

BEGA VALLEY SHIRE COUNCIL

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Government Information (Public Access) Act 2009

Publication guide

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www.begavalley.nsw.gov.au

Contents

Structure and functions of Council	1
Our Adopted Organisational Structure.....	2
Our Current Organisational Structure	3
Functions of Council	4
How functions affect members of the public	6
How the public can participate in Council’s policy development and the exercising of functions	7
Representation.....	7
Personal participation	7
Information	10
Information held by Council	10
How Council stores its information	10
Policy documents.....	11
General information	11
How members of the public may access and amend Council documents concerning their personal information	14
Access to Information requests and the Public Officer.....	14

Structure and functions of Council

Bega Valley Shire Council is constituted under the *Local Government Act 1993*.

The Council is an undivided area, with nine Councillors. The Mayor is elected each year by the Councillors from among their numbers.

The roles of the Councillors, as members of the body corporate, are:

- to direct and control the affairs of the Council in accordance with the *Local Government Act 1993*
- to participate in the optimum allocation of the Council's resources for the benefit of the area
- to play a key role in the creation and review of the Council's policies and objectives and criteria relating to the exercise of the Council's regulatory functions
- to review the performance of the Council and its delivery of services, and the management plans and revenue policies of the Council

The role of a Councillor is, as an elected person:

- to represent the interests of the residents and ratepayers
- to provide leadership and guidance to the community
- to facilitate communication between the community the Council

The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings and performs any other functions that the Council determines.

The Principal Officer of the Council is the General Manager. The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of Council's Equal Employment Opportunity Management Plan.

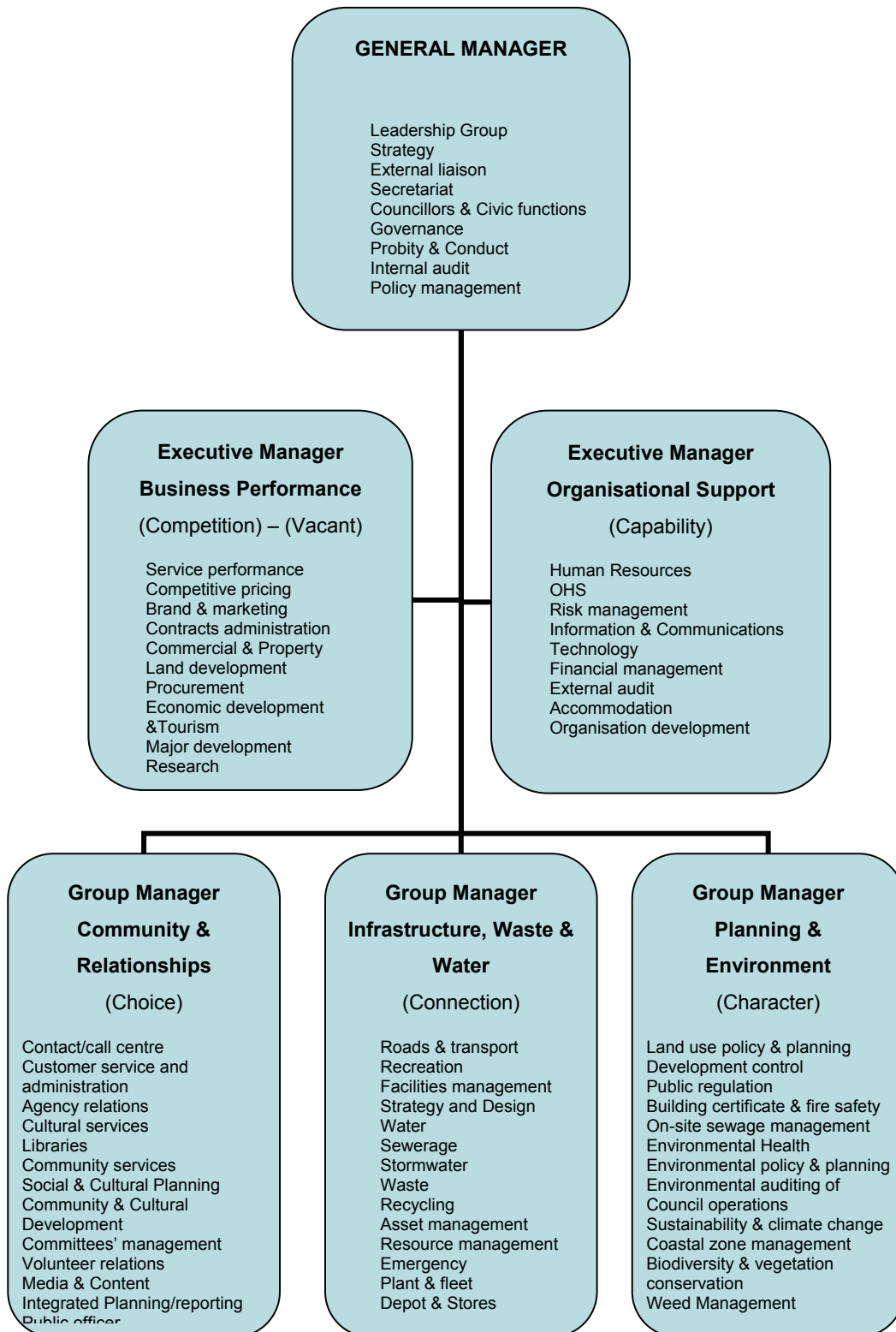
To assist the General Manager in the exercise of these functions, there are four department of Council. These departments are:

- Community and Relationships
- Infrastructure, Waste and Water
- Organisation Support
- Planning and Environment

Each of these departments is headed by a Group Manager.

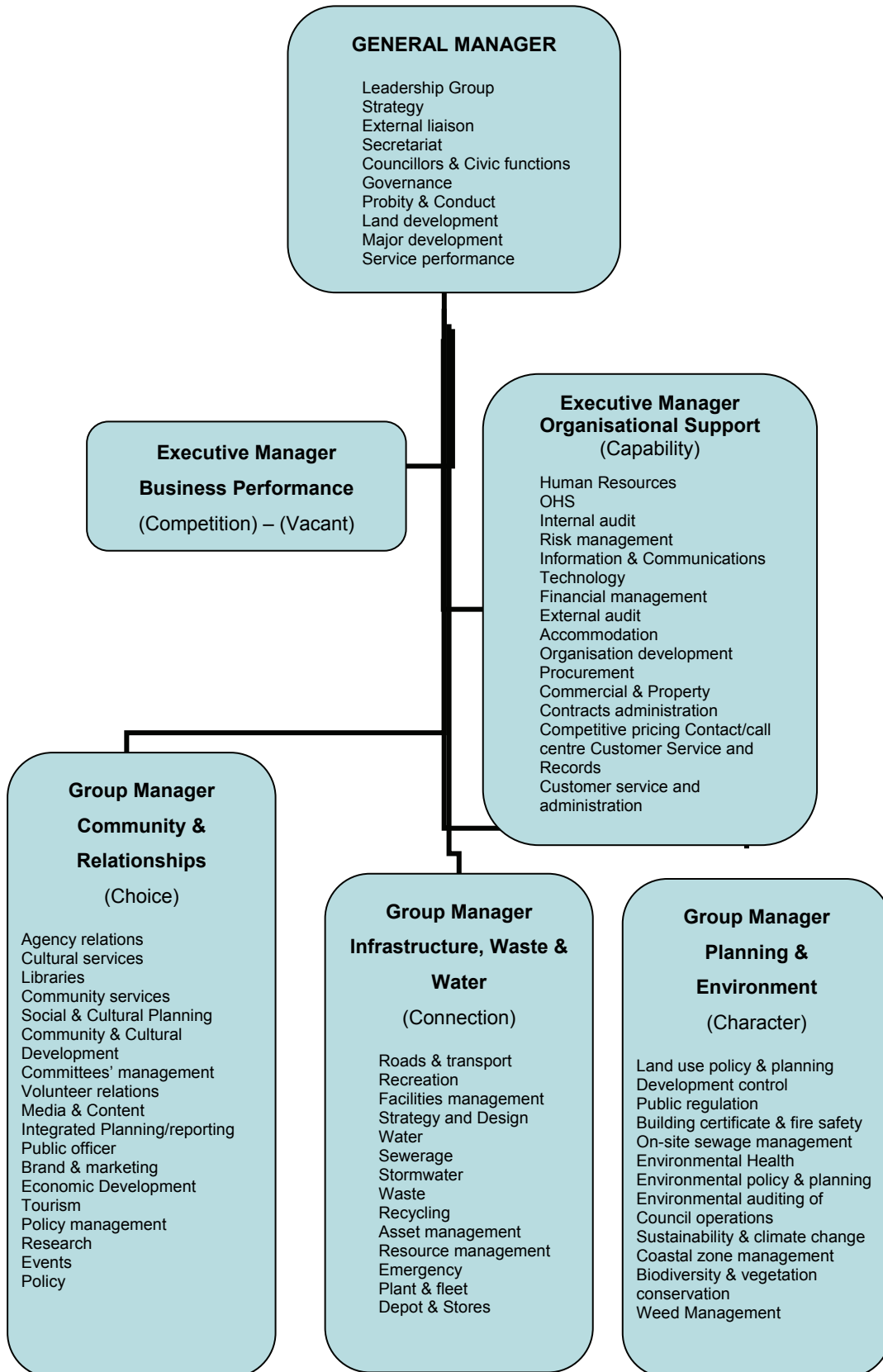
Our Adopted Organisational Structure

Council adopted a new organisational structure in February 2009 that aligned the organisation into six outcome focused groups.



Our Current Organisational Structure

The following chart represents the current distribution of major functions between the various sections of the organisational structure until a Business Performance Manager is appointed.



Functions of Council

Council has functions conferred or imposed on it by the Local Government Act, 1993. These functions are:

Service functions	Regulatory functions	Ancillary functions	Revenue functions	Administrative functions	Enforcement functions
Including:	Including:	Including:	Including:	Including:	Including:
<ul style="list-style-type: none"> Provision of community health, recreation, education and information services Environmental protection Waste removal and disposal Land, property, industry and tourism development and assistance Civil infrastructure planning Civil infrastructure maintenance and construction 	<ul style="list-style-type: none"> Approvals Orders Building Certificates 	<ul style="list-style-type: none"> Resumptions of land Powers of entry and inspection 	<ul style="list-style-type: none"> Rates Charges Fees Borrowings Investments 	<ul style="list-style-type: none"> Employment of staff Management plans Financial reporting Annual reports 	<ul style="list-style-type: none"> Proceedings for breaches of the Local Government Act and Regulations and other Acts and Regulations Prosecution of offences Recovery of rates and charges

As well as the *Local Government Act*, Council has powers under a number of other Acts including:

Coastal Protection Act 1979

Community Land Development Act 1989

Companion Animals Act 1998

Contaminated Land Management Act 1997

Conveyancing Act 1919

Environmental Planning and Assessment Act 1979

Fire Brigades Act 1989

Fluoridation of Public Water Supplies Act 1957

Food Act 1989

Government Information (Public Access) Act 2009

Heritage Act 1977

Impounding Act 1993

Library Act 1939

Noxious Weeds Act 1993

Privacy & Personal Information Protection Act 1998

Protection of the Environment Operations Act 1997

Public Health Act 1991

Recreation Vehicles Act 1982/3

Roads Act 1983

State Emergency & Rescue Management Act 1989

State Emergency Service Act 1989

Strata Schemes (Freehold Development) Act 1973

Strata Schemes (Leasehold Development) Act 1986

Strata Schemes Management Act 1996

Swimming Pools Act 1992

Unclaimed Money Act 1995

How functions affect members of the public

As a service organisation, the majority of the activities of 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 provision of human services such as aged and disability services, children's services and cultural services and libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

Regulatory functions affect all of the community and come from a variety of legislation and are mostly focussed on public health and safety as well as environmental health and protection. Although Council has an education and compliance focus Council's role as an authority does mean that regulation is sometimes a necessity. Members of the public need to be aware of Council's role in the regulation of state legislation.

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 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 the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

Enforcement functions only affect those members of the public who are in breach of legislation. This can include matters such as environmental pollution, non-payment of rates and charges, unregistered dogs 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 integrated planning and reporting framework.
- Providing support to the 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 NAIDOC Week, Youth Week, Children's Week, as well as promoting events of others.

How the public can participate in Council's policy development and the exercising of functions

There are 2 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.

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 4 years. The next elections are to be held in September 2012.

At each election, voters elect 9 Councillors for a 4 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.

Members of the public are also able to attend Council meetings every third Tuesday commencing at 2pm held in the Council Chambers, Zingel Place, Bega

Personal participation

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council. Several Council Committees comprise or include members of the public. Some of these special committees or bodies are:

- Access Committee
- Bega Indoor Sports Stadium Committee
- Bega Valley Shire Medallion Committee
- Bega Valley Regional Gallery Management Committee
- Bega War Memorial Town Hall Committee
- Bemboka Memorial Hall Committee
- Bermagui Community Centre Management Committee
- Bermagui Sportsground Management Committee
- Berrambool Sporting Complex Management Committee
- Brogo Hall Management Committee
- Candelo Reserve Management Committee
- Cemeteries Committee – General

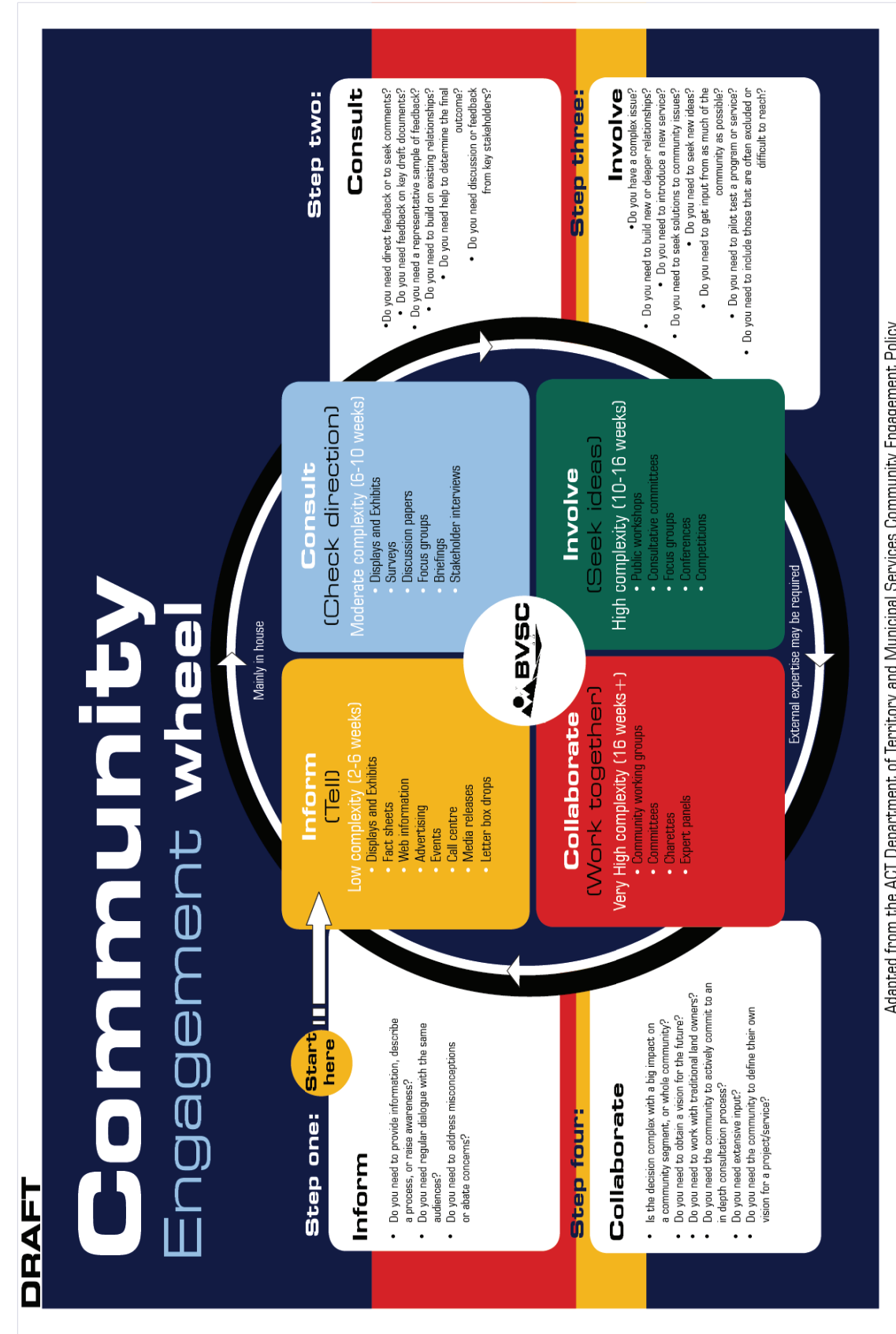
- Candelo Town Hall Committee
- Coastal Planning and Management Committee
- Cobargo School of Arts Committee
- Cultural Planning Committee
- Eden Log Cabin Management Committee
- Eden Sportsground Committee
- Evans Park Committee
- General Sports and Recreation Committee
- George Brown Sporting Complex Committee
- Halls Committee - General
- Kiah Public Hall Committee
- Kianinny Bay Reserve Management Committee
- Lawrence Park Committee
- Montreal Goldfields Management Committee
- Murrah Hall Management Committee
- Nethercote Hall Committee
- Pambula Court House and Baddeley Reserve Management Committee
- Pambula Sporting Complex Committee
- Pambula Town Hall Committee
- Quaama School of Arts Committee
- Rocky Hall Hall Committee
- Social Planning Committee
- Tanja Hall Committee
- Tarraganda Hall Committee
- Towamba Community Progress Association
- Tura Beach Flora Reserve Committee
- Twyford Hall Committee
- Wandella Hall Management Committee
- Wolumla Memorial Hall Committee
- Wyndham Hall Committee and Progress Association
- Wyndham Reserves Management Committee
- Youth Council

Nominations for these committees are called for as per the operations guidelines for each of the committees. For further information, please visit Council's website at www.begavalley.nsw.gov.au.

Other ways in which in which the public can participate are:

- Public exhibitions/meetings
- Calls for submissions on certain issues
- Speaking in a public forum at Council meetings
- Providing informal feedback to Council.

Council's Community Engagement Wheel showing how Council will engage with the community.



Adapted from the ACT Department of Territory and Municipal Services Community Engagement Policy

(Alison
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 draft off
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 wheel)

Information

Information held by Council

Council holds information (hard copy and/or electronic form) that relate to a number of different issues concerning the Bega Valley local government area. This information is grouped into 4 categories:

1. Electronic documents
2. Physical files
3. Policy documents
4. General documents

Information included in Clause 4.4 of this Publication Guide may be available to the public on request unless there is an overriding public interest not to do so.

Under the GIPA Act, information is made available in 4 ways:

- Open access: Where possible open information can be found on Council's website or will be made available free of charge
- Proactive release: Council will proactively release as much government information as possible free of charge (or at the lowest possible cost)
- Informal access: Information will be released in response to a request without the need for a formal access application
- Formal access application: In limited circumstances, access to information will require a [formal access application](#).

When a [formal access application](#) is lodged, a fee of \$30 is usually paid by an applicant to Council however Council may reduce or waive the fee under certain circumstances. Council may also impose a charge for processing an application of \$30 per hour but discount to 50% may be applied to applicants suffering financial hardship. The \$30 application fee covers the first hour of processing, and the processing fee is applied to the remainder of time spent by any officer of Council to efficiently deal with and respond to an application.

All charges in relation to the GIPA Act are listed in [Council's Fees and Charges](#) and are also available on the OIC website <http://www.oic.nsw.gov.au/>.

If you experience any difficulty in obtaining documents or information, you should contact the Public Officer or the Right to Information Officer.

How Council stores its information

Council implemented an electronic document management system called Dataworks in 2000, and physical files after this date were dispensed with, except for development/building/construction applications.

Accordingly, Dataworks captures information against the following indices:

1. Customer
2. Property
3. Application
4. Street/Road
5. Request type
6. Subject
7. Meetings

Prior to 2000, 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 information held in a physical file is not available on [Council's website](#), however this information may be made available either by informal release or via an access application in accordance with Sections 7-9 of the GIPA Act, unless there is an overriding public interest against disclosure of the information as outlined in Section 14 of the GIPA Act. Members of the public who require an informal release or an access application can do so by contacting Council on 6499 2222.

Over the next twelve months this information will be migrated to a new document management system TRIM, compatible with Council's finance system.

Policy documents

Council has a register of policy documents which is maintained by Council's Executive Assistants and is available on Council's website.

General information

The following list of general information held by Council has been divided into 4 sections as outlined by the *Government Information (Public Access) Regulations*:

1. Information about Council
2. Plans and policies
3. Information about development applications
4. Approvals, orders and other documents

The *Government Information (Public Access) Regulation* requires that information held by Council be made publicly available for inspection, free of charge. The public is entitled to inspect the information on Council's website www.begavalley.nsw.gov.au, at the Bega office during ordinary office hours and at any other place as determined by Council, for example libraries. Any current and previous information of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges, subject to copyright.

Information includes:

1. Information about Council

- The model code prescribed under section 440(1) of the LGA
- Councils adopted Code of Conduct
- Code of Meeting Practice
- Annual report
- Annual financial reports
- Auditor's report
- Community strategic plan
- Delivery program
- Operational plan
- Resourcing strategy
- Long term financial plan
- EEO management plan
- Policy concerning the payment of expenses Incurred by, and the provision of facilities to Councillors
- Annual reports of bodies exercising functions delegated by Council
- 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 any committee of Council
- Minutes of any meeting of Council or any committee of Council
- Departmental representative reports presented at a meeting of Council
- Land register
- Register of investments
- Register of delegations
- Register of graffiti removal works
- Register of current declarations of disclosures of political donations
- Register of voting on planning matters
- Memorandum of Understanding with native title holders, local Aboriginal lands council's and traditional owners

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 contribution plans

3. Information about development applications

Development Applications and any associated documents received in relation to a proposed development:

- Home warranty insurance documents
- Construction certificates
- Occupation certificates
- Structural certification documents
- Town planner reports
- Submissions received on development applications
- Heritage 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 specifications and configurations, and commercially sensitive information

4. Approvals, orders and other documents

- Applications for approvals under part 7 of the LGA
- 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 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 licenses for the use of public land classified as community land

Some personal information on the records for example, personal information on the returns of the interests of Councillors and designated officers, as listed under the *Government Information (Public Access) Regulation* will not be available for copying due to requirements under the Privacy and Personal Information Protection Act. The register is available for viewing, however if you wish to get a copy, you will need to lodge an informal access application.

How members of the public may access and amend Council documents concerning their personal information

Access to Information requests and 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 supervisor of Council's Right to Information Officers who are responsible for determining applications for access to documents or for 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. Also, if you would like to amend a document of Council which you feel is incorrect it is necessary for you to make a written application to the Public Officer in the first instance.

For further details on the introduction of the new legislation (GIPA) or changes to the Right to Information, please contact either Council's Public Officer or the Office of the Information Commissioner using the details below.

Council's Public Officer – Leanne Barnes

Phone: 02 6499 2222

Email: council@begavalley.nsw.gov.au

Office of the Information Commissioner (OIC)

Phone: 1800 463 626

Email: oiinfo@oic.nsw.gov.au

Website: www.oic.nsw.gov.au