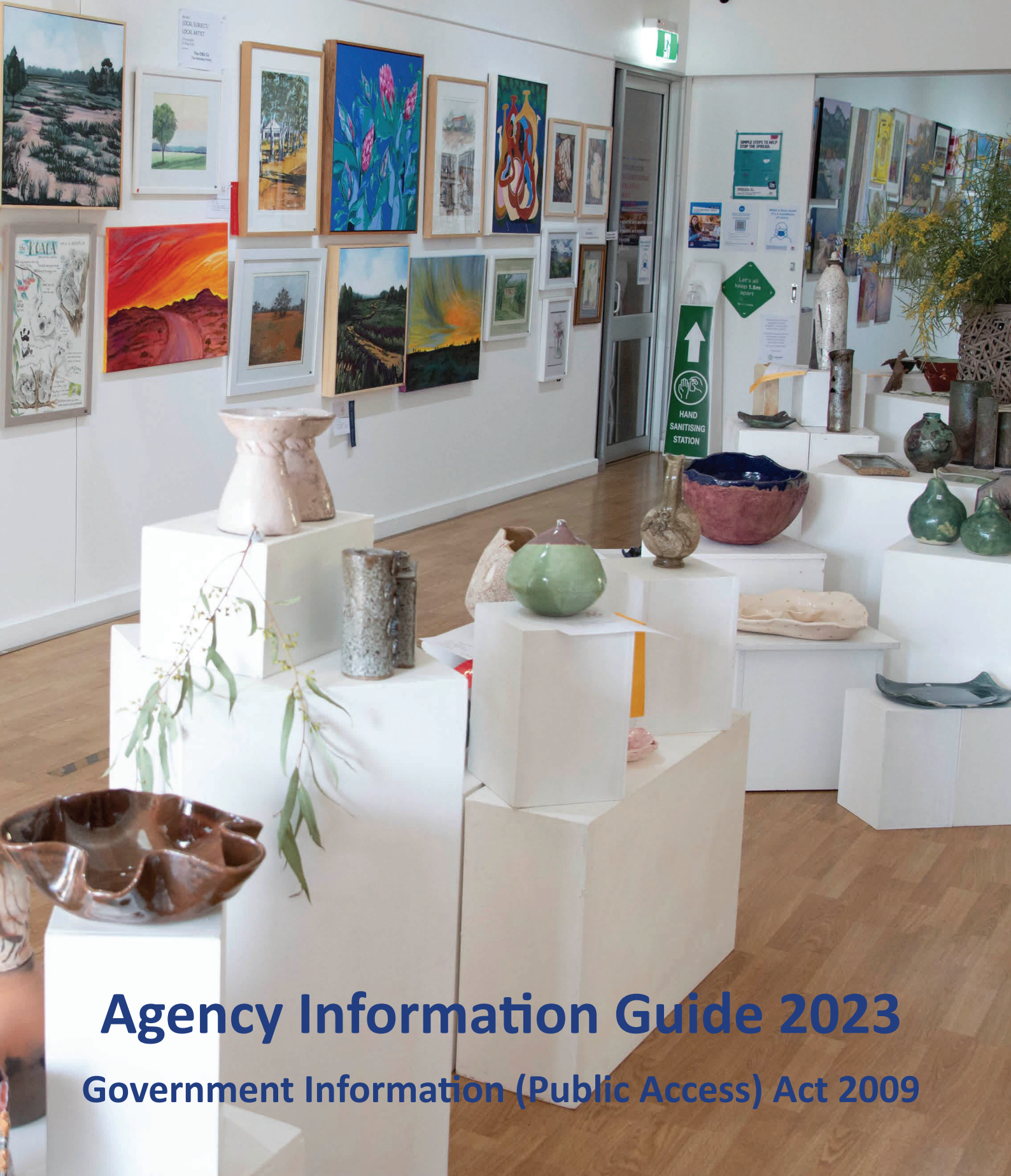




Gunnedah
Shire Council



Agency Information Guide 2023

Government Information (Public Access) Act 2009

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1 What is the Agency Information Guide?

This Agency Information Guide has been produced by Gunnedah Shire Council in accordance with Section 20 of the Government Information (Public Access) Act 2009 and is reviewed annually.

The purpose of the document is to provide members of the community, Council staff, and the public with information concerning:

- The structure and functions of Gunnedah Shire Council;
- The way in which the functions of Gunnedah Shire Council affect members of the public;
- The avenues available to the public to participate in policy development and the exercise of Gunnedah Shire Council's functions;
- The type of information available from Gunnedah Shire Council and how this information is made available.

The Information Guide is available:

- Council's website:
<https://www.gunnedah.nsw.gov.au/index.php/council/keep-in-touch/access-to-information>
- Council's Administration Office.
63 Elgin Street, Gunnedah, NSW, 2380

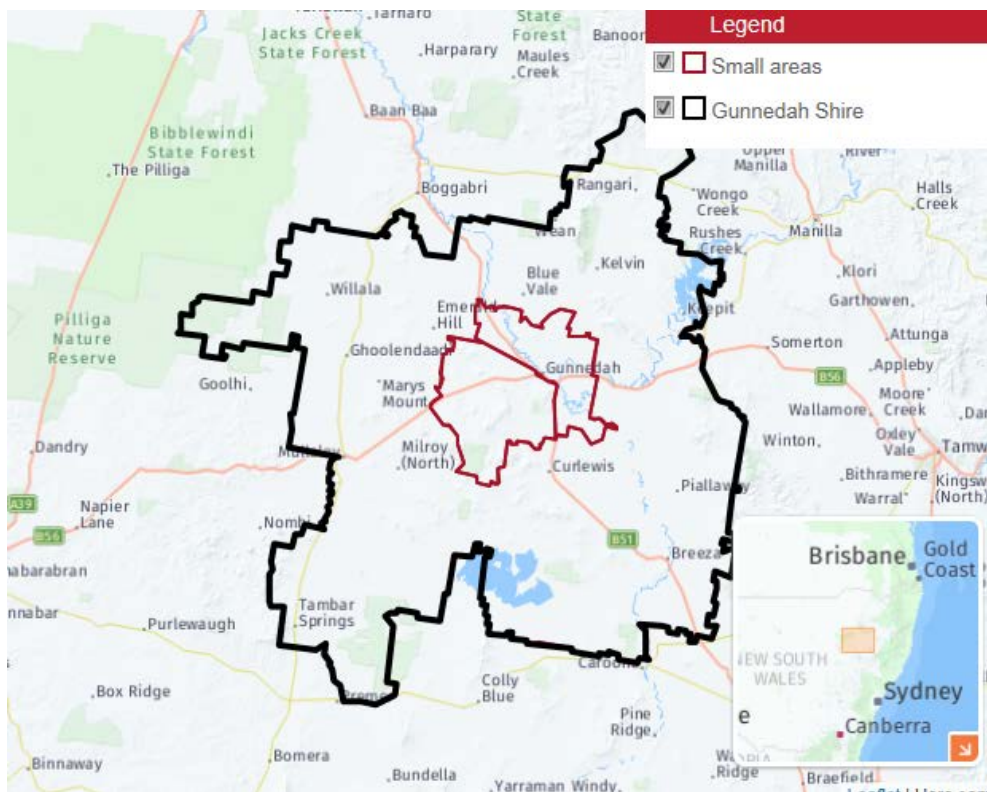
Eric Groth
GENERAL MANAGER

2 About Gunnedah Shire

The Shire of Gunnedah is situated in the north-east of New South Wales, 425 kms north west of Sydney and covers nearly 5,000 square kilometres of land. Within the Shire’s boundaries the township of Gunnedah is the major population hub and also includes the townships of Curlewis, Breeza, Carroll, Mullaley and Tambar Springs.

Gunnedah is a commodity hub and major destination around 80 km west of Tamworth on the intersection of the Kamilaroi Highway Touring Route and Oxley Highway, surrounded by the fertile, expansive Liverpool Plains and framed by the Nandewar Ranges. With a population of around 13,000 people, Gunnedah Shire Council is committed to creating a liveable and accessible community for all ages and demographics.

The GSC is situated in the centre of the highly productive Liverpool Plains, and hosts a diverse agricultural industry including grains, cotton and beef cattle. The surrounding area is also rich in coal and natural gas reserves. Further support from strong manufacturing, tourism and retail trade sectors provide a diverse array of employment and investment opportunities within the Shire.”



3 Structure and Functions of Council

3.1 Introduction

Gunnedah Shire Council was proclaimed on 1 January 1980 following the amalgamations of former councils of Gunnedah Municipal and Liverpool Plains Shire Council. The Shire covers an area of 4,992 square kilometres and shares its boundary with Tamworth Regional City Council, Liverpool Plains Shire Council, Narrabri Shire Council and Warrumbungle Shire Council.

Council is constituted under the Local Government Act 1993.

3.2 Role of Governing Body

Roles of Councillors, as members of the body corporate, are:

- To direct and control the affairs of the Council in accordance with this 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 policies 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 General Manager by the Council and to monitor the General Manager'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 supports 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 Council's decisions and activities.
- To be responsible for ensuring that the Council acts honestly, efficiently and appropriately.
- The governing body is to consult with the General Manager in directing and controlling the affairs of the Council.

3.3 Role of a Councillor

- To be an active and contributing member of the governing body of Council.
- To make considered and well informed decision 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 reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor; to be an active and contributing member of the governing body of Council.
- A Councillor is accountable to the local community for the performance of the Council.

3.4 Role of the Mayor



Councillor Jamie Chaffey
Mayor

- To be the leader of Council and a leader in the local community.
- To advance community cohesion and promote civic awareness.
- To be the principal member and spokesperson of the governing body, including representing the views of Council as to its local priorities.
- To exercise, in cases of necessity, the policy-making functions of the governing body of Council between meetings of Council.
- To preside at meetings of Council.

Gunnedah Shire Council

- To ensure that meetings of Council are conducted efficiently, effectively and in accordance with this Act.
- To carry out the civic and ceremonial functions of the Mayoral Office.
- To ensure the timely development and adoption of the strategic plans, programs and policies of Council.
- To promote the effective and consistent implementation of the strategic plans, programs and policies of Council.
- To promote partnerships between Council and key stakeholders.
- To advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of Council.
- In conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community.
- To represent the Council on regional organisations and at inter-Governmental forums at regional, State and Commonwealth level.
- To lead appraisals of the General Manager.
- To exercise any other functions of the Council that the Council determine.

3.5 Role of the General Manager



Eric Groth
General Manager

- To conduct the day-to-day management of Council in accordance with strategic plans, programs, strategies and policies of Council.
- To implement, without undue delay, lawful decisions of Council.
- To advise the Mayor and the governing body of the development and implementation of the strategic plans, programs, strategies and policies of 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 Council and other matters related to Council.
- To prepare, in consultation with the Mayor and the governing body, 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 Council that are delegated by Council to the General Manager.
- To appoint staff in accordance with the organisational structure determined under this Chapter and the resources approved by Council.
- To direct and dismiss staff.
- To implement Council's workforce management strategy.
- Any other functions that are conferred or imposed on the General Manager by or under the Local Government Act 1993 or any other Act.

3.6 Directorates and Key Functions

To assist the General Manager in the execution of these functions, the Council Structure comprises of:

General Manager's Office

- GM Management
- Elected Member Services
- People and Culture Services

Corporate Services

- Governance / Corporate Planning
- Customer Service
- Communications
- Information Technology / Record Management / Global Information Systems
- Financial Accounting & Treasury / Payroll / Payables
- Management Accounting
- Rating & Revenue

GoCo

- Financial and Administration
- Growth & Marketing
- HCP Support
- CHSP Support/Community Transport
- Quality & Systems
- Community Hub

Infrastructure Services

- Asset Management / Survey & Design / Strategy & Assets
- Emergency Management
- Quarry Management
- Development Management
- Depot / Plant / Stores / Workshop / Buildings
- Road Maintenance / Road Construction / Storm Water / Bridges / Local Traffic Committee
- Water Services / Sewer Services
- Recreational Facilities / Pool / Noxious Weed Control / Crown Land Management / Airport
- Project Management

Planning and Environmental Services

- Waste Management
- Economic Development / Tourism / Cultural Precinct / Library / Youth / Community & Social Planning
- Saleyards Operations
- Development / Statutory Planning
- Local Emergency Management / Regulatory Services
- Building & Strategic Planning

3.7 Council Functions

3.7.1 Functions under Local Government Act 1993

Council has functions conferred or imposed on it by the Local Government Act 1993 (the LGA). These include:

Service Functions

- Provision of community health, recreation, education and information services
- Environmental protection
- Waste removal and disposal
- Land and property, industry and tourism development and assistance
- Civil infrastructure 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 reports
- Annual reports

Enforcement Functions

- Proceedings for breaches of the Local Government Act 1993 and other legislation
- Prosecution of offences
- Recovery of rates and charges

3.7.2 Functions under Other Legislation

As well as the Local Government Act 1993 (LGA), Council has powers under other Acts and Regulations including:

A to D

- Biodiversity Conservation Act 2016
- Biosecurity Act 2015
- Building Professionals Act 2005
- Civil Liability Act 2002
- Community Land Development Act 1989
- Companion Animals Act 1998
- Companion Animals Amendment (Rehoming Animals) Act 2022
- Contaminated Land Management Act 1997
- Conveyancing Act 1919
- Crown Land Management Act 2016
- Crown Lands Act 1989
- Dividing Fences Act 1991

E to H

- Enclosed Lands Protection Act 1902
- Environmental Planning and Assessment Act 1979
- Fines Act 1996
- Firearms Act 1996
- Fire Brigades Act 1989
- Fluoridation of Public Water Supplies Act 1957
- Food Act 2003
- Geographical Names Act 1966
- Government Information (Public Access) Act 2009
- Graffiti Control Act 2008
- Heritage Act 1977

I to M

- Land Acquisition (Just Terms Compensation) Act 1991
- Land and Environment Court Act 1979
- Library Act 1939
- Liquor Act 2007
- Local Land Services Act 2013

- Major Events Act 2009
- National Parks and Wildlife Act 1974

N to R

- Ombudsman's Act 1974
- Pesticides Act 1999
- Pipelines Act 1967
- Plumbing and Drainage Act 2011
- Privacy and Personal Information Protection Act 1998
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Public Interest Disclosures Act 2022
- Recreation Vehicles Act 1983
- Road Transport Act 2013
- Roads Act 1993
- Road Transport Act 2013
- Rural Fires Act 1997

S to W

- Smoke Free Environment Act 2000
- State Emergency Rescue Management Act 1989
- State Emergency Service Act 1989
- State Records Act 1989
- Strata Schemes Development Act 2015
- Strata Schemes Management Act 1996
- Surveying and Spatial Information Act 2002
- Swimming Pools Act 1992
- Threatened Species Conservation Act 1995
- Transport Administration Act 1988
- Unclaimed Money Act 1995
- Valuation of Land Act 1916
- Waste Avoidance and Resource Recovery Act 2001
- Water Management Act 2000
- Work Health and Safety Act 2011
- Workplace Injury Management and Workers Compensation Act 1998



4 Impact of Council Functions on the Public

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

FUNCTION	DESCRIPTION
Service	Service functions affect the public as Council provides services and facilities to the public. These include provision of human services, such as aged care, libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.
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 the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.
Administrative	Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.
Enforcement	Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the non-payment of rates and charges, unregistered dogs and parking offences.
Community Planning and Development	<p>Community planning and development functions affect areas such as cultural development, social planning and community profile and involves:</p> <ul style="list-style-type: none"> ▪ 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 Plan. ▪ Providing support to community and sporting organisations through provision of grants, training and information. ▪ Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as Seniors Week, NAIDOC Week, Youth Week, Children's Week, as well as promoting other events.

5 Public Participation in Local Government

Gunnedah Shire Council supports the principles of open government and encourages community involvement in policy development and general activities of Council.

There are two broad ways in which the public may participate in the policy development and, indeed, the general activities of the Council. These are through representation and personal participation.

5.1 Representation

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their local Council to make decisions on their behalf. In NSW, local government elections are held every four years.

The election for Gunnedah scheduled for September 2020 was postponed to 4 December 2021, following legislation passed in NSW Parliament on 24 March 2020 to address risks posed by the COVID-19 virus. The postponement will not affect future elections, with the next election scheduled for September 2024.

At each election, voters elect nine Councillors for a four year term. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non-residential roll. Voting is compulsory.

Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

5.2 Current Elected Members



Councillor Jamie Chaffey, Mayor
Ph 02 6740 2115 Mob 0467 402 412
jamiechaffey@infogunnedah.com.au



Councillor Rob Hooke, Deputy Mayor
Ph 02 6740 2115 Mob 0439 722 612
robhooke@infogunnedah.com.au



Councillor Colleen Fuller
Ph 02 6740 2115 Mob 0429 420 290
colleenfuller@infogunnedah.com.au



Councillor Robert Hoddle
Ph 02 6740 2115 Mob 0417 201 488
roberthoddle@infogunnedah.com.au



Councillor Ann Luke
Ph 02 6740 2115 Mob 0417 677 827
annluke@infogunnedah.com.au



Councillor Juliana McArthur
Ph 02 6740 2115 Mob 0412 051 061
julianamcarthur@infogunnedah.com.au



Councillor Kate McGrath
Ph 02 6740 2115 Mob 0401 393 880
katemcgrath@infogunnedah.com.au



Councillor David Moses
Ph 02 6740 2115 Mob 0417 469 023
davidmoses@infogunnedah.com.au



Councillor Murray O'Keefe
Ph 02 6740 2115 Mob 0438 299 445
murrayokeefe@infogunnedah.com.au

5.3 Personal Participation in Council Exercising its Functions

Ratepayers, residents and business are encouraged to have a say in what Council does.

Community participation in Council is a major focus of the Local Government Act 1993. The Act encourages Councils to be open and accountable to the community. This is achieved by people having appropriate access to information, voting in polls and referendums, making submissions to Council and by Council meetings being open to the public.

Members of the public can participate in policy development and general activities of Council in various ways including:

- Address the Council at Council meetings and Standing Committee meetings;
- Responding to policies and plans placed on public exhibitions;
- Making representations to Councillors;
- Discussion issues with appropriate Council Officers;
- Participating on Council Working Groups; and
- Through surveys and forums.

Council's website at www.gunnedah.nsw.gov.au is regularly updated with notifications and information on Council's activities, meeting agendas and business papers. The website also publishes notices and exhibitions, tenders, news items, events and many Council documents and reports. The website is reviewed and updated on a regular basis to ensure information is accurate and timely.

Council also provides information on Council activities, decisions and programs in the local newspaper.

5.3.1 Council Meetings

Council meetings are held in the Council Chambers, 63 Elgin Street, Gunnedah NSW 2380. Council reserves the right to hold meetings in different locations from time to time. Council ensures the venue is acceptable for people with disabilities, is adequate in size, has adequate facilities and has suitable acoustics.

Members of the public can address Council on any matter on the Agenda, for a maximum of five minutes.

Council audio records and live streams all Council Ordinary, Extraordinary and s355 Committee open meetings. The purpose of audio recording is to assist, where necessary, in the checking and confirmation of minutes and to ensure the recording, handling access, storage and disposal of information is in accordance with best practice and statutory compliant. The live streaming is available so that the meetings are accessible for everyone and support Council's philosophy of transparency. The live streamed meetings can be viewed on Council's YouTube Channel.

Council's meetings are governed by a Code of Meeting Practice, which outlines rules for submissions of business items, attendance, debate and declarations of interest.

5.3.2 Working Groups

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council. Several Council Working Groups comprise or include members of the public. The Register of Committees, Reserve Trusts and Working Groups can be found on Council's website.



5.3.3 Public Submissions

All significant plans, strategies and policies of Gunnedah Shire Council are placed on exhibition in draft form so that interested members of the public may view them and make comments should they wish to. Exhibition documents are available at Council's customer service counter and Council's website. Submissions should be addressed to:

General Manager
Gunnedah Shire Council
PO Box 63
GUNNEDAH NSW 2380
Via email: council@infogunnedah.com.au

5.3.4 Community Engagement

Council's Community Engagement Policy affirms Council's commitment to community engagement and guides how Council involves the community in decision making processes. Community engagement is tailored to the project, proposal or plan and can include surveys, community workshops, online forums, and other participation tools.

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

www.gunnedah.nsw.gov.au
www.facebook.com/gunnedahshire
www.thecivic.com.au
www.visitgunnedah.com.au
<https://www.youtube.com/channel/UCMPwqWpq9WFN3zeilQC3jg>
@Gunnedah.shire
@gunnedahnsw

5.3.5 Feedback and Complaints

Council welcomes constructive feedback about the exercise of its functions and its delivery of services to the community.

Customer requests, feedback and complaints can be provided verbally or in writing using any of the contact methods outlined in Section 9 of this Information Guide, or by using the electronic contact form available at www.gunnedah.nsw.gov.au or by contacting Customer Service on 02 6740 2100.



6 Access to Government Information

6.1 What is the Government Information (Public Access) Act (GIPA)?

The Government Information (Public Access) Act 2009 (GIPA) came into effect on 1 July 2010, replacing the Freedom of Information Act 1989.

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

6.2 Format of Information Held by Council

Council holds information (hard copy and/or electronic form) in respect of a wide range of functions undertaken by it and that relate to a number of different issues concerning the Gunnedah Shire Council area. This information is grouped into four types:

6.2.1 Electronic Documents

Council implemented an electronic records management system in 2002, but still maintains certain physical hard copy files which include development and building files and property files as well as legal documents. Archived paper-based property files are gradually being scanned into Council's electronic records system.

6.2.2 Physical Files

Prior to 2002, Council maintained a 'hard copy' filing system, with material being held in physical, paper-based files. Archived hard copy files are maintained in storage, mainly property files and legal documents.

6.2.3 Policy Documents

Council has a register of policy documents which is available on Council's website at www.gunnedah.nsw.gov.au.

6.2.4 General Documents

Not all of the above information is available on Council's website, however Council is working at making more 'Open Access Information' (as defined below) available in this way, unless there is an overriding public interest against disclosure of the information as outlined in Section 14 of the GIPA Act. However, information from these files may be made available either by informal release (by completing an Informal Request for Information Form) or via a Formal Access Application in accordance with Section 7-9 of the GIPA Act.

Members of the public who require an information release can do so by contacting Council on 02 6740 2100.

6.3 Ways to Access Government Information

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

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



6.3.1 Mandatory Proactive Release

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 under the GIPA Act (most available on Council's website):

- Council's Agency Information Guide;
- 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;
- Council's policy documents;
- Council's Disclosure Log of Formal Access Applications;
- Council's Register of Government Contracts;
- Council's record of open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure; and
- Such other government information as may be prescribed by the GIPA Regulations as open access information.

Schedule 1 of the GIPA Regulations also stipulates that the following additional documents are to be provided as open access information by Council, divided into the following four sections:

	SECTION	DESCRIPTION
OPEN ACCESS INFORMATION – Schedule 1 GIPA Regulations	A. Information About Council	<ul style="list-style-type: none"> ▪ Annual Financial Reports ▪ Annual Report ▪ Annual Reports of bodies exercising functions delegated by Council ▪ Agendas and Business Papers for any meeting of Council or any Committee of Council ▪ Codes referred to in the Local Government Act 1993 (LGA), including: <ul style="list-style-type: none"> ○ The model code prescribed under Section 440(1) of the LGA ○ Council' adopted Code of Conduct ○ Code of Meeting Practice ▪ Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan ▪ Departmental representative reports presented at a meeting of Council ▪ EEO Management Plan ▪ Land Register ▪ Minutes of any meeting of Council or any Committee of Council ▪ Policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors ▪ Register of current Declarations of Disclosures of Political donations ▪ Register of Delegations ▪ Register of Graffiti removal works ▪ Register of Investments ▪ Register of Voting on Planning Matters ▪ Returns of the interests of Councillors, designated persons and delegates https://www.gunnedah.nsw.gov.au/index.php/council/council-information/councillors-staff
	B. Plans and Policies	<ul style="list-style-type: none"> ▪ Local Policies adopted by Council concerning approvals and orders ▪ Plans of Management of Community Land ▪ Environmental Planning Instruments, Development Control Plans and Contribution Plans
	C. Information About DA's	<ul style="list-style-type: none"> ▪ Development Applications and any associated documents received in relation to a proposed development including: <ul style="list-style-type: none"> ○ Acoustic Consultant Reports ○ Construction Certificates ○ Heritage Consultant Reports ○ Home Warranty Insurance documents ○ Land Contamination Consultant Reports ○ Occupation Certificates ○ Records of decisions on Development Applications including decisions on appeals ○ Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information ○ Structural certification documents ○ Submissions received on Development Applications ○ Town Planner Reports ○ Tree Inspections Consultant Reports ▪ The above does not apply to so much of the information referred to above as consists of: <ul style="list-style-type: none"> ○ The plans and specifications for any residential part 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 likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret. ○ Commercial information – if the information would likely 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.

<p>OPEN ACCESS INFORMATION – Schedule 1 GIPA Regulations</p>	<p>D. Approvals, Orders and Other Documents</p>	<ul style="list-style-type: none"> ▪ Applications for approvals under Part 1 Chapter 7 of the Local Government Act 1993 ▪ Applications for approvals under any other Act and any associated documents received ▪ Compulsory Acquisition Notices ▪ Leases and Licenses for use of Public Land classified as Community Land. ▪ Performance improvement orders issued to Council under Part 6 of Chapter 13 of the Local Government Act 1993 ▪ Orders given under Part 2 of Chapter 7 of the Local Government Act 1993 and any reasons given under section 136 of the Local Government Act 1993 ▪ Orders given under the Authority of any other Act ▪ Plans of land proposed to be compulsorily acquired by Council ▪ Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decision made on appeals concerning approvals ▪ Records of Building Certificates under the Environmental Planning and Assessment Act 1979
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6.3.2 Proactive Release

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

As part of its **proactive release strategy**, hyperlinks are being developed to provide direct access to a wide range of information contained on the website. Further details of how to access open access information that is not published on the website, where Council has determined that publishing the information online would impose unreasonable additional costs to Council is provided at: <https://www.gunnedah.nsw.gov.au/index.php/council/keep-in-touch/access-to-information/item/1001-gipa-accessing-information> . Council encourages members of the public to contact Council with suggestions for information which can be considered for authorised proactive release.

6.3.3 Informal Release

Access to information which is not available as Mandatory Public Release (open access) or Proactive Release may be provided through Informal Release. Council generally releases other information in response to an informal request subject to any reasonable conditions as Council thinks fit to impose. Council is authorised to release information unless there is a 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.

Application should be made to Council by submitting an **Informal Request for Information** application form, available on Council’s website www.gunnedah.nsw.gov.au or by contacting Council on 02 6740 2100

Under informal release, Council has the right to decide by what means information is to be released.

Council encourages applications for access to information to be made, initially, under the Information Release provisions.

6.3.4 Formal Access

Prior to lodging a Formal Access Application, a person seeking information from Council should check if the information being sought is already available on Council’s website or could easily be made available through an informal request application.

If information:

- Is not available via Proactive or Informal Release; or

Gunnedah Shire Council

- Involves a large volume of information, requires extensive research and accordingly will involve an unreasonable amount of time and resources to produce; or
- Contains personal or confidential information about a third party which may require consultation; or
- Is of a sensitive nature that requires careful weighing of the consideration in favour of and against disclosure; then

Council requires a Formal Access Application to be submitted.

Application should be made to Council in writing by submitting a **Formal Access Application** (available on Council's website www.gunnedah.nsw.gov.au or by contacting Council on 02 6740 2100 and should be accompanied by the GIPA prescribed application fee of \$30.00. Additional \$30.00 hourly processing charges may be applicable.

Please note, an application will be invalid if it seeks access to excluded information of Council or does not meet the requirements for a Formal Access application. An application must:

- Be in writing
- Specify it is made under the GIPA Act
- State an Australian Postal address;
- Be accompanied by the \$30.00 fee;
- Provide sufficient detail to enable Council to identify the information requested.

6.4 Fees and Charges

The Government Information (Public Access) Regulation 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 the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges as set out in Council's Schedule of Fees and Charges.

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

NATURE OF APPLICATION	APPLICATION FEE	PROCESSING CHARGES	PHOTOCOPYING
Mandatory Release	No charge	No charge	As per Council's adopted Fees and Charges
Proactive Release	No charge	No charge	As per Council's adopted Fees and Charges
Informal Release	No charge	No charge	As per Council's adopted Fees and Charges
Formal Application	\$30.00	\$30.00 per hour after the first hour	Nil

6.5 Interaction with 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 Regulations 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 or the copyright owner is not able to be contacted, copies of copyright material will not be provided.

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

6.6 Interaction with Privacy Legislation

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 Plan (available on Council's website) 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.

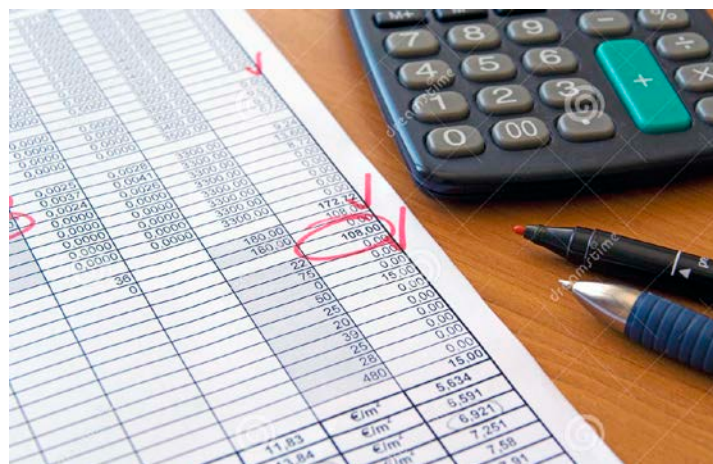
6.7 Public Interest Test

Under the GIPA Act, when deciding whether or not to release information, government agencies must consider whether there is an overriding public interest against releasing the information.

Referred to as the "public interest test", this requires government agencies to consider balancing factors for and against disclosure of each piece of government information. That balancing must be undertaken within the context of the GIPA Act.

In deciding what information to release, Council will apply the public interest test which will involve:

- identification of the relevant public interest considerations for disclosure;
- identification of any relevant public interests against disclosure



The GIPA Act (section 14) provides an exhaustive list of public interest considerations against disclosure. These are the only considerations against disclosure that decision makers can 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 specifically provided in legislation
- Exempt documents under interstate Freedom of Information legislation.

7 Access and Amendment to Council Documents

As far as practicable, Government information held by Council will be accessible by members of the public from Council's Administration office during office hours, ie, between the hours of 8:30am and 5:00pm, Monday to Friday (except public holidays). For further enquiries about any document, a Customer Services Officer should be contacted in the first instance. Any amendment of records held by Council will be undertaken pursuant to the provisions of the Privacy and Personal Information Protection Act 1998 (PPIP Act). If you experience difficulty in obtaining Government information or wish to seek an amendment to Council's records concerning your personal affairs, you should contact Council's Public Officer or make written application to Council and addressed to:

General Manager
Gunnedah Shire Council
PO Box 63
GUNNEDAH NSW 2380
Phone: 02 6740 2100
Via email: council@infogunnedah.com.au

8 Open Data

Promotion of Open Data generally refers to information stored digitally by an organisation that should be made freely available such that anyone who accesses the data is free to use it, rearrange it and publish it as they wish without copyright restrictions applying.

This concept operates in conjunction with the objectives of the GIPA Act.

Members of the public are encouraged to contact Council with suggestions for information which can be considered for authorised proactive release.

A similar position is taken in the context of Open Data, as Council likewise encourages members of the public to make suggestions with respect to the kinds of data that Council may consider making available to the public.

There are many government-based open data initiatives in Australia.

- The **Federal Government open data portal** can be found <https://data.gov.au/>
- The **NSW Government open data portal** can be found <https://data.nsw.gov.au/>

9 Further Information

9.1 Council Contact Officers

9.1.1 Public Officer

The Governance Officer has been appointed as the Public Officer. Amongst other duties, 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 the Council. The Public Officer is also responsible for

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determining Formal Access Applications and for the amendment of records. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer.

9.1.2 Right to Information Officer

The Governance Officer is Council's Right to Information Officer. Amongst other duties, Council's Right to Information Officers is responsible for processing of requests for information and Formal Access Applications and assisting people to gain access to public documents of the Council.

9.1.3 Contact Details

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

General Manager
Gunnedah Shire Council
PO Box 63
GUNNEDAH NSW 2380
Phone: 02 6740 2100
Via email: council@infogunnedah.com.au

9.2 Information and Privacy Commission

The Information and Privacy Commission oversees the GIPA Act. The IPC provides information about the right to access information and can be contacted via:

Email: ipcinfo@ipc.nsw.gov.au
Web: <https://www.ipc.nsw.gov.au/>
Phone: 1800 472 679
Address: Level 17, 201 Elizabeth Street, SYDNEY NSW 2000
Postal: GPO Box 7001, SYDNEY NSW 2001



9.3 Version Control and Endorsement

VERSION CONTROL AND CHANGE HISTORY			
DATE	VERSION	APPROVED BY/ ENDORSED / RESOLUTION (if applicable)	AMENDMENT
14 Dec 2010	1		Development of Publication Guide.
15 Jul 2021	2	Director Corporate and Community Services	Complete review based on Information Commissioners Guideline 6 – Agency Information Guides. Publication Guide retired.
25 Feb 2022	3	Director Corporate and Community Services	Complete review following 2021 NSW Local Government Elections on 04 Dec 2021.
1 Jan 2023	4	Director Corporate Services	Annual review in accordance of Division 2, Section 21 Government Information (Public Access) Act 2009 No 52 (NSW)