

# AGENCY INFORMATION GUIDE

Government Information (Public Access Act) 2009



2019 - 2020

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## Introduction

This Information Guide has been prepared in accordance with section 20 of the Government Information (Public Access) Act 2009 (GIPA Act) and is reviewed annually.

The purpose of Council's Information Guide is to provide members of the community, Council staff and the public with information concerning:

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

The Information Guide is available at [www.singleton.nsw.gov.au](http://www.singleton.nsw.gov.au)

## Structure and Functions of Council

### Information About Us

Local Government came in 1866 with the formation of Singleton Municipal Council; the first meetings being held in the "Long Room" of the Caledonian Hotel. A second municipality was formed at South Singleton in 1884 and was amalgamated with the Municipality of Singleton in 1906. In the same year local government was introduced into the rural districts with the formation of Patrick Plains Shire Council.

The agreed amalgamation of the Municipality of Patrick Plains Shire to form Singleton Shire Council on 1<sup>st</sup> January 1976, preceded a new era of resource development in the Hunter Valley. Our massive coal resources are being tapped, new jobs created and rapid population growth introduced into this historic and scenic part of New South Wales.

### Organisational Structure and Resources

### Role of Councillors

Section 232 of the Local Government Act 1993 provides that the role of a Councillor is to:



- Be an active and contributing member of the governing body,
- Make considered and well informed decisions as a member of the governing body,
- Participate in the development of the integrated planning and reporting framework,
- Represent the collective interests of residents, ratepayers and the local community,
- Facilitate communication between the local community and the governing body,
- Uphold and represent accurately the policies and decisions of the governing body,
- 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.

### **Role of Mayor**

Section 226 of the Local Government Act 1993 provides that the role of Mayor:

The role of the mayor is as follows:

- Be the leader of the council and a leader in the local community,
- Advance community cohesion and promote civic awareness,
- Be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- Exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- Preside at meetings of the council,
- Ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- Ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- Promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- Promote partnerships between the council and key stakeholders,
- 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,
- Conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,



- Carry out the civic and ceremonial functions of the mayoral office,
- Represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- Consultation with the councillors, to lead performance appraisals of the general manager,
- Exercise any other functions of the council that the council determines.

### **Role of General Manager**

The General Manager is responsible for the efficient operation of Council as an organisation and for ensuring the implementation of the decisions of Council.

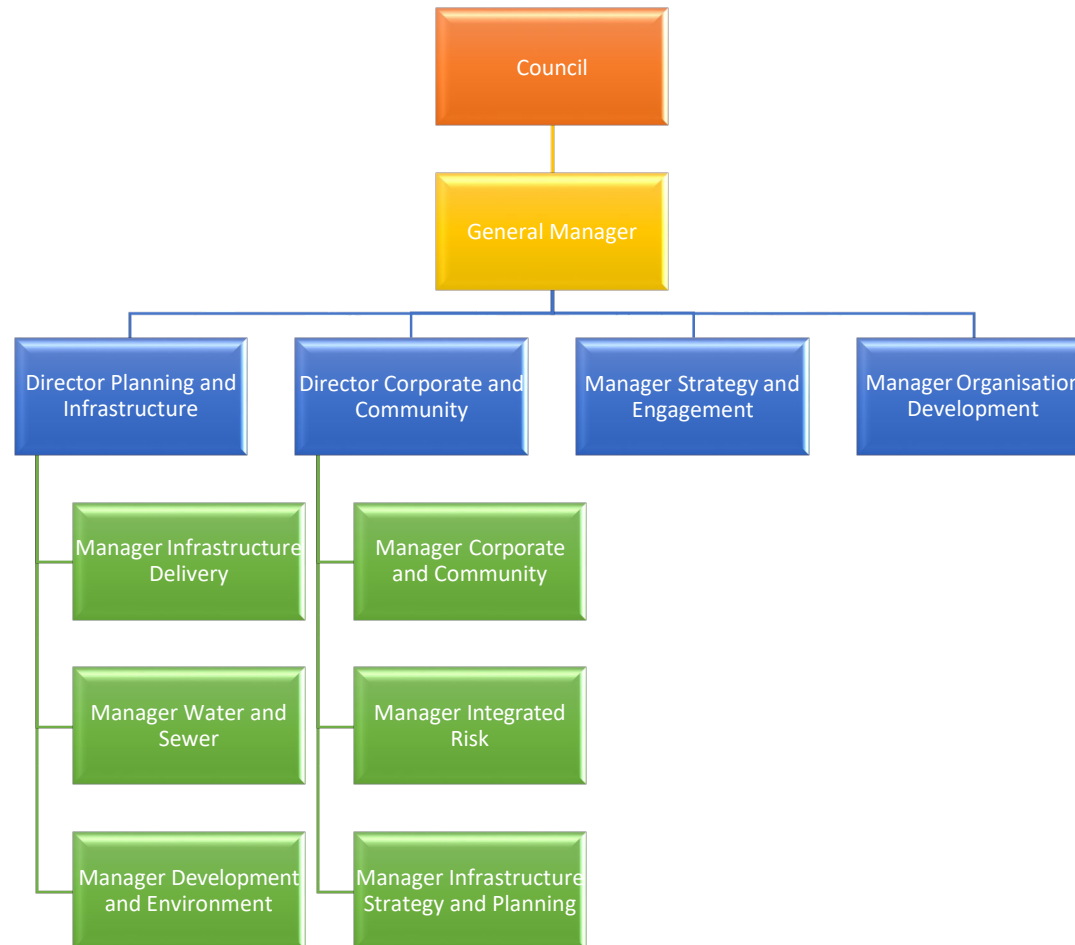
Section 335 provides that the General Manager has the following functions:

- Conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- Implement, without undue delay, lawful decisions of the council,
- Advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- Advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- 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,
- 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,
- Exercise any of the functions of the council that are delegated by the council to the general manager,
- Appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- Direct and dismiss staff,
- 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 the General Manager in the exercise of these functions, there are two Divisions of Council. These Divisions are Corporate and Community Services Group, Planning and Infrastructure. Each of these Divisions is headed by a Director.

### Organisational Structure



## Functions of Council

Under the Local Government Act 1993, Council's functions can be grouped into the following categories:

<p><b>Service Functions</b></p>	<p>Including;</p> <ul style="list-style-type: none"> <li>• Provision of community health, recreation, education &amp; information services</li> <li>• Environmental protection</li> <li>• Waste removal &amp; disposal</li> <li>• Land &amp; property, industry &amp; tourism development &amp; assistance</li> <li>• Civil Infrastructure Planning</li> <li>• Civil Infrastructure Maintenance &amp; Construction</li> </ul>
<p><b>Regulatory Functions</b></p>	<p>Including;</p> <ul style="list-style-type: none"> <li>• Approvals</li> <li>• Orders</li> <li>• Building Certificates</li> </ul>
<p><b>Ancillary Functions</b></p>	<p>Including;</p> <ul style="list-style-type: none"> <li>• Resumption of land</li> <li>• Powers of entry and inspection</li> </ul>
<p><b>Revenue Functions</b></p>	<p>Including;</p> <ul style="list-style-type: none"> <li>• Rates</li> <li>• Charges</li> <li>• Fees</li> <li>• Borrowings</li> <li>• Investments</li> </ul>
<p><b>Admin Functions</b></p>	<p>Including;</p> <ul style="list-style-type: none"> <li>• Employment of staff</li> <li>• Management plans</li> <li>• Financial reporting</li> <li>• Annual report</li> </ul>
<p><b>Enforcement Functions</b></p>	<p>Including;</p> <ul style="list-style-type: none"> <li>• Proceedings for breaches of the Local Government Act &amp; Regulations and other Acts &amp; Regulations.</li> <li>• Prosecution of offences</li> <li>• Recovery of rates and charges.</li> </ul>





As well as the Local Government Act 1993, Council has powers under a number of other Acts, including but not limited to:

Community Land Development Act 1989	Privacy & Personal Information Protection Act 1998
Companion Animals Act 1998	Protection of the Environment Operations Act 1997
Contaminated Land Management Act 1997	Public Health Act 2010
Conveyancing Act 1919	Recreation Vehicles Act 1983
Environmental Planning and Assessment Act 1979	Roads Act 1993
Fluoridation of Public Water Supplies Act 1957	State Emergency & Rescue Management Act 1989
Food Act 2003	State Emergency Service Act 1989
Government Information (Public Access) Act 2009	Strata Schemes Development Act 2015
Heritage Act 1977	Strata Schemes Management Act 2015
Impounding Act 1993	Swimming Pools Act 1992
Library Act 1939	Unclaimed Money Act 1995
Biosecurity Act 2015	



## Impact of Council Functions on Public

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

### **Service functions**

Affect the public as Council provides services and facilities to the public. These include the provision of human services such as child care services and local libraries, halls and community centres, sport and recreation facilities and programs, infrastructure and the removal of garbage.

### **Regulatory functions**

Place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and do not endanger the lives or safety of members of the public. Members of the public must be aware of, and comply with, such regulations.

### **Ancillary functions**

Affect only some members of the public. These functions include, for example, the resumption of land or Council's power to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

### **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 functions**

Do not necessarily affect members of the public directly but do have an indirect impact on the community through the efficiency and effectiveness of the services provided by Council.



## 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 animals, and parking offences. 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 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 events of others.

## Public Participation in Local Government

### Public Participation

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

### Representation

The community elect representatives to their local council to make decisions on their behalf. The public have the opportunity to participate every 4 years when elections are held. 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. Voting is compulsory.

Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, may pursue the matter on the resident's behalf, therefore allowing members of the public the opportunity to influence the development of policy. Members of the public are encouraged to discuss local community concerns with their elected representatives. To get in touch with an elected Councillor please email [council@singleton.nsw.gov.au](mailto:council@singleton.nsw.gov.au)



## **Personal Participation**

Council recognises the importance of providing opportunities for the community to make their voice heard. Council values community input in the engagement process, which enables Council to make decisions based on the views of residents, ratepayers, business owners and community groups.

A number of avenues are available for members of the public to directly contribute to Council's decision making process, including:

## **Council and Committee Meetings**

Members of the public are invited to attend Council meetings and address Council on any matters on the agenda to assist with the decision making process and any other Council related matters. Council also has a number of advisory committee meetings which discuss policy and strategic matters and make recommendations for Council's consideration.

A full list of Council meeting dates and locations as well as information about Council's Advisory Committees is available on Council's website. Business papers and minutes of the meetings are published on Council's website and are also available at Council offices.

## **Public exhibition of proposed policies, plans and projects**

Council consults with its residents in relation to policy and other matters throughout the year. Policies that have an impact on the public and other matters of importance to the community are exhibited for public comment prior to Council decisions. Refer to Council's website for information in relation to matters that are currently on [public exhibition](#).

## **Submissions to Council on specific matters**

Through the provisions of certain Acts or Regulations, members of the public have the opportunity to influence Council's decisions by making submissions, comments or objections to proposals. For example, the contents of Council's Community Strategic Plan, Delivery Program and Operational Plan and the consideration of development applications are advertised and public comment is invited prior to Council's decision on the matter.



## Other opportunities

Council is committed to consulting with the community about important projects and initiatives and has a Community Engagement function to gather and analyse information relating to community needs and concerns.

## Methods of Communication

There are many different methods to engage and share information with stakeholders and Council may utilise multiple techniques on a single project to ensure a broad section of the community has been consulted.

- Council's website – [www.singleton.nsw.gov.au](http://www.singleton.nsw.gov.au)
- Media Releases and statements
- Community Newsletters
- Print, telephone and online surveys
- Meetings, seminars and forums
- Advertising in the local media
- Letters
- Social Media

## Information Held by Council and Access Arrangements

Singleton Council is committed to the principle of open and transparent government. To facilitate public access to Council Information Council has adopted an Access to Information Policy. The object of this policy is to describe public and Councillor access to information and to facilitate the processing of requests for such access under the Government Information (Public Access) Act 2009 ("GIPA Act").

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.

Singleton Council holds information in various formats in respect of a wide range of functions undertaken by it and information which is pertinent to different issues relating to the Singleton Council area.

Council has an electronic file system which has been in place since 2004.



The main types of "physical" files held by Council includes general subject files, development and building files, property files as well as street and park files.

The foregoing is not currently 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. This information may be made available either by informal release or via an 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) 6578 7290.

The following information is prescribed Open Access information in accordance with the GIPA Act and is available on Council's website:

- [This information guide](#)
- Documents (if any) tabled in Parliament on behalf of Council (will be available on Council's website if and when any information is tabled in parliament on behalf of Council)
- [Council's Policy documents](#)
- [Council's Disclosure Log](#) of Access Applications
- [Council's Register of Government Contracts](#)

Council holds a range of information in various formats that relate to a number of different issues concerning the Singleton Council Local Government Area. This information may be available on Council's website, via an Informal Access to Information request or a Formal Access to Information application. All requests for access to information held by Council will be determined in accordance with the requirements of the GIPA Act.

In addition, pursuant to Schedule 1 of the Government Information (Public Access) Regulation 2009, all of Council's 'Open Access' information is required to be available via Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website). Where this is the case, the information will be available for inspection at Council offices. Any current (and the immediately preceding version of) documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges, in accordance with [Council's Fees and Charges](#).



## Information About Council:

- The model code of conduct prescribed under section 440(1) of the Local Government Act 1993 (LGA)
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual report
- Annual financial reports
- Annual reports of bodies excising functions delegated by the local authority
- Any codes referred to in the LGA
- Returns of the interests of Councillors, designated persons and delegates
- Agendas and business papers for any meeting of Council or its committees of the local authority (but not including business papers for matters considered when part of a meeting is closed to the public)
- Minutes of any meeting of the Council or its committees, but restricted (in the case of any

## Plans and Policies:

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

- Auditor's report
- Management plan
- EEO Management Plan
- Policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors

part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting

- Departmental representative reports presented at a meeting of the Council in accordance with section 433 of the LGA
- Land Register
- Register of Investments
- Register of Delegations
- Register of Voting on Planning Matters



## Information about Development Applications

Development Applications 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 Inspections Consultant Reports
- Acoustic Consultant Reports
  
- Land Contamination Consultant Reports
- 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 specification and configurations, and commercially sensitive information.

This clause does not apply to so much of the information referred to above as consists of:

- 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.

## Approvals, Orders and Other Documents

- 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
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decision made on appeals concerning approvals.
- 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
- 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 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

### **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 or information of public interest that has been released as a result of other requests.

### **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.

As per proactive release methods, 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 Access to Information application form, available on Council's website [www.singleton.nsw.gov.au](http://www.singleton.nsw.gov.au) or by contacting Council on (02) 6578 7290.

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

### **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
- 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 to Information Application to be submitted.

Application should be made to Council by submitting the Access to Information Application form and should be accompanied by the GIPA prescribed application fee of \$30.00. Additional \$30.00 hourly processing charges may be applicable.

Formal access applications will be acknowledged and determined within the statutory periods prescribed by section 57 of the GIPA Act, which includes making a determination and notifying the applicant of the decision within 20 working days, unless the applicant agrees to extend the time. Council may also extend the time by up to 15 working days when consultation with a third party is required or if Council needs to retrieve records from archives.

## Additional Information

### Copyright Restrictions

Information held by Council is subject to the Copyright Act 1968. The Copyright Act does not permit materials covered by copyright (e.g. DA architect plans or specialist reports) to be copied or published unless the owner of the copyright has given consent. Council will make available documents to inspect, but without the written consent of the copyright owner, Council cannot provide copies of copyright materials.



## **The Public Interest Test**

Providing access to government information is restricted only when there is an overriding public interest against disclosure. Schedule 1 of the GIPA Act lists the conclusive considerations against disclosure. In addition, section 14 of the GIPA Act lists the discretionary considerations against disclosure.

## **Review of Decisions**

Where an applicant is refused access to information under a formal application pursuant the GIPA Act, Council will provide details of the reasons for refusal in writing. If the applicant is dissatisfied with Council's determination of their application, they may seek to have the decision reviewed either by:

- Internal review - this is a review by a Council officer more senior than the original decision maker. Applicants have 20 working days from receiving notice of a decision to ask for a review, and a \$40 fee is payable by the applicant.
- External Review by the Information Commissioner - the applicant has eight weeks from receiving notice of a decision to ask for a review.
- External Review by NSW Civil Administration Tribunal – the applicant has eight weeks from receiving notice of a decision from Council to ask for a review, or four weeks after the completion of a review by the Information Commissioner.

## **Third Party Consultation**

In accordance with section 54 of the GIPA Act, Council must consult where the information requested concerns:

- Personal information
- Business interests
- Research that has been carried out; or
- The affairs of another state or the Commonwealth government

Consultation must take place if the information is such that the person may have reasonable concerns about disclosure and those concerns are relevant to the public interest test.



## Contact Details

### Public Officer

The Director of Corporate and Community Services is Council's Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning Council's affairs and has the responsibility of assisting people gain access to the public documents of Council.

### Access to Information Officer

The Information Management officer is Council's Access to Information Officer. Amongst other duties, Council's Access to Information Officer is responsible for determining formal applications for access to documents. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer. Members of the public seeking amendment to their personal information recorded by Council should make written application to the Public Officer in the first instance.

### Contact

Public Officer or Access to Information Officer

**Email:** [council@singleton.nsw.gov.au](mailto:council@singleton.nsw.gov.au) **Phone:** (02) 6578 7290

**Address:** Singleton Council Administration Centre, Corner Queen Street and Civic Avenue

PO Box 314 Singleton NSW 2330

### NSW Information and Privacy Commission

NSW Information and Privacy Commission is responsible for overseeing the application of the PPIP Act, HRIP Act and the GIPA Act.

Further information regarding privacy obligations and your rights to access information can be obtained by contacting the NSW Information and Privacy Commission:

**Freecall:** 1800 472 679 **Email:** [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au) **Website:** [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

