



**INFORMATION GUIDE –
GOVERNMENT INFORMATION
(PUBLIC ACCESS) ACT 2009**

24 January 2020

1. INTRODUCTION

Narromine Shire Council (Council) has produced this Information Guide in accordance with section 20 of the Government Information (Public Access) Act 2009 (GIPA). The information guide is reviewed annually.

2. PURPOSE

Council's Information Guide ensures that citizens have knowledge of and access to government information that is both current and significant in relation to Council's formulation of policy and service delivery.

In accordance with Section 20(1) of the GIPA Council has included the following information in this guide:

- A description of the structure and functions of Council
- A description of the ways in which the functions (including in particular the decision-making functions) of Council affect members of the public
- Any arrangements that exist to enable members of the public to participate in the formulation of council's policies and the exercise of Council's functions.
- The various kinds of government information held by Council
- The kinds of government information held by Council that makes (or will make) publicly available
- The manner in which Council makes (or will make) government information publicly available
- The kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

3. ABOUT NARROMINE SHIRE COUNCIL

Narromine Shire Council is constituted under section 219 of the *Local Government Act 1993*. It is a body politic of the State with perpetual succession and the legal capacity powers of an individual both in and out of the State (section 220).

3.1 Description of Structure and Functions of Council

Governing Body

Council is governed by a body of Councillors who are elected by the residents and ratepayers of the Shire.

The *Local Government Act*, section 223 prescribes the role of a Council's governing body as follows:-

- To direct and control the affairs of Council
- To provide effective civic leadership to the local community
- To ensure as far as possible the financial sustainability of Council
- To ensure as far as possible that Council acts in accordance with its principles, plans, programs, strategies and policies

- To develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of Council
- To determine and adopt a rating and revenue policy and operational plans that support the optimum allocation of Council's resources to implement Council's strategic plans (including its community strategic plan)
- To review Council's performance and service delivery.
- To make decisions necessary for the proper exercise of Council's regulatory functions.
- To determine the process for appointment of the General Manager and to monitor the General Manager's performance.
- To determine senior staff positions within the organisational structure of Council.
- To consult regularly with community organisations and other key stakeholders and keep them informed of Council's decisions and activities.
- To be responsible for ensuring that Council acts honestly, efficiently and appropriately.
- To consult with the General Manager in directing and controlling the affairs of Council.

Councillors

Councillors comprise the governing body of the council. Section 232 of the *Local Government Act* prescribes their role as follows:-

- to be an active and contributing member of the governing body,
- to make considered and well informed decisions as a member of the governing body,
- to participate in the development of the integrated planning and reporting framework,
- to represent the collective interests of residents, ratepayers and the local community,
- to facilitate communication between the local community and the governing body,
- to uphold and represent accurately the policies and decisions of the governing body,
- to 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.

Mayor

The Mayor is elected by the Councillors in September for a 2 year term.

The Mayor is considered to be the voice of the Council and leader of the community. The Mayor has the same role and responsibilities as Councillors but has additional responsibilities to reflect their leadership role.

As per section 226 of the *Local Government Act* the role of the Mayor is:

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with the *Local Government Act*,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to 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,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.

General Manager

Council employs staff to administer the Council. The General Manager is the most senior member of staff and is responsible to the Council for the following functions as per section 335 of the *Local Government Act*:-

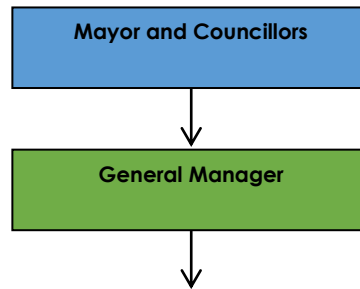
- to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- to implement, without undue delay, lawful decisions of the council,
- to advise the mayor and the governing body on the development and implementation of the 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 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.

3.2 Divisions of Council

To assist the General Manager in the exercise of these functions, there are four divisions of Council. These Divisions are General Manager's Department, Finance and Corporate Strategy, Infrastructure and Engineering Services and Community and Economic Development.

Organisational Structure Chart (including Divisions)



General Manager's Department	Community & Economic Development	Finance & Corporate Strategy	Infrastructure & Engineering Services
<ul style="list-style-type: none"> • Mayor & Council Secretariat • Governance, Records Management, Property Services, Executive Services, Legal & Insurance • Industrial Relations, WHS & Risk Management, Human Resources, Payroll, Workforce Planning, Workers' Compensation • Biosecurity Weeds, Environment, Health, Administration & Inspection, Animal Control, Waste – Licensing/Compliance • Strategic Planning, Development Assessment & Compliance 	<ul style="list-style-type: none"> • Community Services • Library Services • Cultural Development • Showground Management • Tourism / Events • Program Management • Economic Development, Major Events, Business Attraction & Retention 	<ul style="list-style-type: none"> • Financial Management • Business Analysis • Information Technology • Integrated Planning & Reporting • Long Term Financial Plans • Customer Service • Cemetery Records • Rating & Valuations • Water & Sewerage Charges • Creditors • Debtors • Investments • Debt Recovery 	<ul style="list-style-type: none"> • Public Cemeteries • Infrastructure & Buildings • Fire Protection & Emergency Services • Public Order & Safety • Construction & Maintenance (including roads) • Stormwater Management • Aerodrome • Water & Sewerage Services • Recreational Buildings & Infrastructure, Parks, Playing Fields & Reserves, Swimming Pools • Saleyards • Public Conveniences • Community Halls • Asset Management • Operational Support – Depot & Plant • Waste Management – Domestic & Commercial

3.2 Services and Functions of Council

Council provides a wide range of services and functions. Broadly these can be categorised as follows:-

Providing and Maintaining Infrastructure

Council provides and maintains local roads, bridges, public car parks, footpaths, sporting fields and parks, public amenities, water and sewerage. Council must consult with its local community about providing and maintaining these public assets.

Planning for Sustainable Development

Council has a major role in providing long term strategic planning for the shire as well as town planning, zoning and subdivisions. Council engages its community in key planning decisions that will affect the growth of the community. Council integrates planning for infrastructure with strategic planning of land use so that infrastructure that supports growth is funded and delivered.

Council also uses its regulatory powers to prevent pollution and restore degraded environments and has environment protection responsibilities under other legislation e.g. *Biosecurity Act 2015* etc.

Council also carries out activities to preserve access and amenity to environment such as recycling, street cleaning and management of vegetation and reserves.

Supporting the Community

Council regularly consults with and assesses the needs of the community to support community development. Community services include libraries, sport and recreation facilities, swimming pools, and playground facilities.

Supporting Economic Development

Council contributes to economic development by working with local businesses, coordinating economic development groups/activities/events and providing tourism services and facilities.

Safeguarding Public Health

Council assists in maintaining high standards of public health and reducing the risk of exposure to a wide range of diseases through shop inspections, waste disposal, pest and vermin control and hazardous material containment. Council also ensures public safety through controlling companion animals.

3.3 Funding of Council

On average Councils receive 21% of their regular income from ordinary land rates, paid by landowners. Councils can also charge for services such as waste management, water supply and sewerage.

Additional income comes from fees for publicly owned facilities like swimming pools and halls etc. Fees can also be charged for giving information and processing applications.

Councils also receive grants from the Government such as the Financial Assistance Grant.

Council can borrow money and it may invest funds and receive income from the interest.

4. HOW COUNCIL ENGAGES WITH THE PUBLIC

4.1 Community Engagement Strategy

The Local Government Act requires that Councils adopt a community engagement strategy to guide engagement with the local community when developing plans, policies and programs. Council's Community Engagement Strategy can be accessed on its website at www.narromine.nsw.gov.au

Members of the public are able to participate in the formulation of Council's policies and functions through:-

4.2 Councillor Representation

Councillors are the representatives of the community. Members of the public are able to contact and meet with Councillors to discuss and contribute their views and ideas.

Contact details of Council's current elected members are available on Council's website at www.narromine.nsw.gov.au

4.3 Personal Participation

Ratepayers, residents and businesses are encouraged to actively participate in engagement activities. Council engages with the community by:-

- **Council Meetings** – members of the public are able to attend Council Meetings held on the second Wednesday of each month (except January). Meetings are held in the Council Chambers, 124 Dandaloo Street, Narromine commencing at 5.30 pm. Public Forum is available prior to each Council Meeting (see Council's Code of Meeting Practice on Council's website for further information).

- **Council Committees** – several Council Committees comprise of or include members of the public. These are advisory committees. (See Council's website for further information).
- **Public Meetings/workshops** – Council also holds public meetings or smaller workshops to seek community participation and feedback on important issues. These are advertised in the local media, on Council's Facebook page and on Council's website.
- **Council's website** – Council's website is regularly updated with information on Council activities, meetings, public notices, tenders, news items, events and other information. There is also a "Have your Say" Form as well as a "Request for Service" Form which can be submitted via the website.
- **Correspondence** – members of the public are able to write to Council on various matters. All correspondence should be addressed to "The General Manager, Narromine Shire Council, PO Box 115, Narromine, NSW, 2821". Similarly correspondence can be submitted to Council via email at mail@narromine.nsw.gov.au
- **Public Submissions** – all significant policies, strategies and plans such as Council's draft Community Strategic Plan, Delivery Program, Operational Plan, Resourcing Strategy, Long-Term Financial Plan, Workforce Management Strategy and Asset Management Plans are required by law to be placed on public exhibition and for Council to consider all comments or submissions received. Generally, draft documents will be placed on public exhibition at Council's Customer Service and Payments Centre, Council Chambers, Council's website, the Narromine and Trangie Libraries and the BP Service Station at Tomingley.
- **Complaints** – members of the public are able to submit complaints to Council (see Council's *Complaints Handling Policy* on Council's website for further information).

5. HOW TO ACCESS COUNCIL INFORMATION

Council is committed to providing an open and transparent environment enabling members of the public to access government information held by Council. To facilitate public access to Council information, Council has adopted its *Public Access to Council Information Policy* which is available on its website. The policy describes public access to information and facilitates the processing of requests for such access under the *Government Information (Public Access) Act 2009* (GIPA).

The GIPA Act provides for the right of access to certain information held by Council, unless there is an overriding public interest against its disclosure.

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

- Open Access Information
- Proactive Release
- Informal Release
- Formal Access Application

5.1 Open Access Information

The following documents are defined as open access information under Section 18 of the GIPA Act and will be released without the need for a Formal Access Application:-

- Council's current Information Guide (available on Council's website)
- Information about Council contained in any document tabled in Parliament by or on behalf of Council other than any document tabled by order of either House of Parliament (available on request)
- Council's policy documents (available on Council's website)
- Council's disclosure log of Formal Access Applications (available on Council's website)
- Council's register of government contracts (available on Council's website)
- 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 (available on Council's website) and
- Such other government information as may be prescribed by the GIPA regulations as open access information (available on request)

Schedule 1 of the GIPA Regulations mandates that the following additional documents are to be provided as open access information by Council:-

INFORMATION ABOUT COUNCIL

Information contained in the current version and the most recent previous version of the following records

- Council's Code of Conduct and Procedures adopted under section 440(3) of the *Local Government Act* (available on Council's website)
- Council's Code of Meeting Practice (available on Council's website)
- Annual Report (available on Council's website)
- Annual Financial Reports (available on Council's website)
- Auditor's Report (available on Council's website)
- Community Strategic Plan (available on Council's website)
- Delivery Program and Operational Plan (available on Council's website)
- Workforce Plan (available on Council's website)
- Long-term Financial Plan (available on Council's website)
- Asset Management Plans (available on Council's website)
- EEO Management Plan (available on Council's website)
- Council's Policy For Payment of Expenses and Provision of Facilities to Mayor and Councillors (available on Council's website)
- Annual reports of bodies exercising functions delegated by the local authority
- Any codes referred to in the *Local Government Act* (available on request)

Information contained in the following records (whenever created)

- Returns of the Interests of Councillors, Designated Persons and Delegates (available on Council's website and on request).
- Agendas and Business Papers for Council and Committee Meetings (but not including business papers for matters considered when part of a meeting is closed to the public) (available on Council's website)
- 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 (available on Council's website)
- Reports by the Chief Executive of the Office of Local Government presented at a meeting of the Council in accordance with section 433 of the *Local Government Act* (available on request)

Information contained in the current version of the following records

- Land register (available on request)
- Register of investments (available on Council's website)
- Register of delegations (available on Council's website)
- Register of graffiti removal work kept in accordance with section 13 of the *Graffiti Control Act 2008*
- Register of current declarations of disclosures of political donations kept in accordance with Section 328A of the *Local Government Act* (available on request)
- Register of voting on planning matters kept in accordance with Section 375A of the *Local Government Act* (available on request)

PLANS AND POLICIES

Information contained in the current version and the most recent previous version of the following records

- Local policies adopted by Council concerning approvals and orders (available on Council's website)
- Plans of management for community land (available on request)
- Environmental planning instruments, development control plans and contributions plans made under the *Environment Planning and Assessment Act 1979* applying to land within Council's area (available on Council's website)

DEVELOPMENT APPLICATIONS

Information contained in the following records (whenever created)

- 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 consultation reports
 - (viii) Tree inspection consultant reports

- (ix) Acoustics consultant reports
- (x) Land contamination consultant reports

(these are available on request)

- Records of decisions made after 1 July 2010 on development applications (including decisions made on appeal) (available on request)
- A record that describes the general nature of the documents that the local authority decides are excluded from the operation of this clause by the below clause.

This clause does not apply to so much of the information referred to above as 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 documentation received (whether before, on or after that date) in relation to the application.

APPROVALS, ORDERS AND OTHER DOCUMENTS

Information contained in the following records (whenever created)

- Applications for approvals under Part 1 of Chapter 7 of the Local Government Act 1993 and any associated documents received in relation to such an application (available on request)
- Applications for approvals under any other Act and any associated documents received in relation to such an application (available on request)
- Records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals (available on request)
- Orders given under Part 2 of Chapter 7 of the *Local Government Act 1993* and any reasons given under section 136 of the Act (available on request)
- Orders given under the authority of any other Act (available on request)
- Records of building certificates under the *Environmental Planning and Assessment Act 1979* (available on request)
- Plans of land proposed to be compulsorily acquired by Council (available on Council's website)
- Compulsory acquisition notices (available on request)
- Leases and licences for use of public land classified as community land (available on request)
- Performance improvement orders issued to Council under Part 6 of Chapter 13 of the *Local Government Act 1993* (available on request)

5.2 Proactive Release

Under section 7(3) of the GIPA Act, Council must review its proactive release program at intervals of not more than 12 months.

Council will make as much other information as possible publically available, unless there is an overriding public interest against disclosure. Such information may include frequently requested information, or information of public interest that has been released as a result of other requests.

5.3 Informal Release

Access to information which is not available as Open Access Information or Proactive Release Information may be provided through informal release.

Council is able to release government information held by it in response to an informal request unless there is an overriding public interest against disclosure of the information.

Council is able to release the information subject to any reasonable conditions it decides fit to impose and by any means it decides.

Applications for informal release should be made in writing addressed to the General Manager, Narromine Shire Council, PO Box 115, Narromine, NSW, 2821 or by contacting Council on 6889 9999.

5.4 Formal Access Application

When information is not available on Council's website and is not otherwise routinely provided by Council, information can be applied through a Formal Access Application. This form is available on Council's website at www.narromine.nsw.gov.au or by requesting a form direct from Council.

The application form must be accompanied by the prescribed application fee of \$30. Additional \$30 hourly processing charges may be applied.

Please note that an application will be invalid if it does not meet the requirements for a Formal Access Application. It must:-

- Be in writing sent to or lodged at Council's office
- Clearly indicate that it is an access application made under the GIPA Act
- Be accompanied by the \$30.00 fee
- State the name of the applicant and postal or email address as the address for correspondence in connection with the application
- Include such information as is reasonably necessary to enable the government information applied for to be identified.

5.5 Fees and Charges

The GIPA Act requires that Open Access Information held by Council is to be made publicly available for inspection free of charge. The public is entitled to inspect these documents on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) and at the offices of Council during ordinary office hours or at any other place as determined by Council. Copies can be supplied for reasonable copying charges as set out in Council's Fees and Charges.

Formal Access Applications require a payment of the \$30.00 application fee and \$30.00 hourly processing charges may apply.

Internal reviews by Council require a payment of \$40, however a fee will not apply for an internal review if the decision is a 'deemed refusal' because Council did not process the application in time or the internal review is conducted because the Information Commissioner has recommended Council reconsider its decision.

5.6 Copyright

Nothing in the GIPA Act or Regulations requires or permits Council to make open access information available that in any way would constitute an infringement of copyright (section 6.6 GIPA Act).

6. FEEDBACK AND QUESTIONS

For further information on Council's Information Guide or if you experience difficulty in obtaining access to Council documents, please contact Council's Right to Information Officer, (Executive Manager Corporate Governance) on 6889 9999.

7. RIGHTS AND RESPONSIBILITIES UNDER THE GIPA ACT

7.1 Public's Rights

Members of the public have a right to request a review of certain decisions made by Council about the release of information under the GIPA Act.

There are three review options being an internal review; an external review by the Information Commissioner or an external review by the NSW Civil and Administrative Tribunal.

Further information can be found at the Information and Privacy Commission website on www.ipc.nsw.gov.au

7.2 Council's Responsibilities

Under the GIPA Act Council is required to have an Information Guide. Council must make government information publicly available as provided by its Information Guide.

Council must adopt its Information Guide within six months after the commencement of the GIPA Act, and thereafter review the guide at intervals of not more than 12 months. Council can update and amend its Information Guide at any time.

7.3 Role of the Information Commissioner

Council must notify the Information Commissioner before adopting or amending its Information Guide and if requested to do so by the Information Commissioner, consult with the Information Commissioner on the proposed Information Guide or amendment.

The Information Commissioner can issue guidelines and model agency information guidelines in connection with Council's Information Guide.

Complaints about Council's conduct (including action or inaction) in the exercise of its functions under an Information Act can be made to the Information Commissioner in the following ways:-

Post - GPO Box 7011, SYDNEY, NSW, 2001

Phone- 1800 472 679

Email - ipcinfo@ipc.nsw.gov.au

In person - Level 17, 201 Elizabeth Street, Sydney, NSW, 2000

The Information Commissioner may decide to investigate, not to continue to investigate, or not investigate a complaint.

Date	24 January 2020
Prepared By	General Manager's Department
To Be Revised	23 January 2021
Version No	11
Approved by General Manager	24 January 2020