

# **Council Agency Information Guide 2021**

**PROC-001**




## NARRANDERA SHIRE COUNCIL

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### NOTE

Prepared in accordance with the provisions of Section 20 of the Government Information (Public Access) Act 2009.

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# 1. Introduction

Narrandera Shire Council has prepared this Agency Information Guide (Information Guide) in accordance with section 20 of the [Government Information \(Public Access\) Act 2009](#) (GIPA Act).

In order to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, Council is committed to upholding the following objectives of the GIPA Act:

- authorising and encouraging the proactive public release of government information
- giving members of the public an enforceable right to access government information
- restricting access to government information only when there is an overriding public interest against disclosure.

The guiding principle of the GIPA Act is public interest. It is generally presumed that all government agencies will disclose or release information unless there is an overriding public interest against doing so. Under the GIPA Act it is compulsory for agencies to provide information about their structure, functions and policies, and agencies are encouraged to proactively and informally release as much other information as possible.

By describing Council's functions, responsibilities and organisational structure, the Information Guide aims to promote a better understanding of Council's work in the community and inform members of the public about the ways in which the community can participate in Council's decision-making processes. It also details the various types of information held by Council and how that information can be accessed.

Narrandera Shire Council is committed to openness with regard to access to government information. Council information can be accessed on Council's website [www.narrandera.nsw.gov.au](http://www.narrandera.nsw.gov.au), by telephoning Council's Customer Service Centre during business hours on 02 6959 5510, in person at 141 East Street, Narrandera or by emailing [council@narrandera.nsw.gov.au](mailto:council@narrandera.nsw.gov.au).

## 2. Structure and Functions of Council

### 2.1 About Narrandera Shire Council

Narrandera Municipal Council and Yanko Shire Councils amalgamated to form Narrandera Shire Council on 1 January 1960.

The Shire, located in south western New South Wales between Wagga Wagga and Griffith, covers an area of 4116.02 km<sup>2</sup> and lies in the heart of an area known as the Riverina. The Murrumbidgee River traverses the southern end of the Shire, passing through the township of Narrandera.

The Shire shares its boundary with Bland, Carrathool, Coolamon, Federation, Griffith, Leeton, Lockhart, Murrumbidgee, Wagga Wagga Local Government Areas.

## **2.2 Basis for Constitution**

The Council is constituted under the [Local Government Act 1993](#).

## **2.3 Organisational Structure and Resources**

The Council is an undivided area (not divided by wards) governed by a body of nine (9) Councillors (including the Mayor) who are elected by the residents and ratepayers of the Shire every four (4) years. These Councillors elect the Mayor from amongst themselves in September each year.

### **2.3.1 Role of Councillors and Mayor**

The role of a Councillor is:

- 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.

The role of the mayor is as follows:

- 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 the council
- to preside at meetings of Council
- to ensure that meetings of Council are conducted efficiently, effectively and in accordance with the Local Government Act and Council's Code of Meeting Practice
- 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 the 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 the Council

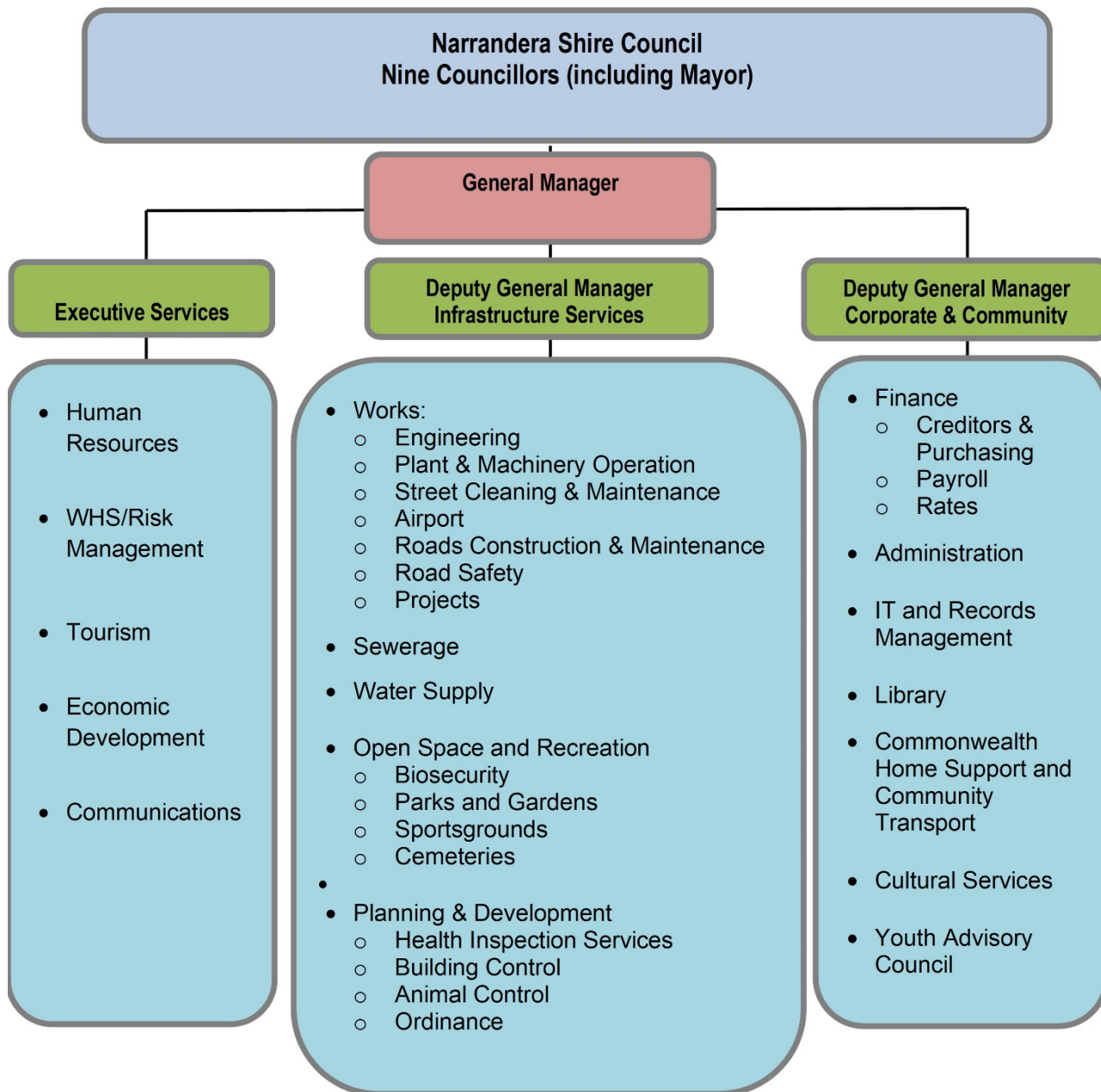
- in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community
- to carry out the civic and ceremonial functions of the mayoral office
- to represent the Council in regional organisations and at inter-governmental forums at regional, State and Commonwealth levels
- in consultation with the Councillors, to lead performance appraisals of the General Manager
- to exercise any other functions of the Council that Council determines.

### **2.3.2 Role of General Manager**

The General Manager is responsible for the efficient and effective operation of Council as an organisation and for ensuring the implementation of Council decisions. The General Manager has the following functions:

- to conduct the day-to-day management of Council in accordance with the 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 on 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 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 under this Chapter and the resources approved by 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.

To assist in the exercise of these functions is the Executive Services division, headed by the General Manager, and two further divisions of Council, Corporate & Community and Infrastructure Services, each headed by a Deputy General Manager:



## 2.4 Functions of Narrandera Shire Council

Councils exercise functions under the *Local Government Act 1993*. Under the Act, Narrandera Shire Council's functions can be grouped into the following categories:

- Service delivery
- Regulatory
- Ancillary
- Revenue

- Administrative
- Enforcement
- Community planning.

As well as the *Local Government Act 1993*, Council has powers and/or responsibilities under other Acts, including:

- Airports Act 1996
- Biodiversity Conservation Act 2016
- Biosecurity Act 2015
- Building Professionals Act 2015
- Child Protection (Working with Children) Act 2012 and Amendment 2018
- Companion Animals Act 1998
- Community Land Development Act 1989
- Contaminated Land Management Act 1997
- Conveyancing Act 1919
- Copyright Act 1968
- Crown Land Management Act 2016
- Crown Lands Act 1989
- Dividing Fences Act 1991
- Environmental Operations Act 1997
- Environmental Planning and Assessment Amendment Act 2008
- Environmental Planning and Assessment Act 1979
- Firearms Act 1996
- Fire Brigades Act 1989
- Fluoridation of Public Water Supplies Act 1957
- Food Act 2003
- Government Information (Public Access) Act 2009
- Graffiti Control Act 2008
- Health Records & Information Privacy Act 2002
- Heritage Act 1977
- Impounding Act 1993
- Land Development Contribution Management Act 1970



- Library Act 1939
- Local Land Service Amendment Act 2016
- Native Title (NSW) Act 1994
- Pesticides Act 1999
- Plumbing and Drainage Act 2011
- Privacy & Personal Information Protection Act 1998
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Public Interest Disclosures Act 1994
- Recreation Vehicles Act 1983
- Roads Act 1993
- Road Transport Act 2013
- Rural Fires Act 1997
- State Emergency & Rescue Management Act 1989
- State Emergency Service Act 1989
- State Records Act 1998
- Strata Schemes Development Act 2015
- Strata Schemes Management Act 2016
- Surveillance Devices Act 2007
- Swimming Pools Act 1992
- Transport Administration Act 1988
- Unclaimed Money Act 1995
- Waste Avoidance and Resource Recovery Act 2001
- Water Management Act 2000
- Work Health and Safety Act 2011
- Workers Compensation Act 1987
- Workplace Injury Management and Workers Compensation Act 1998
- Workplace Surveillance Act 2005

### **3. How Council Functions Affect Members of the Public**

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

#### **3.1.1 Service Functions**

These functions include the provision of a wide range of property and people services that affect the public. Service functions affect the public as Council provides services and facilities to the public members of the community.

These include:

- Airport
- Cemeteries
- Civil infrastructure planning, maintenance and construction
- Communications
- Cultural – Art Centre, Museums, Library Service
- Customer Service
- Economic development and assistance
- Environment, health and food safety
- Land & property development
- Landfill
- Parks, Gardens and Reserves
- Recreational – Lake Talbot Water Park, Narrandera Stadium
- Sporting ovals
- Stormwater drainage and flood mitigation
- Tourism and events
- Waste removal and disposal
- Water and wastewater services
- Youth and community development.

#### **3.1.2 Regulatory Functions**

Members of the public must be aware of and comply with certain regulations. These place restrictions on developments and buildings to ensure that they meet certain requirements, protect the amenity of the community, do not endanger the lives and safety of any person. Some of Council's regulatory functions include:

- Building and development approval and control
- Building Certificates
- Development of Codes and Policies
- Leases and licences of public reserves
- Land management.

### **3.1.3 Ancillary Functions**

These are functions that aid the carrying out of other functions of Council, particularly service and regulatory functions. Ancillary functions affect only some members of the public. These functions include:

- Resumption of land
- Powers of entry and inspection
- Power to sell land for overdue rates
- Power to order the demolition of unsafe or unapproved structures.

### **3.1.4 Revenue Functions**

These matters relate to the ability of Council to raise income through collection of rates and charges. 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. Council's revenue functions include:

- Levying of Rates
- Levying of fees and charges
- Authority to borrow funds
- Authority to make investments
- Authority to grant subsidies
- Grant Management.

### **3.1.5 Administrative Functions**

These functions relate to how Council carries out its functions and makes decisions and how it is accountable for its actions. These do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided. Council's administrative functions include:

- Codes of Conduct and practice
- Financial Management and Reporting
- Fleet and Depot
- Governance Services

- Human Resources and Risk Management
- Information Management
- Information Technology
- Integrated Planning and Reporting requirements
- Internal Audit
- Land use planning
- Management Plans
- Policy development
- Property Management
- Purchasing and Procurement

### **3.1.6 Enforcement Functions**

These are functions that involve the prosecution of offences under relevant legislations. Enforcement functions only affect those members of the public who are in breach of certain legislation that Council enforces. This includes matters such as:

- Proceedings for breaches of the *Local Government Act 1993* and Regulations, and other Acts and Regulations
- Prosecution of offences
- Recovery rates and charges.

### **3.1.7 Community Planning and Development Functions**

Such functions affect areas including cultural development, social planning and community profile and involve:

- 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, training and information.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community as well as promoting events of other organisations.

## 4. Public Participation in Local Government

Council is committed to encouraging and fostering public participation in the development of Council policies, strategies and the exercise of local government functions.

Engaging with our community through proactive consultation ensures that the views, needs and expectations of the public are considered so that we can deliver meaningful improvement in outcomes and service delivery.

There are two distinctive 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.

### 4.1.1 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 New South Wales, (under the Local Government Act) local government elections are held on the second Saturday of September every four years. Due to the Covid-19 pandemic, the next elections are to be held in 2021. At each election, eligible 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. [Councillor contact details](#).

| Councillor          | Email                             | Telephone    |
|---------------------|-----------------------------------|--------------|
| Cr Barbara Bryon    | Cr.bryon@narrandera.nsw.gov.au    | 0400 346 043 |
| Cr Jenny Clarke     | Cr.clarke@narrandera.nsw.gov.au   | 0417 202 441 |
| Cr David Fahey      | Cr.fahey@narrandera.nsw.gov.au    | 0427 262 270 |
| Cr Neville Kschenka | Cr.kschenka@narrandera.nsw.gov.au | 6959 2239    |
| Cr Tracey Lewis     | Cr.lewis@narrandera.nsw.gov.au    | 0427 204 176 |
| Cr Kevin Morris     | Cr.morris@narrandera.nsw.gov.au   | 0429 639 497 |
| Cr Narelle Payne    | Cr.payne@narrandera.nsw.gov.au    | 0412 685 597 |
| Vacant              |                                   |              |
| Vacant              |                                   |              |

### 4.2 Personal Participation

There are also avenues for members of the public to personally participate in the policy development and the functions of Council.

### **4.2.1 Council Meetings**

Councillors meet regularly at Ordinary Council meetings to discuss local issues and make decisions on behalf of the community. All meetings of Council are open to the public and residents are welcome to attend. Further details about Council meetings as well as business papers and minutes can be accessed at [Council Meetings](#).

Council Meetings are generally held on the third Tuesday of each month in the Council Chambers, 141 East Street, Narrandera commencing at 2 pm.

Residents may address Council on a matter on the agenda. This can be done by contacting Council prior to the Ordinary Meeting of Council and requesting permission to address Council in relation to the matter.

### **4.2.2 Council Committees**

There are several [Committees](#) which support the exercise of Council's functions under the provisions of Section 355 of the Local Government Act:

- Audit, Risk & Improvement Committee
- Barellan Floodplain Risk Management Committee
- Bettering Barellan Committee
- Grong Grong Community Committee
- Koala Regeneration Committee
- Narrandera Floodplain Risk Management Committee
- Narrandera and Leeton Joint Airport Management Committee
- Australia Day Planning Committee
- Weeds Advisory Committee
- Parkside Cottage Museum Committee
- Railway Station Management Committee

Council also has the following Advisory Committees:

- Arts and Culture Committee
- Domestic Violence Committee
- Lake Talbot Environs Committee
- Narrandera Stadium Committee
- Narrandera Health Advisory Group
- Parks and Gardens Committee
- Sports Facilities Committee

### 4.2.3 Public Submissions

Public exhibitions are a key way for the community to participate in local government. Members of the public are able to provide submissions on draft policies, strategies, projects, developments and plans that Council is considering. Items on public exhibition are advertised and displayed on Council's website at [Projects and Community Consultation](#) and can be inspected at Council's Administration Building and Narrandera Library.

It is important for community members to be aware that information provided to Council in correspondence, submissions or requests including personal information such as names and contact details may be made publicly available in accordance with the GIPA Act.

Members of the public can write to Council on any matter:

- You may write to Council at the following address:  
The General Manager  
Narrandera Shire Council  
141 East Street  
Narrandera NSW 2700
- You may also email Council at [council@narrandera.nsw.gov.au](mailto:council@narrandera.nsw.gov.au)
- or provide feedback on Council's website [Contact Us](#).

If the matter is outside the delegations or policies by which staff or the General Manager can make a decision, the matter will be referred to the next available relevant Committee or Council Meeting. All matters to be addressed by Council through staff reports, must be submitted at least fourteen days prior to the relevant meeting.

Community members can also sign up to [Council's Community Opinion Group e-newsletter](#) and stay up-to-date on news and media releases by accessing [Council's website](#), Council's Weekly Catchup which provides public notices and information as well as Council's social media accounts, including [Facebook](#), [Instagram](#), [LinkedIn](#), [Youtube](#).

Members of the public can also provide feedback by participating in Council surveys.

### 4.2.4 Consultation

Community engagement is tailored to the project, proposal or plan and can include surveys, community workshops, online forums and other participation tools. Council has adopted a [Community Engagement Policy](#) which outlines how and when the community will be engaged regarding Council's functions.

## 5. Information held by Narrandera Shire Council

Narrandera Shire Council holds a significant amount of government information. Government information is defined under the GIPA Act as "Information contained in a record held by the agency". A record means any document or other source of information

(including photos, videos, sound files or other digital information) compiled, recorded or stored in written form, or by electronic process or in any other manner.

Council's Electronic Document Management System was introduced in 2000 to replace hard copy, physical records (except for development/building/construction applications). In October 2016 a new integrated electronic document and records management system (Magiq) was introduced to replace the earlier EDMS.

Prior to 2000, the main types of 'physical' files held by Council included general subject files, development and building files and property files.

Council's 'physical' files are not available on the website however this information may be made available either through an [informal request](#) or through a [formal application](#) under the *Government Information (Public Access) Act 2009*. Information is made available to the public, unless for specific information, there is an overriding public interest against disclosure of the information.

Council also holds information in various software systems including Practical which is a software application designed specifically for local government. Information captured by the Practical system typically includes:

- Property and rates information
- Personnel and payroll information
- Financial management information
- Registers.

## **6. How to Access Information held by Narrandera Shire Council**

Narrandera Shire Council is subject to NSW legislation that requires it to be open and accountable in the exercise of its functions, and to handle personal and health information in a fair and reasonable manner. Council will seek to ensure that legitimate requests for access to information are handled promptly and that members of the public are able to access information, subject to the need to protect the privacy of others, commercially sensitive information and information the disclosure of which would not be in the public interest. Narrandera Shire Council is committed to the principle of open and transparent government. To facilitate public access to Council information, Council has adopted an [Access to Council Information Policy](#).

The ways in which Council releases information includes:

1. Mandatory proactive release of information (open access information)
2. Authorised proactive release of information
3. Informal release of information under the GIPA Act
4. Formal release of information under the GIPA Act
5. Mandatory disclosure of information (pecuniary interests)



6. Where required by law (such as a Subpoena to produce).

### **6.1 Mandatory Proactive Release of Open Access Information**

Council must make its 'open access information' publicly available unless there is an overriding public interest against disclosure of the information. Open access information is required to be published on Council's website free of charge unless to do so would impose an unreasonable additional cost on Council.

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 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 that it does not make publicly available on the basis of an overriding public interest against disclosure,
- Information as may be prescribed by the Regulations as open access information.

Schedule 1 of the GIPA Regulation 2018 also stipulates that the following additional documents are to be provided as open access information by Council:

#### **6.1.1 Information about Council**

- Model Code of Conduct and Procedures
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Community Strategic Plan
- Delivery Program and Operational Plan
- EEO Management Plan
- Councillors' Payment of Expenses and Provision of Facilities Policy
- Annual reports of bodies exercising functions delegated by Council
- Any codes referred to in the LGA
- Returns of the Interests of Councillors and Designated Persons

- Agendas and business papers for Council and Committee meetings
- Minutes of any Council and Committee meetings
- Reports by the Chief Executive of the Office of Local Government presented at a Council Meeting in accordance with section 433 of the LGA
- Council's Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti Removal Work
- Register of Current Declarations of Disclosures of Political Donations
- Register of Voting on Planning Matters

### **6.1.2 Plans and Policies**

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contributions Plans

### **6.1.3 Information about Development Applications**

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:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification documents
- Town Planner reports
- Submissions received on Development Applications
- Heritage Consultant reports
- Tree Inspection Consultant reports
- Acoustics Consultant reports
- Land Contamination Consultant reports
- Records of Decisions on Development Applications made on or after 1 July 2010 (including appeals)
- Records describing general nature of documents that Council decides to exclude from public view including:

- 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, or
- development applications made before 1 July 2010 and any associated documents received in relation to the application.

#### **6.1.4 Approvals, Orders and Other Documents**

- Applications for Approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application
- Applications for Approvals under any other Act and any associated documents received in relation to such an application
- Records of Approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licences for use of Public Land classified as Community Land
- Performance Improvement Orders issued to Council under Part 6 of Chapter 13 of the LGA.

## **6.2 Authorised Proactive Release of Information**

The GIPA Act authorises Council to go beyond the minimum requirements for mandatory disclosure of information and make any information it holds publicly available unless there is an overriding public interest against disclosure of the information. This is a discretionary authority to release information in any manner considered appropriate, free of charge or at the lowest reasonable cost.

Council reviews its authorised proactive release program regularly by identifying the kinds of information it holds that should be made publicly available and that does not impose unreasonable additional costs on Council. Council encourages members of the public to contact Council with suggestions for information which can be considered for authorised proactive release.

Visit the [Information Held by Council](#) webpage to access a range of information that is openly available on Council's website.

### 6.3 Informal Release

Access to information which is not made available via mandatory proactive release (open access) or authorised proactive release may be provided through informal release. As with the proactive release of information, Council is authorised to release information unless there is an overriding public interest against disclosure. Application should be made to Council by submitting an [application](#) or by contacting Council on (02) 6959 5510.

### 6.4 Formal Access Application

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

Council requires a formal access application to be submitted if the information being sought:

- is not available via proactive or informal release, and
- is of a sensitive nature that requires careful weighing of the considerations in favour of, and against, disclosure, or
- contains personal or confidential information about a third party which may require consultation, or
- contains information relating to current or pending legal proceedings,
- may involve a substantial amount of time and resources to produce.

To make a formal request for access to information a [GIPA Formal Request Application](#) should be completed. There is a fee associated with a formal application which is detailed in Council's Fees and Charges (currently \$30). Additional processing charges may be applicable.

A formal application must:

- be in writing
- specify it is made under the GIPA Act
- state the name of the applicant and a postal or email address
- be accompanied by the \$30 fee
- provide sufficient detail to enable Council to identify the information requested.

Council's Disclosure Log lists information released in response to a formal access application under the GIPA Act that is considered to be of interest to the wider public. Applicants can object to the inclusion of information in Council's disclosure log.

## 7. Public Interest Test

In deciding which information to release, Council will apply the public interest test having regard to its obligation to promote the objects of the Act and to any relevant guidelines issued by the Information Commissioner.

Regardless of whether a formal or informal access request has been received, Council must decide whether there are any public interest considerations against disclosure of the requested information. If so, Council needs to determine the weight of the public interest considerations in favour of and against disclosure and where the balance between those interests lies. This is called the 'public interest test'.

The public interest test involves three steps:

1. Identifying the relevant public interest considerations for disclosure
2. Identifying any relevant public interests against disclosure
3. Assessing whether the public interest against disclosure outweighs the public interest in favour.

### **7.1 Considerations in Favour of Disclosure**

For most information held by Council there is a general public interest in favour of the disclosure of the information and includes considerations such as:

- Disclosure promotes open discussion of public affairs
- Release enhances Government accountability
- Disclosure contributes to positive and informed debate on issues of public importance
- Disclosure informs how Council deals with members of the public
- Disclosure provides information on Council policies, procedures and processes.

### **7.2 Considerations Against Disclosure**

Section 14 of the GIPA Act sets out public interest considerations against disclosure for the purpose of determining whether there is an overriding public interest against disclosure of government information.

Considerations are grouped under the following headings:

- 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 (in legislation other than those listed in Schedule 1)
- Exempt documents under interstate Freedom of Information Legislation

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

Council may refuse a request for information if searching for the requested information would require unreasonable and substantial diversion of Council's resources.

### **7.3 Conclusive Presumption of Overriding Public Interest Against Disclosure**

In some circumstances there will be an automatic, overriding public interest against the release of information (refer to [Schedule 1 GIPA Act](#)), for example where the release of the information is prohibited by law, documents affecting law enforcement and or public safety, legal professional privilege.

Where a conclusive presumption of overriding public interest against disclosure exists, a decision will be made to refuse access to the information.

## **8. Consultation**

When a person requests information from Council, that information often contains details about other individuals, businesses, or agencies. Council may need to consult with those third parties before deciding whether or not to release that information to the applicant.

Consultation with third parties is important in balancing information access rights, and the rights of individuals to protect and control the privacy of information about themselves.

## **9. Copyright**

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

Access to copyright 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. These documents include Plans/Drawings, consultant reports, Statements of Environmental Effects and other miscellaneous reports submitted with a Development Application.

## **10. Rights of Review**

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

### **10.1 Internal Review**

If an access application has been refused, there is a general right to seek an internal review of the decision. An internal review must be applied for within 20 working days of the original decision and is subject to a fee associated which is detailed in Council's Fees and Charges (currently \$40). Internal review involves a senior person in the agency reviewing the decision to reject the access to information application. An internal review is not to be done by the person who made the original decision and is not to be done by a

person who is less senior than the person who made the original decision.

## **10.2 Review by the Information Commissioner**

If an applicant is not satisfied with the internal review, or does not want one, they can ask for a review by the Information Commissioner. An application for review of a decision by the Information Commissioner must be made within 40 working days after notice of the decision to which the review relates is given to the applicant.

## **10.3 External Review (NCAT Administrative Review)**

If an applicant is not satisfied with the decision of the Information Commissioner or the Internal Reviewer or if they don't want to take these options they can apply to the NSW Civil & Administrative Tribunal (NCAT). If the applicant has already had a review by the Information Commissioner they have 20 working days from notification of the decision to make this application. If they haven't had a review by the Information Commissioner they have 40 working days from notification of the decision to make this application.

# **11. Fees and Charges**

## **11.1 Application Fee**

### **11.1.1 Informal Application**

There is no application fee for an informal application however Council may charge a fee for photocopying as per [Council's Fees and Charges](#).

### **11.1.2 Formal Application**

An application fee is payable by an applicant to Council when lodging a formal access application for government information under the *Government Information (Public Access) Act 2009 (section 41(1)(c))*. The application must be in writing (the application form is available on Council's website) and is invalid until this fee is paid. The application fee counts towards any processing charge payable by the applicant (section 64(3)).

## **11.2 Processing Charges**

Under the *Government Information (Public Access) Act 2009* Council may impose a charge for processing an application that they receive, or have transferred to them at the rate of \$30 per hour (*section 64 of the GIPA Act*). The application fee also counts as a payment towards any processing charge payable by the applicant (*section 64(3)*). The processing time for an application, as set out in *section 64(2)*, is the total amount of time that is necessary to be spent by any officer of the Council in:

- dealing efficiently with the application (including consideration of the application, searching for records, consultation, decision-making and any other function exercised in connection with deciding the application), or
- providing access in response to the application (based on the lowest reasonable estimate of the time that will need to be spent in providing that access).

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

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

The discount applies only to the processing charge, not the application fee. If a 50% reduction in processing charge applies, the application fee will pay for the first 2 hours of processing time (not just the first hour) (*sections 65 & 66*).

If the information applied for was not publicly available at the time the application was received but Council makes the information publicly available either before or within 3 working days after providing access to the applicant, the applicant is entitled to a full waiver of the processing charge imposed by Council (*section 66 (2)*).

If an access application is made for personal information about the applicant (the applicant being an individual), Council cannot impose any processing charge for the first 20 hours of processing time for the application (*section 67*).

All charges in relation to the *Government Information (Public Access) Act 2009* are listed in Council's Revenue Policy, available on Council's website. All charges for applications can also be obtained from the Office of the Information and Privacy Commission at [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au).

## **12. How Members of the Public May Access and Amend Council Documents Concerning Their Personal Affairs**

Council's Privacy Policy (currently in draft) sets out its policies and practices for dealing with privacy and personal information. The policy is accessible on Council's web page and at Council's office.

A person's right of access under the privacy legislation is quite separate from his or her right under the GIPA Act but is limited to "personal information" as defined in the privacy legislation. A person has a right to access any information held by Council which relates to his or her personal affairs.

This information will be made available to the individual free of charge and wherever possible without the need for a formal access application. A person may request to amend his or her personal information held by Council.

Persons who wish to seek an amendment to the Council's records concerning their personal affairs, should contact:

- Narrandera Shire Council Customer Service Counter  
141 East Street, Narrandera NSW 2700 Operating Hours  
9:00am-4:30pm Monday to Friday
- Narrandera Shire Council Electronic Customer Service  
Operating Hours 8.15am – 4.30pm Monday to Friday  
P: 02 6959 5510



F: 02 6959 1884

E: [council@narrandera.nsw.gov.au](mailto:council@narrandera.nsw.gov.au)

If you experience any difficulty in obtaining documents or information, you should contact Council's Right to Information Officer or the Principal Officer on 02 6959 5510.

### **13. Right to Information Officer**

The Right to Information Officer is responsible for determining applications for access to information or for the amendment of records. If you have any difficulty in obtaining access to Council information, you may wish to refer your enquiry to the Principal Officer. If you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Principal Officer in the first instance.

The Governance Manager has been appointed as the Right to Information Officer. Enquiries should be addressed as follows:

- General Manager  
Narrandera shire Council  
141 East Street  
Narrandera NSW 2700  
Telephone: 02 6959 5510  
Email: [council@narrandera.nsw.gov.au](mailto:council@narrandera.nsw.gov.au)

### **14. Principal Officer**

The General Manager has been appointed the Principal Officer.

Amongst other duties the Principal Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents / information of the Council.

### **15. Public Officer**

It should be noted that the Deputy General Manager Corporate has been appointed as the Public Officer.

Under the *Local Government Act* each Council must appoint a Public Officer. Amongst other duties, Council's Public Officer may deal with requests from the public concerning Council's affairs, has the responsibility of assisting people to gain access to public documents of Council and may receive submissions or accept service of documents on behalf of Council.

The Public Officer may also determine applications for access to documents under the GIPA Act or for the amendment of records.

The functions of the Public Officer can be found under [section 343 of the Local Government Act 1993](#).

## 16. Office of the Information and Privacy Commission NSW

The Office of the Information and Privacy Commission NSW has been established to oversee the *GIPA Act*.

Questions concerning the GIPA Act or access to government information can be directed to the [Office of the Information and Privacy Commission](#) who can be contacted:

|           |   |
|-----------|---|
| Telephone | 1800 472 679 (free call) Monday to Friday, 9.00am-5.00pm (excluding public holidays)                                      |
| Fax       | 02 8114 3756  |
| Email     | <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>  |
| Mail      | GPO Box 7011, Sydney NSW 2001   |
| In person | Sydney Office, Level 17, 201 Elizabeth Street, Sydney between 9.00am-5.00pm, Monday to Friday (excluding public holidays) |

## 17. Further Information about Accessing Government Data

Data.NSW is an overarching program providing policy, platforms and practice for NSW data that supports better customer service, policy development, responsiveness and innovation. It is a collaboration between different data functions, including Spatial Services, Digital Government Policy and Innovation, Data Analytics Centre and Behavioural Insights. Visit the [Data NSW](#) website for more information.

More information on how to access NSW government information is available on the website of the Office of the Information and Privacy Commission at [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

Links to other information:

- [Office of Local Government](#)
- [GIPA Act 2009](#)
- [GIPA Regulation 2018](#)
- [NSW Government portal](#)

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