard. Should the volunteer's conduct not improve after the initial warning, the volunteer's services with Council will be terminated.
8. Where a serious breach of Council's Code of Conduct or policy is found to have occurred, the volunteer's services may be terminated immediately without following the procedures outlined above.
9. Volunteers are expected to maintain the same standards of confidentiality, courtesy and organisational discipline as Council's paid employees.
10. Volunteers will be required to always wear appropriate personal protective equipment during volunteer activities. The Program Manager will determine what PPE requirements are appropriate and is responsible for the provision of PPE ~~in consultation with the volunteer.~~
11. The Program Manager will provide each volunteer with 'volunteer' badges to identify volunteers whilst working where appropriate.
12. The Program Manager will supply the volunteer group with a first aid kit when required ~~where required, which~~ The first aid kit is to be present during all volunteering activities.
13. Volunteers are required to record details in the attendance register as attached on each volunteering occasion.

VOLUNTEER REGISTRATION FORM

<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms. (please tick)			Date of Birth:
GIVEN NAMES:		SURNAME:	
HOME ADDRESS:			
			POST CODE:
POSTAL ADDRESS: (if different from above)			POST CODE:
CONTACT NUMBERS:	Home:	Business:	
Mobile:	Fax:		
E-mail:			
FIRST AID	Do you have a current First Aid Certificate		<input type="checkbox"/> Yes <input type="checkbox"/> No
DO YOU HAVE ANY MEDICAL PROBLEMS OR ARE YOU TAKING ANY MEDICATION WHICH MAY AFFECT YOUR VOLUNTEERING?			
<input type="checkbox"/> YES <input type="checkbox"/> NO			
DETAILS:			
CONTACT PERSON FOR EMERGENCIES		<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms	
GIVEN NAMES:		SURNAME:	
RELATIONSHIP TO VOLUNTEER:			
Home:	Business:	Mobile:	
<input type="checkbox"/> WHAT ARE YOUR SKILLS/INTERESTS?			
<input type="checkbox"/> Labour	<input type="checkbox"/> Artistic/Design	<input type="checkbox"/> Education	<input type="checkbox"/> Event Coordination
<input type="checkbox"/> Conservation	<input type="checkbox"/> Water	<input type="checkbox"/> Flora	<input type="checkbox"/> Fauna <input type="checkbox"/> Weeds
Other: please state			
VOLUNTEER PROJECT - Please state the site location or volunteer group/program you would be interested in			
PHOTOGRAPHY PERMISSION - Do you consent to having your photograph taken and reproduced in the media and Narramine Shire Council promotional material? Yes <input type="checkbox"/> No <input type="checkbox"/>			
I hereby agree to abide by Council's Volunteer Management Policy and Procedures <input type="checkbox"/> Yes <input type="checkbox"/> No			
Signature		Date	

Office Use Only	
Training undertaken.	
Site Orientation <input type="checkbox"/>	General Induction <input type="checkbox"/>
Manual Handling <input type="checkbox"/>	Working with Children Check <input type="checkbox"/>
Other <input type="checkbox"/>	
PPE required <input type="checkbox"/> Yes <input type="checkbox"/> No	Issued <input type="checkbox"/> Yes <input type="checkbox"/> No Date / /
Volunteer program.	
Skills / Tasks	
Commencement Date / /	Completion Date / /

ATTENDANCE SHEET FOR VOLUNTEERS

Name of event/project/activity:

Date of event/project/activity:

It is important that, as a volunteer, you receive work health and safety instructions and an induction for the tasks you are carrying out. Please only take part in the tasks and sign this sheet once the required induction and safety requirements have been met.

	Name	Signature	Emergency contact number
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			

This form is to be provided to Council's Program Manager.

Office Use OnlyForm registered in EDRMS Yes No

Date / /

VOLUNTEER ACTIVITY SAFETY RATING

How do we assess the Risk?

Risk assessment is nothing fancy — it's something we do every day by asking:

- How bad could the result be?
- How likely is it that this will happen?

We use the information gained from the sources above to better answer these questions, and then to read off the 'level' of risk from the table below.

How bad? How likely?

	Almost Certain: <i>Expected to occur in most cases</i>	Likely: <i>Will probably occur at some stage</i>	Possible Not generally expected but may occur	Unlikely: <i>Conceivable but not likely to occur</i>	Rare: <i>Only ever occurs under exceptional circumstances</i>
Kill or cause permanent disability or ill health	Extreme	Extreme	High	High	High
Long term illness or serious injury requiring hospital admission	High	High	High	Medium	Medium
Medical attention and several days off work	High	Medium	Medium	Medium	Low
First aid needed	Medium	Medium	Medium	Low	Low

Risk Level	The following actions are to be initiated
Extreme	This level of risk is unacceptable Immediate action required to actively address extreme risks Avoid proceeding with activity Report immediately to the Executive Leadership Team; regular internal reporting required to Executive Leadership Team Escalation to Governing Body of Council or State Government Agency if necessary
High	Develop and implement a specific treatment plan for high risks before volunteer commences activities. A high level of supervision to be maintained over the volunteer Regular audits and safety reviews to be undertaken by responsible officer and reported to Director to monitor implementation Strict compliance with by volunteer required of risk control plan
Medium	Retaining risk by informed decision Develop and implement a specific treatment plan for medium risks Allocate actions and budget to reduce risk where existing controls deemed inadequate Audits to be undertaken in consultation with volunteers Regular internal reporting to Director to monitor implementation

Low	<p>Accept and monitor low-priority risks Manage via routine procedures where possible i.e. council safety procedures. Lower level of supervision to be kept Monitor via internal reporting mechanisms</p>
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POLICY – PUBLIC ACCESS TO COUNCIL INFORMATION

Adopted by Council 13 February 2019, Resolution No 2019/014

1. POLICY OBJECTIVE

The purpose of this Policy is to describe standards regarding public access to information and to assist in the processing of requests for such access.

2. POLICY PRINCIPLES

Council is committed to the following standards regarding public access to documents and information:-

- Open and transparent government
- Consideration of the overriding public interest test in relation to access requests
- Proactive disclosure and dissemination of information
- Respect for the privacy of individuals

3. POLICY SCOPE

This policy applies to all members of the public wishing to access Council information.

4. LEGISLATION AND REFERENCES***Commonwealth Acts and Australian Standards***

Copyright Act 1968

NSW Acts, Codes and Practice Notes

Privacy and Personal Information Protection Act 1998
 Privacy and Personal Information Protection Regulation 2014
 Health Records and Information Privacy Act 2002
 Local Government Act 1993
 Government Information (Public Access) Act 2009
 Government Information (Public Access) Regulation 2018
 Anti-Discrimination Act 1977
 State Records Act 1998
 Workplace Surveillance Act 2005
 Public Interest Disclosures Act ~~1994~~ 2022
 Environmental Planning and Assessment Act 1979

Associated Documentation

Narromine Shire Council Information Guide – Government Information (Public Access) Act 2009
 Narromine Shire Council's Privacy Management Plan

5. DEFINITIONS

Government Information – means information contained in a record held by an agency.

Personal information – has the meaning given to that term in PIPPA being: Personal information is defined to mean information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) Whether the information or opinion is true or not; and
- (b) Whether the information or opinion is recorded in a material form or not.

6. ACCESSING INFORMATION

Council will deal with requests to inspect documents in accordance with the Government Information (Public Access) Act 2009 (GIPA). There is right of access under the GIPA Act to certain documents held by Council unless there is an overriding public interest not to do so. Any applications under the GIPA Act will be processed in accordance with the Act's requirements and a determination made to release the documents or refuse access on the basis of the relevant considerations under the Act. Charges for formal applications are in accordance with the GIPA Fees and Charges and include a \$30 application fee.

Council will also provide access to information under the NSW Privacy and Personal Information Protection Act (PPIPA) 1998, the NSW Health Records and Information Privacy Act (HRIPA) 2002, the Environmental Planning and Assessment Act 1979, the Local Government Act 1993 and the State Records Act 1998.

An individual has the right to access and amend records held by Council which may contain their personal details, matters relating to their business affairs or their health.

If information is held on individuals, request for documents, files or systems should be made under the GIPA Act. The Act provides for consultation with the individuals or relevant third parties prior to the disclosure of information.

7. INFORMATION AVAILABLE

Council publishes specific open access, or mandatory release information on its website unless there is an overriding public interest against disclosure or to do so would impose an unreasonable additional cost to Council. If costs are deemed to be unreasonable, Council will make the information available to the applicant in another format such as viewing a hard copy at Council's ~~Administration Office~~ [Customer Service and Payments Centre](#).

Information identified as "Open Access Information" and is available on Council's website is:

- An information guide with information about the Council's structure and functions, and listing the type of information that is publicly available
- A disclosure log of formal access applications where in Council's opinion the information released may be of interest to other members of the public

Section 18 of the GIPA Act and Schedule 1 of the Government Information (Public Access) Regulation 2018 deems that certain documents held must 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 publish these documents on the website) or at Council's Administration Office Customer Service and Payments Centre -during ordinary office hours. Copies can be supplied for reasonable copying charges.

'Open' Informal Access documents are:-

Information About Council

- Council's current Information Guide
- Council's policy documents
- Council's disclosure log of access applications
- Council's register of government contracts
- Council's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure
- Such other government information as may be prescribed by the regulations as open access information
- Council's Code of Conduct
- Council's Code of Meeting Practice
- Council's Annual Report
- Council's Annual Financial Reports
- Council's Auditor's Reports
- Council's Management Plan
- Council's EEO Management Plan
- Council's Policy For Payment of Expenses and Provision of Facilities to Mayor and Councillors
- Annual reports of bodies exercising functions delegated by Council
- Any codes referred to in the LGA.
- Returns of the Interests of Councillors, Designated Persons and Delegates ~~(this document is available for inspection at Council's offices only, and not on the website, in accordance with the Information Commissioner's guidelines)~~
- Agendas and Business Papers For Council and Committee Meetings (but not including business papers for matters considered when any part of a meeting is closed to the public)
- Minutes of Council and Committee Meetings, 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
- Reports by the Chief Executive of the Office of Local Government presented to a meeting of Council in accordance with section 433 of the LGA.
- Council's land register
- Councils' register of investments
- Council's register of delegations
- Council's register of graffiti removal work kept in accordance with Section 13 of the Graffiti Control Act 2008
- Council's register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA
- Council's register of voting on planning matters kept in accordance with section 375A of the LGA

Plans and Policies

- Local policies adopted by Council concerning approvals and orders
- Council's plans of management for community land
- Environmental planning instruments, development control plans and contribution plans made under the Environment Planning and Assessment Act 1979 applying to land within Council's area

Development Applications

- Development applications (within the meaning of the Environmental Planning and Assessment Act 1979) and associated documents received in relation to a proposed development including the following:-
 - Home warranty insurance documents
 - Construction certificates
 - Occupation certificates
 - Structural certification documents
 - Town planner reports
 - Submissions received on development applications
 - Heritage consultant reports
 - Tree inspection consultant reports
 - Acoustics consultant reports
 - Land contamination consultant reports
- Records of decisions made after 1 July 2010 on development applications (including decisions made on appeal)
- The above does not apply to information that consists of
 - 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
 - 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
 - Development applications made before 1 July 2010 and any associated documents received (whether before, on, or after) that date in relation to the application

Approvals, Orders and Other Documents

- Applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application
- Applications for approvals under any other Act and any associated documents received in relation to such an application
- Records of approvals granted or refused, any variation from local 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 licences for use of public land classified as community land
- Performance improvement orders issued to Council under Part 6 of Chapter 13 of the LGA

8. EXEMPTIONS TO ACCESS

Council may refuse a request for information if there is an overriding public interest against disclosure or if searching for the requested information would require unreasonable and substantial diversion of Council's resources. Council will explain to the applicant the reasons for applying any exemption.

Council will not classify information as exempt unless there are clear reasons for doing so. If documents partly contain exempt information, this information will be withheld and the remaining information will be available under the Act.

In determining whether there is an overriding public interest against the disclosure of the information, Council will fully consider the Public Interest Test. The GIPA Act provides a list of public interest considerations against disclosure. These are the only considerations against disclosure that Council will consider in applying the Public Interest Test:-

- 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 the interstate Freedom of Information legislation

In applying the Public Interest Test, Council will not take into account:-

- that disclosure may cause embarrassment to, or a loss of confidence in, the Council
- that the information disclosed might be misinterpreted or misunderstood by any person

Council will consider any submissions made by an applicant in relation to public interest considerations, as well as particulars personal to the applicant.

Under the GIPA Act, **Schedule 1**, there are 16 categories of information for which there is a **conclusive** presumption of an overriding public interest against disclosure:-

- Information subject to overriding secrecy laws
- Information referred to as "Cabinet information"
- Information referred to as "Executive Council information"
- Information that would constitute contempt of court or contravene any order or direction of a person or body having power to receive evidence on oath or infringe the privilege of Parliament
- Information subject to legal professional privilege
- "Excluded information" of an agency
- Documents affecting law enforcement and public safety
- Specific information relating to transport safety
- Specific information relating to adoption
- Specific reports concerning the care and protection of children
- Information contained in the Register of Interests kept by or on behalf of the Premier pursuant to the Code of Conduct for Ministers of the Crown adopted by Cabinet

- Specific information relating to Aboriginal and environmental heritage
- Information about complaints to the Judicial Commission
- Information about authorised transactions under Electricity Network Assets (Authorised Transactions) Act 2015
- Information about authorised transactions under Land and Property Information NSW (Authorised transaction) Act 2016
- Information provided to High Risk Offenders Assessment Committee

Schedule 2 of the GIPA Act also includes the following “excluded information”:-

- Judicial and prosecutorial information
- Complaints handling and investigative information
- Competitive and market sensitive information
- Other information (specific information relating to NSW Trustee and Guardian functions, Department of Education and Training functions, Universities functions, NSW Electoral Commission (complaint handling, auditing, investigative and prosecuting functions) and the Commissioner of Victims Rights functions)

Formal applications for 'excluded information' are invalid under the Act. Council cannot publish and must refuse requests to disclose information in the above categories.

9. ACCESSING INFORMATION AND MAKING AN APPLICATION

The public may obtain access to information as follows:-

- Council's website
- Written request to Council for the information and Council will advise whether the information requested:-
 - is open access, or mandatory release information that is readily available and where and how to get the information
 - should be made available as part of a proactive release of information
 - can be disclosed through an informal release, for example where no third party personal information is involved
 - requires a formal access application, and accompany the required fee and photocopying charges

To make a formal request for access to information under the GIPA Act, the “GIPA Act 2009 Access Application Form” must be completed (**Annexure A**). The Formal Application fee is \$30.00 and processing charges may be applicable. GST does not apply in relation to these charges. Council will acknowledge receipt of formal access applications within five working days. If a fee for photocopying is required, the applicant will be notified under the GIPA Act of the amount payable. Charges will be as per Council's Schedule of Fees and Charges and GST is payable.

10. TIME LIMITS

Council will acknowledge receipt of formal access applications within five working days and further notify applicants of the decision on an application within 20 working days, unless the applicant agrees to extend the time.

Council may extend the time by up to 10 working days where consultation is required with a third party or if Council needs to retrieve records from archives.

If access is deferred by Council, then Council will notify the applicant and include the reason for deferral and the date on which the applicant will be given access. A decision to defer access is reviewable.

If Council does not decide the applicant's access application within the above timeframes, it is deemed 'refused' and Council will refund the application fee and the applicant may seek an internal or external review of this refusal. This will not apply if an extension of time has been arranged.

11. PROCESSING CHARGES

Council may impose a processing charge for dealing with an access application at a rate of \$30 per hour for each hour of processing time for the application. The application fee of \$30.00 paid by an applicant counts as payment towards any processing charge payable by the applicant. Access to government information granted in response to an access application may be made conditional on payment of any processing charge imposed for dealing with the application.

Council may give notice to an applicant requiring the applicant to make an advance payment of a processing charge referred to as an "advance deposit". The period within which the application is required to be decided stops running from when the decision to require an advance deposit is made until payment of the advance deposit is received by the agency.

12. RIGHTS OF REVIEW AND APPEAL

Where a member of the public is refused access of a formal application under the GIPA Act, staff will provide details of the reasons for refusal to the applicant in writing. An applicant who has been refused access by Council to information requested under a formal request has three options of review available:-

Internal Review

Application to Council for an internal review. This review will be conducted by someone more senior than the original decision maker and the application will be accompanied by a \$40.00 fee. Applicants have 20 working days from notification that their original application has been refused to ask for an internal review.

Review By The NSW Information Commissioner

If an applicant is not satisfied with the internal review, or does not wish one to be conducted, they can ask for a review by the NSW Information Commissioner. Applicants have 40 working days from notification that their original application has been refused to ask for a review.

Review By The NSW Civil and Administrative Tribunal (NCAT)

If an applicant is not satisfied with the decision of the Information Commissioner or an internal review by Council or if they do not want to take these options they can apply to the NCAT. If the applicant has already had a review by the Information Commissioner they have 20 working days from notification of the decision to make this application. If they have not had a review by the Information Commissioner they have 40 working days from notification of the decision to make this application.

Prepared By	Adopted By Council	Version No	Review Date
Corporate & Community Services Department	19 April 2011 (Res No 2011/170)	1.0	12 months
Corporate & Community Services Department	12 June 2013 (Res No 2013/202)	2.0	24 months
Corporate Community & Regulatory Services Department	14 December 2016 (Res No 2016/381)	3.0	24 months
General Manager's Department	13 February 2019 (Res No 2019/014)	4.0	4 Years
Governance Department		5.0	4 Years

Annexure A

Government Information (Public Access) Act 2009 ACCESS APPLICATION FORM

Please complete this form to apply for formal access to government information under the *Government Information (Public Access) Act 2009 (GIPA Act)*. If you need help in filling out this form, please contact the ~~Executive Manager Corporate Director~~ Governance on 6889 9999 or visit our website at www.narromine.nsw.gov.au

1. Your details

Surname: **Title:** Mr / Ms / Other

Given names:

Postal address:

Postcode:

Day-time telephone: **Facsimile:**

Email:

Do you have special needs for assistance with this application:
.....
.....

I agree to receive correspondence at the above email address.

2. Proof of identity

Only required when an applicant is requesting information on their own behalf.

When seeking access to personal information, an applicant must provide proof of identity in the form of a certified copy of any one of the following documents:

- Australian driver's licence with photograph, signature and current address
- Current Australian passport
- Other proof of signature and current address details

3. Government Information

Please describe the information you would like to access in enough detail to allow us to identify it.

Note: If you do not give enough details about the information, ~~Council the agency~~ may refuse to process your application.

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Are you seeking personal information? **Yes / No** (circle one)

4. Form of access

How do you wish to access the information?

- Inspect the document(s) A copy of the document(s)
- Access in another way (please specify)

5. Application Fee

I attach payment of the **\$30 application fee** by cash / cheque / money order (circle one).

(Note: please do NOT send cash by post)

6. Disclosure log

If the information sought is released to you and would be of interest to other members of the public, details about your application may be recorded in Council's 'disclosure log'. This is published on Council's website.

Do you object to this? **Yes / No** (circle one)

7. Discount in processing charges

You may be asked to pay a charge for processing the application (\$30 / hour). Some applicants may be entitled to a 50% reduction in their processing charges. If you wish to apply for a discount, please indicate the reason:

- Financial hardship – please attach supporting documentation (eg a pension or Centrelink card).

AND / OR

Special benefit to the public – please specify why below:

.....
.....

Applicant's signature:

Date:

Please post this form or lodge it at:- ~~118~~¹²⁴ Dandaloo Street, Narrromine, NSW, 2821

General Information about the GIPA Act is available by calling the Information and Privacy Commission on 1800 472 679 or visit the IPC's website: www.ipc.nsw.gov.au

Office Use Only

Date Application Received

File reference