

## 9.2.6 BATHURST REGIONAL COUNCIL - AGENCY INFORMATION GUIDE

**File No:** 11.00003

### **RECOMMENDATION:**

That Council adopt the updated Bathurst Regional Council Agency Information Guide.

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### **REPORT:**

Provided as an attachment to this report is a copy of Bathurst Regional Council's Agency Information Guide which has recently been updated.

Council's Agency Information Guide is produced in accordance with Section 20 of the Government Information (Public Access) Act 2009 and is reviewed annually.

As outlined in the Agency Information Guide, the purpose of the guide is to provide the following information in relation to Council:

- the structure and functions of Bathurst Regional Council
- how those functions affect the community
- the ways Council engage with the community
- the type of information we hold and
- how Council make information publicly available.

### **FINANCIAL IMPLICATIONS:**

Nil

### **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

**Objective 6: Community leadership and collaboration.**

Strategy 6.4 Meet legislative and compliance requirements.

### **COMMUNITY ENGAGEMENT:**

01 **Inform** - to provide the public with balanced and objective information to help them understand the problem, alternatives, opportunities and/or solutions.

### **ATTACHMENTS:**

1. Agency Information Guide 2024 [**9.2.6.1** - 19 pages]



# Agency Information Guide

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PURSUANT TO SECTION 20 OF THE GIPA ACT

Bathurst Regional Council  
UPDATED | MARCH 2024

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## 1 Introduction

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

This guide provides you with the following information in relation to your Council:

- the structure and functions of Bathurst Regional Council
- how those functions affect the community
- the ways we engage with the community
- the type of information we hold and
- how we make information publicly available.

## 2 Structure and functions of Bathurst Regional Council

### 2.1 Organisational Structure

Bathurst Regional Council is constituted under the Local Government Act 1993 and has nine elected Councillors. Councillors represent the views of the community while making decisions in their interests, demonstrate conduct that the community expects and deserves, and plan and oversee the running of a significant and complex business. Councillors are broadly responsible for:

- providing leadership to the local community
- providing policy framework
- setting strategy
- monitoring performance
- allocating resources.

For a current list of Councillors, visit <https://www.bathurst.nsw.gov.au/Council/Councillors>

The role of the Councillors and Mayor is outlined in Sections 223 & 226 of the Local Government Act.

One of the Councillors is elected as the Mayor, by the Councillors, every 2 years. Information about our current Mayor and Councillors is on our website.

Our Councillors are supported by an Executive team consisting of the General Manager and four directors. Each of the four directors has responsibility for the functions of Council outlined in the Act (see section 2.2 below).

The General Manager provides the link between the elected council and its employees and is responsible for ensuring Council's decisions are implemented and manage the day-to-day operations of the organisation.

We have over 490 employees that undertake the duties to ensure we provide a high level of service, facility, and support to our residents. While all council staff have a duty to carry out council decisions, they are responsible to the General Manager, not the councillors. Individual councillors cannot direct staff in their day-to-day activities. The functions of Council are allocated between the office of the General Manager and the four Directorates described below:



## 2.2 Functions of Council and how they impact on the public

Under the Local Government Act 1993, Council is responsible for a wide range of functions and activities, to deliver services and provide facilities. The majority of our activities have an impact on the public. The following is an outline of our functions, as listed in the Act, and how they affect the public.

Function	Public effect
<b>Service functions (Chapter 6)</b> <ul style="list-style-type: none"> <li>• Provision of community, health, recreation, education &amp; information services</li> <li>• Waste removal and disposal</li> <li>• Land and property, industry &amp; tourism development</li> <li>• Civil infrastructure and planning</li> <li>• Civil infrastructure, maintenance and construction.</li> </ul>	We provide: <ul style="list-style-type: none"> <li>• A community library with outreach services</li> <li>• An aquatic and leisure centre</li> <li>• numerous halls and community centres</li> <li>• the Bathurst Memorial Entertainment Centre</li> <li>• the Bathurst Rehoming Animal Centre</li> <li>• Early Learning programs and services for children aged between 6 weeks and 12 years olds</li> <li>• infrastructure provision, including roads and bridges, water, sewer and drainage works, and recreation facilities.</li> <li>• Waste services</li> <li>• Visitor Information Services</li> <li>• Business and resident attraction programs.</li> </ul>
<b>Regulatory functions (Chapter 7)</b> Regulation of development and buildings. This includes issuing development and construction approvals, orders and building certificates.	Regulatory functions impact our community by putting rules in place that govern development and buildings. These functions only impact members of the community who do not comply with legislation.
<b>Ancillary functions (Chapter 8)</b> The resumption of land and powers of entry and inspections.	We will only affect some members of the public. We may acquire land to carry out a public project or we may enter onto a person's land. Only the owner of the property is likely to be affected.
<b>Revenue functions (Chapter 15)</b> The levying of rates, charges & fees. This function also includes borrowing and investments of funds.	We will use revenue from rates and other charges paid by the public to fund services and facilities for the community.
<b>Administrative functions (Chapters 11, 12 &amp; 13)</b> This includes the employment of staff, management plans, financial reporting and annual reports.	These functions impact our community through the efficiency of services provided.
<b>Enforcement functions (Chapters 16 &amp; 17)</b> This includes proceedings for breaches of the Act and other legislation, prosecution of offences and the recovery of rates and charges.	We will only impact members of the public who breach certain legislation. This can include non-payment of rates and charges, unregistered dogs and parking and littering offences.



### 2.3 Functions under other Acts

In addition to the functions listed in the Act, Council also performs functions outlined in other NSW legislation that impacts the community, such as:

<b>Act</b>	<b>Function</b>
Biodiversity Conservation Act 2016	Planning functions as consent authority
Biosecurity Act 2015	Planning functions as consent authority
Building and Development Certifiers Act 2018	Building certification functions as consent authority
Civil Liability Act 2002	
<i>Community Land Development Act 1989</i>	Planning functions as consent authority
<i>Companion Animals Act 1998</i>	Companion animal registration and control
Contaminated Land Management Act 1997	Managing contaminated lands
<i>Conveyancing Act 1919</i>	Placing covenants on Council land
Crown Land Management Act 2016	Management of Crown land under Council's care and/or control
Dividing Fences Act 1991	
<i>Environmental Planning and Assessment Act 1979</i>	Planning functions as consent authority
<i>Fire Brigades Act 1989</i>	Payment of contributions to fire brigade costs and furnishing of returns
<i>Fluoridation of Public Water Supplies Act 1957</i>	Fluoridation of public water by Council
<i>Food Act 2003</i>	Inspection of food and food premises ensuring the handling of food for sale complies with the Food Standards Code
<i>Government Information (Public Access) Act 2009</i>	Publication of information and access to certain other information by Council
<i>Heritage Act 1977</i>	conservation of the heritage within the local government area
<i>Library Act 1939</i>	Library services
National Parks and Wildlife Act 1974	protection of native wildlife
Pesticides Act 1999	use of pesticides
Plumbing and Drainage Act 2011	
<i>Privacy and Personal Information Protection Act 1998</i>	Managing collection, storage, use and disclosure of personal information. Amending incomplete, incorrect, out of date or misleading records.
<i>Protection of the Environment Operations Act 1997</i>	Pollution control
<i>Public Health Act 2010</i>	protection of health and safety of the public
Public Interest Disclosures Act 1994 –	protected complaints or disclosures about maladministration, corruption, substantial waste or failure to fulfil functions under Government Information (Public Access) Act 2009
<i>Public Spaces (Unattended Property) Act 2021</i>	Impounding of animals and unattended articles
<i>Recreation Vehicles Act 1983</i>	Restricting use of recreation vehicles
<i>Roads Act 1993</i>	control and management of roads
<i>Rural Fires Act 1997</i>	Permits to light fires during bush fire danger period
Smoke Free Environment Act 2000	

<i>State Emergency and Rescue Management Act 1989</i>	Preparation for emergencies
<i>State Emergency Service Act 1989</i>	Recommending appointment of local controller
State Records Act 1998	imposes requirements for record keeping and access to Council records
<i>Strata Schemes Development Act 2015</i>	Approval of strata scheme
<i>Swimming Pools Act 1992</i>	Ensuring restriction of access to swimming pools
Transport Administration Act 1988	
<i>Unclaimed Money Act 1995</i>	unclaimed money to be paid to the Chief Commissioner of Unclaimed Money
Waste Avoidance and Resource Recovery Act 2001	
Water Management Act 2000	
Work Health and Safety Act 2011	requirements for healthy and safe practices in the work place
• Workplace Injury Management and Workers Compensation Act 1998	requirements for managing injury and return to work.

## 2.4 Community planning and development functions

We aim to ensure that:

- our local communities continue to be welcoming, vibrant and inclusive
- individuals and groups achieve their potential
- the Bathurst Region prospers as a centre of culture, art and learning.

Community planning and development involves:

- advocating and planning for the needs of the community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Strategic Plan
- providing financial support to local residents who have been selected to represent their sport, art, culture or educational organisation as well as training and information
- supporting a clean and sustainable environment by working with our community, businesses and government agencies and providing a range of programs and initiatives on sustainable living
- facilitating opportunities for people to participate in the life of the community through the conduct of a range of community programs and events such as NAIDOC Week, Harmony Day, Youth Week, Children's Week, Seniors week as well as promoting events of others.

Bathurst Regional Council developed an Aboriginal Commitment Strategy in 2022. The resilience of Aboriginal people across the nation is acknowledged. We recognise that Aboriginal people represent the oldest living culture in the world, with a rich history and deep connections to their ancestors.

Whilst developing the Aboriginal Commitment Strategy, consultation was completed with community members and stakeholders to ensure community needs were heard. Consultation is an ongoing process and as we deliver the strategy Council will continue to engage with the Aboriginal community of Bathurst.

Through the development and implementation of the initial BRC Aboriginal Commitment Strategy, Council aims to provide a framework: that supports cultural inclusiveness, reconciliation and respect for Aboriginal people living and working in our region.

### 3 How to access Bathurst Regional Council's Information

Our community can participate in the formation of our policies and the exercise of our functions through:

- Public forums, including Village Meetings, monthly public forum at the commencement of the Ordinary Council Meeting and Councillor meetings with community groups;
- representation on advisory committees;
- providing customer feedback;
- Council's YourSay page, where you can find everything currently open for public consultation, including development applications on exhibition;
- attendance at Council meetings;
- raising concerns directly with elected Councillors;
- social media including our facebook, instagram and twitter pages.

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.

Throughout the year, we look for opportunities to engage directly with our community to seek input on our work, in the exercise of our functions and on important issues affecting our community.

#### 3.1 Council and committee meetings

Council holds at least 10 Ordinary meetings of Council a year. Members of the public are able to view our business papers on the website, Civic Centre foyer and the Bathurst Library, and attend our Ordinary Council meetings and Policy Committee meetings, which are held in Council Chambers on Level 1 of the Civic Centre commencing at 6.00 pm. A schedule of meeting dates is available on our website.

Anyone wishing to address the Councillors must do so in the Public Forum Session (which is in the early part of the meeting). There is no need to register to speak at a Council meeting.

#### 3.2 Community strategic plan

Our Region Our Future is the fourth iteration of the Community Strategic Plan (CSP) for the Bathurst region. It outlines the community's aspirations and long-term vision for the Bathurst region. It is based on collaboration between all levels of government, local agencies, community groups, residents and visitors of the region. It is our plan for the long-term which will be used to guide shorter-term planning and actions.

This plan is a community plan. It is prepared by Council in collaboration with, and on behalf of residents, other levels of government and agencies. Responsibility for meeting the long-term community vision and desired outcomes rests with everyone.

When the plan makes reference to 'we', it refers to the collective Bathurst Regional community including Council, government agencies and other organisations, as well as its residents.

A copy of the CSP can be accessed at

<https://www.bathurst.nsw.gov.au/files/assets/public/v/1/council/community-plan/community-strategic-plan-2022.pdf>

### 3.3 More Information

- a) YourSay submissions can be made via <https://yoursay.bathurst.nsw.gov.au/>
- b) Live streaming of Council meetings, public forums and community forums may be accessed via Council's YouTube channel and may also be accessed via our website at <https://www.youtube.com/@bathurstregionalcouncil1012/streams>
- c) Business papers, meeting minutes and agendas for previous and upcoming meetings by visiting <https://www.bathurst.nsw.gov.au/council/council/council-meetings.html>
- d) Public Forums – at the commencement of the Policy Committee and Ordinary Council meetings, members of the public are invited to address Council during public forum. Public forum addresses are to be five minutes in length. Public forum is scheduled to commence at 6.00pm and conclude at 6.15pm or at the completion of questions.
- e) Village Meetings – Council's executive team and Councillors visit the region's villages on an annual basis. For information about Council's Village Meeting program, please email [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au)

## 4 How to access Bathurst Regional Council's Information

Members of the public have the right to request access to the information we hold. We release information under the Government Information (Public Access) Act 2009 (the GIPA Act) and the Government Information (Public Access) Regulation 2018 (the GIPA Regulation).

We are also required to:

- 1) handle personal and health information in a fair and reasonable manner in line with the Privacy & Personal Information Protection Act 1998 and the Health Records & Information Privacy Act 2002. Our Privacy Management Plan (available on our website) outlines how we manage personal and health information, and
- 2) carry out a 'Public Interest Test' when deciding whether to release information. The GIPA Act (section 14) provides a list of considerations Council must apply when considering whether to release information. These include the need to maintain responsible and effective government, respecting any secrecy provisions in other legislation, respecting the rights of individuals, and judicial processes.

Any person making a request to us for information will be informed whether we hold that information and, if we do, how that information can be provided to you. Guidance can also be sought from our Access to information Policy (available on our website).

### 4.1 Open Access Information

Members of the public are entitled to inspect mandatorily open access information either on Council's website, at any of the offices during ordinary office hours or at any other place as determined by the Council. The list of Government information held by Council is set out below:

**Information about Council**

<ul style="list-style-type: none"> <li>• Code of Conduct</li> <li>• Code of Meeting Practice</li> <li>• Annual Report</li> <li>• Annual Financial Reports</li> <li>• Auditor’s Report</li> <li>• Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan</li> <li>• EEO Management Plan</li> <li>• Payment of Expenses and the Provision of Facilities to Councillors Policy</li> <li>• Annual Reports of Bodies Exercising Functions Delegated by Council</li> <li>• Any Codes referred to in the LGA</li> <li>• Land Register</li> <li>• Register of Investments</li> </ul>	<ul style="list-style-type: none"> <li>• Returns of the Interests of Councillors, Designated Persons and Delegates</li> <li>• Agendas and Business Papers for any meeting of Council or any Committee of Council</li> <li>• Minutes of any meeting of Council or any Committee of Council</li> <li>• Departmental Representative Reports presented at a meeting of Council</li> <li>• Register of development applications and consents</li> <li>• Register of current Declarations of Disclosures of Political donations</li> <li>• Register of Voting on Planning Matters</li> <li>• Register of Delegations</li> <li>• Register of Graffiti removal works</li> </ul>
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**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

Attachment A of this Guide lists the classes of information held by Bathurst Regional Council that we make publicly available. Information is generally available on its website free of charge, however if you require a printed copy, printing charges will apply.

**4.2 Mandatory open access information**

Under Section 18 of the GIPA Act, Council must make its “open access information” publicly available unless there is an overriding public interest against disclosure. Open access information is required to be published on Council’s website and to be made freely available for inspection and copying at Council (with reasonable photocopying charges applying), unless to do so would impose an unreasonable additional cost to Council, or would be contrary to the public interest or the Information Commissioner’s guidelines.

**4.3 Informal release of Council information**

Historical versions of the documents considered open access information, such as a previous version of Council’s Community Strategic Plan, will be made available through an informal access application.

Accessing information via an informal process is subject to the provisions of the GIPA Act 2009 and (if the information includes personal or health information) the PPIP Act and HRIP Act.

In instances where informal access requests involve personal or sensitive information or the need to consult with a third party, it is likely that Council will require the submission of a

Formal Access application. Council has the right to decide by what means information is to be released in response to an informal access request and may redact content from the information released if there is an overriding public interest against disclosure.

Please note that the GIPA Act does not stipulate a timeframe by which informal access requests are to be decided, however Council will endeavour to provide the information within 30 business days. Informal release of information is provided free of charge.

Formal Access applications take priority as they are required to be completed under strict legislative timeframes

#### 4.4 Formal request to access information

The GIPA Act provides for members of the public to apply for access to information formally in instances where:

- the information is not available for release through Proactive or Informal Release
- an Informal Access request involves a large volume of information; requires extensive research or is stored in archives thereby constituting an unreasonable amount of time and resources to produce
- personal or confidential information about a third party is requested
- the information requested is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure.

If one or more of the above criteria is met, Council requires a Formal Access to Information Application to be submitted.

Formal access requests will be processed and determined by our Right to Information Officer and a response will be provided within 20 working days in line with legislation. We may also extend the decision time by up to 15 working days where consultation with a third party is required or we need to retrieve an archived record.

The Formal Access application fee is \$30 and covers the first hour of processing. Each subsequent hour spent processing an application will be charged at \$30 per hour.

Concession cardholders, pensioners, not for profit organisations, and individuals facing financial hardship may apply to receive a 50% reduction of the hourly processing charge. If the information requested is of special benefit to the public, applicants may be entitled to a 50% reduction of the hourly processing fee.

Applicants may be required to pay up 50% of the expected processing charge in advance. This request from Council must be in writing and the applicant given four weeks to pay.

Where applicants seek to access their own personal information, the first 20 hours of processing charges are free. The fee imposed by Council for Formal Access applications is statutory and does not cover the actual costs to Council. It is important to note that the lodging of a formal access application does not automatically guarantee that all or part of any information requested will be provided to the applicant.

Prior to lodging a formal access application, applicants should first check if the information being sought is freely available on Council's website or could be accessed through our informal release processes.



### 4.4.1 When is a formal access application required?

Formal access applications are required when a request involves:

- personal or health information about a third party whether that be an individual or a business
- personal or health information that is confidential or sensitive in nature
- commercial-in-confidence information
- information relating to current or pending legal proceedings
- information that requires a substantial investment of time or resources by Council to deal with the request.

### 4.4.2 Validity of formal access applications

Formal access applications must be valid before they will be processed by Council.

In order to be deemed a 'valid' application, the GIPA Act 2009 sets out specific criteria that the application must meet. These criteria include that the application:

- be in writing
- state that it is being made under the access provisions of the GIPA Act
- identifies an Australian postal address for the applicant
- is accompanied by a receipt confirming payment of the \$30 application fee
- provide sufficient detail to enable Council to identify the requested information.

### 4.4.3 How to obtain and lodge a formal access application

Forms are accessible via our website, by contacting [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au) or by attending in person at our Civic Centre, located at 158 Russell Street, Bathurst

Forms may be lodged via:

- email to [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au) (with evidence of payment of the \$30.00 application fee), or
- in person at 158 Russell Street, Bathurst.

## 4.5 Copyright consent and property information

Requests for information about a property often involve copyright material – for example house plans, architectural plans, technical reports, survey plans/reports, structural engineering drawings etc.

Under the Copyright Act 1968 (Cth) all of the above are automatically protected – regardless of whether or not there is a copyright symbol © or a statement saying that the drawings/plans/report are protected by copyright. Copyright applies regardless of whether or not an item is digital, electronic or hard copy for, or whether it is a published or unpublished work.

Copyright provides protection to the copyright owner whenever their work is reproduced, communicated or published.

Permission from a copyright owner is required whenever their work is:

- reproduced in whole or in material part (i.e. copying a plan, redrawing a plan using a material part of the original drawing, construction of a building based on the plan)
- communicated (emailed, shared online etc)
- published (in a book, magazine, newsletter, newspaper article, on a website).

There are some very limited circumstances under which it is not necessary to obtain copyright consent before reproducing (including copying) architectural drawings, namely:

- a building was historically erected based on plans, and the building is being reconstructed using those same plans
- a draftsman or architect has assigned, in writing, copyright to a third party.

### 4.5.1 Applicant responsibilities – copyright information

When requesting copies of house plans, engineering drawings, survey reports or other copyright material, applicants are required to:

- Identify any copyright owner of the information (look at the drawings, application forms, development consents, and/or correspondence on the property file that may assist in identifying who the relevant copyright owner is)
- Locate the copyright owner of the information (copyright owners may be located via google searches, yellow pages searches, white pages searches, Australian Securities and Investments Commission (ASIC) business names and organisation names searches, via builder licence check at Service NSW, or by contact a relevant registration board)
- Contact the copyright owner via email, telephone, letter, social media or website
- Request consent in writing from the copyright owner – consent may be given via email, letter or other form. Once received, written consent should be provided to Council via [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au)

### 4.5.2 Copyright material and release of information under the GIPA Act

A large amount of information which is available for public access belongs to third parties and is the subject of copyright, such as plans and reports submitted with development applications. Access to this information is provided to you in accordance with the GIPA Act and other relevant legislation, such as the Environmental Planning and Assessment Act 1979. Copyright laws apply to this information and you are advised to seek the consent of the copyright owner before reproducing the information in any way.

The GIPA Act 2009 does not require or permit Council to make information available in any way that would constitute an infringement of copyright – this includes house plans, engineering drawings, structural drawings, technical reports (soil reports, surveyor reports etc.) and/or architectural drawings.

Copyright material will only be released by Council under circumstances where:

- written consent has been obtained from the relevant copyright owner (or their estate or assigned owner)
- the information is considered to be 'in the public domain' under the Copyright Act 1968 (Cth).

Access to records that are subject to copyright protection will be by inspection only, subject to any public interest considerations against disclosure.



### 4.5.3 Statutory timeframes for formal access applications

The formal access process is subject to statutory timeframes under the GIPA Act 2009 which determine:

- the date by which an application must be decided (usually 20 business days)
- permissible extensions to the decision timeframe, namely
  - an extra 10 working days where consultation is required or retrieval from archived records is necessary, or
  - an extra 15 working days if both consultation and retrieval of archived records is required.
- further permissible extensions to the decision timeframe by agreement with the applicant

Applicants should be aware that the date of a decision on a formal access request is not necessarily the date that information (if any) will be released.

The formal access process also includes an opportunity for third parties to object to the release of information, as well as an opportunity to request an internal or external review of a decision to release information.

Applicants also have rights to request a review of any decision about their application and/or lodge an appeal about a decision.

### 4.6 Rights of Review and Appeal

There is no right to request a review or appeal of a decision under the Informal Access provisions of the GIPA Act 2009.

Where access is refused, however, applicants may lodge a formal access request for the information.

Under the formal access provisions, there are three options that an individual may pursue to request a review of a decision, including:

1. Internal Review - An applicant may request Council to conduct an internal review of the relevant decision. The Chief Executive Officer conducts the review and may delegate all, or part of, the functions of the review to a nominated person (but not an officer who made the decision that is subject to the review). Internal review requests require payment of an application fee and must be lodged within 20 working days of the date of the Notice of Decision on the application.
2. Review by Information Commissioner – An application may be lodged with the Information Commissioner for the decision to be revealed. It should be noted that there are restrictions on who can lodge a request for a review with the Information Commissioner – for example, applicants may lodge a request with the Information Commissioner irrespective of whether they have first requested an internal review. Non-applicants (such as third parties consulted through the process) however, must first seek an internal review of the decision before they will be permitted to request a review with the Information Commissioner. Applications for review must be lodged within 40 working days of the date of the Notice of Decision on the access application.
3. Review by the NSW Civil and Administrative Tribunal (“NCAT”) – applicants may lodge an application with NCAT for the decision to be reviewed. Non-applicants must first lodge a request for an internal review before they are eligible to seek a review by NCAT. Applications to NCAT should be lodged within 40 working days of the date of

the Notice of Decision (if not request for review is made to the Information Commissioner) or within 20 working days of the date of notification that the Information Commissioner's review has been completed.

Both an applicant and/or a third party may make a request for review. Council's Public Officer is able to assist members of the public who have difficulty in obtaining access to Council information, and to those wishing to amend Council information that they feel is incorrect.

## 5 The public's rights, agency responsibilities, and the role of the Information Commissioner under the GIPA Act.

For information about this Agency information guide or if you wish to make a request for other information you may phone, email or write to us:

Phone	02 6333 6111
Email	<a href="mailto:council@bathurst.nsw.gov.au">council@bathurst.nsw.gov.au</a>
Write to	The General Manager Private Mail Bag 17 BATHURST NSW 2795

### 5.1 Reviewing and maintaining the Agency information guide

We will review and maintain this guide and the data it contains at least annually. Material will be updated and any out-dated information will be removed. If you are aware of any errors or omissions to the information, please contact us by any means listed above. If information you're seeking isn't listed here, please feel free to contact us and we can check for you if it's available.

#### **Public Officer**

Each Council must appoint a Public Officer as directed by the Local Government Act 1993. The Public Officer:

- may deal with requests from the public concerning the Council's affairs
- has the responsibility of assisting people to gain access to public documents
- may receive submission made to Council
- may accept service of documents on behalf of Council
- may represent Council in any legal or other proceedings
- carries out other functions as directed by the General Manager of Council or by or under the Local Government Act 1993.

The Public Officer is able to assist members of the public who have difficulty in obtaining access to Council information, and to those wishing to amend Council information that they feel is incorrect.

#### **Access to Information Officer**

Council's Access to Information Officers are responsible for processing Informal and Formal Access requests and for determining what information is disclosed and withheld in response to access applications as directed by the GIPA Act and other relevant legislation.

### 5.2 Making a complaint or compliment

If you are not satisfied with our response to a request for information you may make a complaint.

If after going through the Council's formal complaint and appeals system you are still not satisfied then the Government Information Public Access Act 2009 makes provision for you to complain directly to the NSW Information and Privacy Commission Office:

Phone: 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)

### 5.3 Role of the Information Commissioner

The role of the Information Commissioner is to promote public awareness and understanding of the right to access government information in NSW, as well as providing information, support, advice, assistance and training to agencies and the general public.

The Information Commissioner can issue guidelines and model agency information guides, to assist agencies in completing their guides.

We will notify the Information Commissioner before adopting or amending our Agency information guide and, if requested, consult with the Information Commissioner on any proposed amendment.

The Information Commissioner may decide to investigate, not to continue to investigate, or not investigate a complaint received regarding information access.

More information regarding complaints about an agency's conduct is available on the Information and Privacy Commission website.

## **Attachment 1**

### **Reports**

- Annual Reports and Financial Statements
- Auditor's report
- Annual reports of bodies exercising functions delegated by the local authority
- Departmental representative reports presented at a meeting of the local authority in accordance with Section 433 of the Local Government Act.

### **Plans**

- Management plan
- Equal Employment Opportunity management plan
- Plan of management for community land
- Environmental planning instruments, development control plans and contributions plans made under the Environmental Planning and Assessment Act 1979 applying to land within the local authority's area.

### **Meetings**

- Agendas and business papers for any meeting of the local authority or any committee 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 local authority or any committee of the local authority, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting

### **Codes and policies**

- The Model code of conduct prescribed under Section 440 (1) of the Local Government Act
- The Code of Conduct for Council Staff (PDF, 772KB) and the Code of Conduct for Councillors (PDF, 812KB) adopted under Section 440 (3) of the Local Government Act
- Code of Meeting Practice
- Policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors any codes referred to in the Local Government Act
- Local policies adopted by the local authority concerning approvals and orders.

### **Registers**

- Land register
- Register of investments
- Register of delegations
- Register of graffiti removal work kept in accordance with Section 13 of the Graffiti Control Act 2008
- Register of current declarations of disclosures of political donations kept in accordance with Section 238A of the Local Government Act
- Register of voting on planning matters kept in accordance with Section 375A of the Local Government Act
- Register of Pecuniary Interests

### **Land, building and development information**

- Information about development applications
- Applications for approvals under Part 1 of Chapter 7 of the Local Government Act 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
- Records of building certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by the local authority
- Compulsory acquisition notices leases and licences for use of public land classified as community land

### **Orders**

- Orders given under Part 2 of Chapter 7 of the Local Government Act (for example, unauthorised structures and buildings, swimming pools, excess vegetation and food matters) and any reasons given under Section 136 of the Act
- Orders given under the authority of any other Act