Agency Information Guide

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Introduction

Under the provisions of the *Government Information (Public Access) Act 2009* (GIPA) Act, members of the community can gain access to government information. This legislation encourages government agencies to proactively release information, creating greater transparency in the public sector to better meet the expectations of the community.

Section 20 of the GIPA Act requires Council to produce an Agency Information Guide and review this document at intervals of not more than 12 months. This document is Goulburn Mulwaree Council's (Council) Agency Information Guide.

Structure and Functions of Council

Role of Governing Body

- To direct and control the affairs of the Council in accordance with the *Local Government Act 1993* (LG Act);
- To provide effective civic leadership to the local community;
- To ensure as far as possible the financial sustainability of the Council;
- To ensure as far as possible that the Council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and polices of the Council. To keep under review the performance of the Council, including service delivery;
- To make decisions necessary for the proper exercise of the Council's regulatory functions;
- To determine the process for appointment of the Chief Executive Officer by the Council and to monitor the Chief Executive Officer's performance;
- To determine the senior staff positions within the organisation structure of the Council;
- To develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the Council;
- To determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the Council's resources to implement the strategic plans (including the community strategic plan) of the Council and for the benefit of the local area;
- To consult regularly with community organisations and other key stakeholders and keep them informed of the Council's decisions and activities;
- To be responsible for ensuring that the Council acts honestly, efficiently and appropriately; and
- The governing body is to consult with the Chief Executive Officer in directing and controlling the affairs of the Council.

Role of a Councillor

- To be an active and contributing member of the governing body of Council;
- 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; and
- To facilitate communication between the local community and the governing body.

Chief Executive Officer

Council's Principal Officer is the Chief Executive Officer. The Chief Executive Officer is responsible for:
- the efficient operation of the organisation;
- ensuring the decisions of the Council are implemented;
- advising the Mayor and the Council on the development and implementation of strategic plans and policies;
- ensuring that the Mayor and Councillors are given timely information, advice, administrative and professional support necessary to effectively discharge their functions;
- the day to day management of the Council;

- exercising any functions delegated by the Council;
- appointing, directing and where necessary dismissal of staff;
- implementing Council's workforce management strategy; and
- any other functions that are conferred or imposed on the Chief Executive Officer by or under this or any other Act.

Senior Staff

To assist the Chief Executive Officer in exercising these functions there are four Directorates headed by a Director. Each Directorate carries several functional responsibilities; these are divided into Units and managed by a Business Unit Manager.

As well as the Directorates, the Chief Executive Officer is supported by an Executive Services Business Unit. The composition of this area is shown in the attached Organisational Structure.

Council Functions

All functions of Council come from statute, that being either from the LG Act or a number of other Acts.

Councils are the level of government operating closest to the public and therefore the majority of Council's functions will affect members of the public, whether directly or indirectly. Council recognises it is accountable to members of the public for its actions.

Functions under the *Local Government Act 1993* include:

Service Functions
Provision of community education and recreation
Environmental protection
Waste removal and disposal
Land and property, industry and tourism development and assistance
Civil infrastructure and planning
Civil infrastructure, maintenance and construction
Regulatory Functions
Approvals
Orders
Building Certificates
Ancillary Functions
Resumption of land
Powers of entry and inspection
Revenue Functions
Rates
Charges
Fees
Borrowings
Investments
Administrative Functions
Employment of staff
Community Strategic and Management plans
Financial reporting
Annual reports
Enforcement Functions
Proceedings for breaches of the LG Act and other legislation
Prosecution of offences
Recovery of rates and charges

Functions under other Legislation include:

Biodiversity Conservation Act 2016	Local Land Services Act 2013
Biosecurity Act 2015	Major Events Act 2009
Boarding Houses Act 2012	Modern Slavery Act 2018
Building and Development Certifiers Act 2018	Ombudsman Act 1974
Building Products (Safety) Act 2017	Pesticides Act 1999
Cemeteries and Crematoria Act 2013	Privacy and Personal Information Protection Act 1998
Children's Guardian Act 2019	Protection of the Environment Operations Act 1997
Civil Liability Act 2002	Public Health Act 2010
Community Land Development Act 2021	Public Interest Disclosures Act 2022
Community Land Management Act 2021	Public Spaces (Unattended Property) Act 2021
Companion Animals Act 1998	Road Transport Act 2013
Contaminated Land Management Act 1997	Roads Act 1993
Conveyancing Act 1919	Rural Fires Act 1997
Crown Land Management Act 2016	Smoke Free Environment Act 2000
Electricity Supply Act 1995	State Emergency and Rescue Management Act 1989
Environmental Planning and Assessment Act 1979	State Emergency Service Act 1989
Fines Act 1996	State Records Act 1998
Fire and Emergency Services Levy Act 2017	Strata Schemes Development Act 2015
Fluoridation of Public Water Supplies Act 1957	Strata Schemes Management Act 2015
Food Act 2003	Surveying and Spatial Information Act 2002
Gas Supply Act 1996	Swimming Pools Act 1992
Geographical Names Act 1966	Tattoo Industry Act 2012
Government Information (Public Access) Act 2009	Trees (Disputes Between Neighbours) Act 2006
Graffiti Control Act 2008	Valuation of Land Act 1916
Heavy Vehicle National Law (NSW) and Heavy Vehicle (Adoption of National Law) Act 2013	Waste Avoidance and Resource Recovery Act 2001
Heritage Act 1977	Water Management Act 2000
Land Acquisition (Just Terms Compensation) Act 1991	Work Health and Safety Act 2011
Library Act 1939	Workplace Injury Management and Workers Compensation Act 1998

Impact of Council Functions on Members of the Public

Service	Service functions affect members of the public as Council provides services and facilities to the public. These include provision of human services such as libraries, halls and community centres, recreation facilities, infrastructure and the removal of waste.
Regulatory	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	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	Revenue functions affect members of the public directly in that revenue from rates and other charges paid by members of the public is used to fund services and facilities provided to the community.

Administrative	Administrative functions do not necessarily affect members of the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.
Enforcement	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, illegal clearing, illegal development, pollution, unregistered dogs and parking offences.
Community Planning and Development	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 Strategic Plan. • Providing support to community and sporting organisations through provision of grants and information. • Facilitating opportunities for people to participate in the life of the community through a range of community events such as Seniors Week, NAIDOC Week, Youth Week, as well as promoting other events.

Public Participation in Formulating Policies and Council Functions

Council actively encourages and values public participation in the exercise of its functions and in formulating policies.

There are several avenues the public have to participate in formulating Council policies and/or exercising Council's functions.

Policy Formulation

Council's policies are determined by the elected Council at Council Meetings which are usually open to the public. New Council policies are placed on public exhibition prior to adoption to invite submissions from the public. Any existing policy with substantial changes may also be placed on public exhibition to enable submissions from the public. All submissions received are then considered by Council prior to the adoption of the policy.

Open Council Meetings & Public Forum

Council holds Ordinary Meetings on the third Tuesday of each month, commencing at 6pm. These meetings are open for members of the public to attend. In addition, members of the public are encouraged to make use of the Public Forum session held at the commencement of each Ordinary Meeting. Public Forum assists members of the public to address Council on issues relating to those items on the agenda. For more information on Council's Public Forum, including registering for Public Forum, please contact Council on 4823 4444.

Submissions to Council

Council provides opportunities for the public to make submissions to Council on a range of Council functions and publications. Public exhibition periods are advertised on Council's website and the Your Say website with details of how to make a submission to Council.

Legislative Provisions

Various Acts and Regulations provide the opportunity for members of the public to be involved in Council's decisions through submissions, comments or objections to proposals. Examples include levels of rates, fees and charges, policy, content of management plans and granting development and building approvals.

Community Engagement

Community engagement is tailored to the project, proposal or plan and can include surveys, community workshops, online forums and other participation tools. Submissions and feedback can be provided via the Your Say website at www.yoursay.goulburn.nsw.gov.au

Community members can also stay up to date on news and media by accessing the following website and social media account utilised by Council:

- www.goulburn.nsw.gov.au
- www.facebook.com/goulburnmulwareecouncilofficial

Feedback

Council welcomes constructive feedback about the exercise of its functions and its delivery of services to the community. Feedback can be provided verbally or in writing by email to council@goulburn.nsw.gov.au

Council Committees & Working Parties

Council's Committees and Working Parties provide another avenue for members of the public to participate in policy development and Council functions. Several Council Committees and Working Parties comprise or include members of the public.

Council is also represented on several External Committees by Councillors and staff. Participation in these committees allows our Local Government Area to be represented within the wider community.

Council Information

Information held by Council

Council holds a vast amount of information in relation to its operations in both physical and digital format. The list below provides an indication of the types of information maintained, including, but not limited to:

- Rating of land
- Development of land
- Strategic Planning
- Library services
- Roads and related infrastructure
- Reticulated water and sewerage infrastructure
- Waste management
- Environmental management
- Management of Council owned public land and Crown land
- Community facilities
- Financial management
- Employee records
- Correspondence records
- Other administrative records

Access to Information under *Government Information (Public Access) Act 2009* (GIPA Act) Provisions

Most information held by Council will be made available to the public under the GIPA Act provisions through four channels:

- Open access information
- Proactive release
- Informal application
- Formal access application

Council's Right to Information Officer deals with requests from the public concerning Council's affairs and can assist people to gain access to public information of Council. The Public Officer is also Council's Right to Information Officer and is responsible for determining applications for access to information or for the amendments of information.

Open Access Information

Section 6 of the GIPA Act and the Gover*nment Information (Public Access) Regulation 2018* (GIPA Reg) prescribe open access information for local government which must be publicly available. The relevant Council documents include:

- Agency Information Guide
- Policies
- Disclosure Log
- Contracts Register
- Code of Meeting Practice
- Agendas and business papers for Council and Committee meetings (excluding those papers for matters considered a part of the meeting closed to the public)
- Code of Conduct
- Annual Report
- Annual Financial Report
- Auditor's Report
- Management Plan
- EEO Management Plan
- Annual reports of bodies exercising functions delegated by Council
- Returns of Interests of Councillors and designated persons
- Land Register
- Register of Investments
- Delegations Register
- Graffiti Removal Works Register
- Declarations of Disclosures of Political Donations Register
- Register of Voting on Planning Matters
- Policies adopted concerning approvals and orders
- Plans of Management for community land
- Environmental Planning Instruments, Development Control Plans and Contributions Plans
- Development Applications and associated documents
- Records of decisions on Development Applications
- Applications for Approvals under Part 7 of the LG Act
- Applications for approvals under any other Act and associated documents
- Records of approvals granted or refused
- Orders
- Records of Building Certificates
- 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

Where any of the above is not available from Council's website, it will be made available by contacting Council's Customer Service. Copies of the documents can also be provided. (Note photocopying/scanning charges may apply as set out in Council's Schedule of Fees and Charges).

Proactive Release

In addition to the information outlined above, Council will make as much other information as possible publicly available in an appropriate manner, including on Council's website. Any proactive release

information will be available free of charge and may include frequently requested information or information of public interest that has been released as a result of other requests.

Council undertakes a review of information annually as part of its proactive release obligations under the GIPA Act. The review includes reviewing formal access applications and informal requests received by the public, as well as the disclosure log on its website. The review also includes a review of categories of information in Council's corporate electronic document management system, reviewing neighbouring Council's disclosure logs to assess what information is sought by the broader public and a review of the Council website.

Informal Release

Information which is not available as open access information or proactive release 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.

Council is authorised to release information unless there is an overriding public interest against disclosure. To enable the release of as much information as possible, Council is also authorised to redact content from a copy of information to be released, if the inclusion of the redacted information would otherwise result in an overriding public interest against disclosure.

Under informal release, Council has the authority to decide how the information is released.

Formal Access Application - Release

Prior to lodging a formal access application, a person seeking information from Council should check if the information is already available on Council's website or could easily be made available through an informal request.

Council will require a formal access application to be submitted where the information sought:
- is of a sensitive nature that requires careful weighting 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.

Formal access applications can be submitted using the application form provided by Council for this purpose. Formal access applications will be processed according to the provisions and requirements and the applicable fees and charges as set out in the GIPA Act.

It is recommended that members of the public contact the Information Access Officer before lodging a formal access application to ensure this is the most appropriate avenue for requesting the information.

Formal access applications under the GIPA Act will incur a $30 application fee; a further processing charge of $30 per hour will be imposed thereafter for processing time. In certain circumstances individuals may be eligible for a reduction of all fees and charges in accordance with Section 9 of the GIPA Reg.

Copyright Legislation

Copyright issues may arise when requests are made for copies of documents held by Council.

The Commonwealth *Copyright Act 1968* takes precedence over State legislation. Therefore, the right to copy documents under the GIPA Act does not override the Copyright Act. Nothing in the GIPA Act or GIPA Reg permits Council to make government information available in any way that would constitute an infringement of copyright.

Access to copyrighted documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained, the applicant must demonstrate to council your attempts to obtain such consent.

Copyright material includes, but is not limited to, plans/drawings, consultant reports and survey reports.

Property Information Request

Council can release some information relating to a development file such as development consents, construction certificates, inspections, occupation certificates and plans and reports (subject to copyright restrictions).

Development applications received, or records of decisions made after 1 July 2010 are classified as open access documents under the GIPA Reg. Any member of the public can view/obtain copies of these documents without permission from the property owner by submitting a Property Information Request. (Note photocopying/scanning charges may apply as set out in Council's Schedule of Fees and Charges).

Development applications received, or records of decisions made before 1 July 2010 (as well as associated documents and records of decision) are not classified as open access documents under the GIPA Reg. To view/obtain copies of these documents the current property owner's written consent is required by submitting a Property Information Request. Where the property is owned by a company, an ASIC report is required to show the applicant can act on behalf of the company. (Note search and photocopying/scanning charges apply as set out in Council's Schedule of Fees and Charges).

Access to Personal Information

Access to certain information may be limited in accordance with the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act). The PPIP Act and HRIP Act provide for the protection of personal and health information and for the protection of the privacy of individuals generally.

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

Open Data and Data NSW

www.opengov.nsw.gov.au NSW is a website that allows NSW Government agencies to make information available to the public including annual reports and information that may be released under the GIPA Act.

www.data.nsw.gov.au brings together a list of NSW Government datasets available in one searchable website. The aim of Data NSW is to make data more accessible to the public and industry to stimulate innovative approaches to service delivery.

Contact Information

Public Officer

The Business Manager Governance is Council's Public Officer. The Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of Council.

Right to Information Officer

The Information Access Officer, in addition to the Public Officer, is Council's Right to Information Officer. The Right to Information Officer is responsible for the processing of requests for information and assisting people to gain access to public documents of Council.

The Public Officer and Right to Information Officer can be contacted as follows:

Goulburn Mulwaree Council Civic Centre
184-194 Bourke Street
GOULBURN NSW 2580
Phone: (02) 4823 4444
E-mail: council@goulburn.nsw.gov.au

Information And Privacy Commission

Questions concerning the GIPA Act or access to government information can also be directed to the Office of the Information and Privacy Commission who can be contacted on 1800 472 679 or through their website: www.ipc.nsw.gov.au

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	17 October 2023	2023/256	17 October 2023	17 October 2023
2	26 November 2024	2024/208	26 November 2024	26 November 2024

Organisational Structure

ORGANISATIONAL STRUCTURE

Chief Executive Officer

Executive Services	Assets & Operations	Planning & Environment	Corporate & Community Services	Utilities

Executive Services

Human Resources
Work Health & Safety
Return to Work
Learning & Development
Industrial Relations
Recruitment

Economic Development & Communications
Community Engagement
Social Media
Economic Development

Executive Support
Administration of Council Activities
Mayoral Support

Governance
Governance & Legal
Insurance, Public Liability & Risk

Assets & Operations

Technical Services
Asset Management
Engineering Design
Traffic Management

Works
Construction
Maintenance
Fleet
Stores
Projects

Community Facilities
Recreation Area
Multi Function Centre
Aquatic Centre
Belmore & Victoria Parks
Cemeteries
Building Maintenance
CBD
Parks & Reserves
Projects

Planning & Environment

Planning & Development
Development Assessment
Building Surveying

Environment & Health
Compliance
Companion Animals
Noxious Weeds
Environmental Protection

Strategic Planning
Strategic Planning
Heritage

Corporate & Community Services

Finance & Customer Service
Payroll
Revenue & Accounting Services
Customer Service
Procurement

Innovation & Technology
Records
Systems Support
Network Management
GIS

Property & Community Services
Property Management
Aged, Youth & Disability Services
Performing Arts Centre

Marketing, Events & Culture
Marketing & Events
Visitor Information
Library, Gallery & Museums

Grants
Grants Management

Utilities

Waste & Recycling
Waste Collection
Waste Management Centres
Recycling
Waste Education

Water Operations
Water Quality
Water Treatment
Waste Water Treatment
Environmental Compliance
Raw Water Sources

Infrastructure
Projects
Water Distribution
Sewer Distribution