



**CENTRAL DARLING  
SHIRE COUNCIL**

# Agency Information Guide 2021

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*Government Information (Public Access) Act 2009*

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| Revised: September 2021 | Next Revision: September 2022 | Owner: General Manager | Adopted: |
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# Agency Information Guide

## 2021

### Preface

This Information Guide (previously known as the Publication Guide) has been produced by Central Darling Shire Council in accordance with Section 20 of the *Government Information (Public Access) Act 2009* and is reviewed annually.

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

- The structure and functions of Central Darling Shire Council;
- The way in which the functions of Central Darling Shire Council affect members of the public;
- The avenues available to the public to participate in policy development and the exercise of Central Darling Shire Council's functions;
- The type of information available from Central Darling Shire Council and how this information is made available.
- The Information Guide is available on Council's website (**[www.centraldarling.nsw.gov.au](http://www.centraldarling.nsw.gov.au)**)

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### About Central Darling Shire Council

Central Darling Shire Council was constituted in 1955 and is the largest Council area in New South Wales serving a population of approximately 2,000 and covering an area of some 53,000 square kilometres. It is located in the far west of New South Wales, bounded by the Bourke, Cobar, Carrathool, Balranald and Wentworth local government areas

### Basis of Constitution

Central Darling Shire Council is constituted under the *Local Government Act 1993*.

### Organisational Structure and Resources

Central Darling Shire Council is divided into three wards. In 2014 the then Minister for Local Government placed Central Darling Shire Council into administration and appointed an Administrator. In 2019 the period of Administration was extended to 2024. The current Administrator is Mr Robert (Bob) Stewart. He holds all functions of an elected Council.

- To direct and control the affairs of the Council in accordance with the *Local Government Act 1993* and other applicable legislation;
- 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, 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, management plans and revenue policies of the Council.

He also has responsibility

- to be the leader of Council and a leader in the local community,
- to advance community cohesion and promote civic awareness,
- to be the principal member and spokesperson of the governing body, including representing the views of Council as to its local priorities,
- to exercise, in cases of necessity, the policy-making functions of the governing body of Council between meetings of Council,
- to preside at meetings of Council,
- to ensure that meetings of Council are conducted efficiently, effectively and in accordance with this Act,
- to ensure the timely development and adoption of the strategic plans, programs and policies of Council,
- to promote the effective and consistent implementation of the strategic plans, programs and policies of Council,
- to promote partnerships between Council and key stakeholders,
- to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of Council, in conjunction with the General Manager,
- to ensure adequate opportunities and mechanisms for engagement between Council and the local community,

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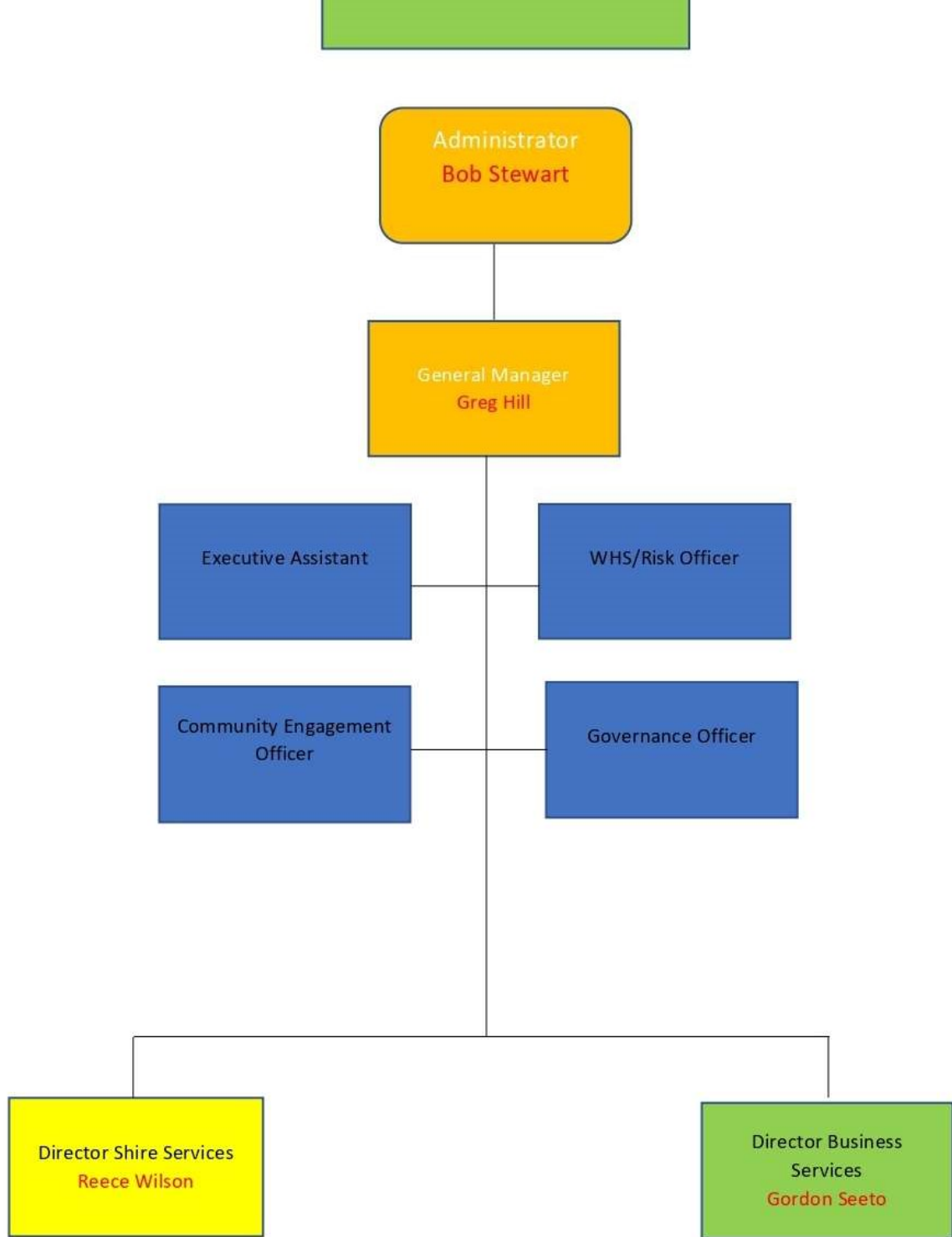
- to carry out the civic and ceremonial functions of the mayoral office,
- to represent Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- to lead performance appraisals of the General Manager,
- to exercise any other functions of Council that Council determines.

The Principal Officer of the Council is the General Manager. 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 or Administrator on the development and implementation of the strategic plans, programs, strategies and policies of Council,
- to advise the Mayor and the governing body or Administrator on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of Council and other matters related to Council,
- to prepare, in consultation with the Mayor and the governing body or Administrator, 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 or Administrator are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- to exercise any of the functions of Council that are delegated by Council to the General Manager,
- to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by Council,
- to direct and dismiss staff,
- to implement Council's workforce management strategy,
- any other functions that are conferred or imposed on the General Manager by or under the *Local Government Act 1993* or any other Act.

To assist the General Manager in the exercise of these functions, there are three Departments of Council. These are Shire Services and Business Services led by a Director and Governance led by the General Manager.

***Council's Organisational Structure is set out on the following page.***



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## Functions of Council

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

### Service Functions

Including:

Provision of community health, recreation, education and information services

Environmental protection

Waste removal and disposal

Land and property, industry and tourism development and assistance

Civil infrastructure and planning

Civil infrastructure, maintenance and construction

### Regulatory Functions

Including:

Approvals

Orders

Building Certificates

### Ancillary Functions

Including:

Resumption of land

Powers of entry and inspection

### Revenue Functions

Including:

Rates

Charges

Fees

Borrowings

Investments

### Administrative Functions

Including:

Employment of staff

Management plans

Finance reports

Annual reports

### Enforcement Functions

Including:

Proceedings for breaches of the *Local Government Act 1993* and other legislation

Prosecution of offences

Recovery of rates and charges

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As well as the *Local Government Act 1993*, Council has powers under a number of other Acts.

## Section 21 of the *Local Government Act 1993* confers or imposes the following functions on Council:

- Non-regulatory or service functions (Chapter 6)
- Regulatory functions (Chapter 7)
- Ancillary functions (Chapter 8)
- Revenue functions (Chapter 15)
- Administrative functions (Chapters 11, 12 and 13)
- Enforcement functions (Chapters 16 and 17)

## In addition, Council has functions conferred or imposed on it by or under other Acts, which include:

*Biodiversity Conservation Act 2016*

*Biosecurity Act 2015*

*Building Professionals Act 2005*

*Civil Liability Act 2002*

*Community Land Development Act 1989* – planning functions as consent authority

*Companion Animals Act 1998* – companion animal registration and control

*Contaminated Land Management Act 1997* – managing contaminated lands

*Conveyancing Act 1919* – placing covenants on Council land

*Crown Land Management Act 2016*

*Crown Lands Act 1989*

*Dividing Fences Act 1991*

*Environmental Planning and Assessment Act 1979*

*Firearms Act 1996*

*Fire Brigades Act 1989* – payment of contributions to fire brigade costs and furnishing of returns

*Fluoridation of Public Water Supplies Act 1957* – fluoridation of public water by Council

*Food Act 2003* – inspection of food and food premises

*Government Information (Public Access) Act 2009* – publication of certain information and granting of access to other information by Council

*Heritage Act 1977* – rating based on heritage valuation

*Impounding Act 1993* – impounding of animals and articles

*Library Act 1939* – library services

*Local Land Services Amendment Act 2016*

*National Parks and Wildlife Act 1974* – protection of native wildlife

*Pesticides Act 1999* – use of pesticides

*Plumbing and Drainage Act 2011*

*Privacy and Personal Information Protection Act 1998* – standards and requirements with regard to the collection and processing of personal information

*Protection of the Environment Operations Act 1997* – pollution control

*Public Health Act 2010* – inspection of systems for purposes of microbial control

*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

*Recreation Vehicles Act 1983* – restricting use of recreation vehicles

*Road Transport Act 2013*

*Roads Act 1993* – Roads

*Smoke Free Environment Act 2000*

*State Emergency Rescue Management Act 1989* – Council is required to prepare for emergencies

*State Emergency Service Act 1989* – recommending appointment of local controller

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*State Records Act 1998* – imposes requirements for record keeping and access to Council records  
*Strata Schemes Development) Act 2015* approval of strata schemes  
*Strata Schemes Management Act 1996*  
*Swimming Pools Act 1992* – ensuring restriction of access to swimming pools  
*Transport Administration Act 1988*  
*Unclaimed Money Act 1995* - 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.

## Impact of Council Functions on the Public

As a service organisation, the majority of the activities of Central Darling Shire 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.  
Regulatory Functions

**Regulatory functions** place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

**Ancillary 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 certain legislation. This includes matters such as the 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 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.



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## Public participation in Local Government

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

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

## Representation under Administration

Central Darling Shire Council is expected to have its next election in 2024.

## Making representation to Council

Residents are able to raise issues with, and make representations to, the Administrator. The Administrator, 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.

## Personal Participation

Ratepayers, residents and business are encouraged to have a say in what Council does. Community participation in Council is a major focus of the *Local Government Act 1993*. The Act encourages councils to be open and accountable to the community. Council meetings are held monthly except January and business papers, minutes and video recordings are available on Council's website.

Community members are also able to attend Council meetings, except where they are closed to the public under Section 10 of the Local Government Act.

## Public submissions

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

The General Manager  
Central Darling Shire Council  
PO Box 165  
WILCANNIA NSW 2836  
Or via email to [council@centraldarling.nsw.gov.au](mailto:council@centraldarling.nsw.gov.au)

## Access to Government Information

Central Darling 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 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.

Central Darling Shire 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 Central Darling Shire Council area.

Council is moving to an electronic document management system.

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.

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

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

Any applications made under the GIPA Act will be processed in accordance with the requirements of the Act.

## Mandatory Proactive Release – Open Access Information

The following documents are defined as "Open Access Information" under Section 18 of the GIPA Act and will be released without the need for a Formal Access Application under this Act:

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

### **Information about Council**

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

- The model code prescribed under Section 440 (1) of the *Local Government Act 1993*
- Code of Conduct and Procedures for the Administration of the Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Report
- Auditor's Report
- EEO Management Plan
- Community Strategic Plan
- Delivery/Operational Plan
- Annual reports of bodies exercising functions delegated by Council
- Any codes referred to in the *Local Government Act 1993*
- Returns of the interests of Councillors, Designated persons and Delegates
- Agendas and Business Papers for Council and Committee Meetings
- Minutes of Council and Committee Meetings
- Departmental Representative Reports presented at a meeting of Council
- Council's Land Register
- Register of Investments
- Register of Delegations
- Register of current Declarations of Disclosures of Political Donations
- Register of Voting on Planning Matters
- Plans and Policies
- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans

### **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.centraldarling.nsw.gov.au](http://www.centraldarling.nsw.gov.au) or by contacting Council on 08 8083 8900

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 in writing 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.

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

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

## Fees and Charges

The Government Information (Public Access) Regulation requires that Open Access information held by Council, is to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) and at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges as set out in Council's Schedule of Fees and Charges.

As set out in Clause 4.4, Formal Access Applications require payment of \$30.00 application fee and \$30.00 hourly processing charges may apply.

## 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 DA (please note that this list is not definitive).

## Access and Amendment to Council Documents

Council has a vast range of documents that can be accessed in varying ways. Most documents can be inspected at and obtained from Council's Administration office between the hours of 9:00 am and 5:00 pm, Monday to Friday (except public holidays). If you experience any difficulty in obtaining documents or information, you can contact the Public Officer.

## Public Officer – Right of Information Officer

The General Manager has been appointed as the Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Public Officer is also Council's Right to Information Officer and, as such, is responsible for determining applications for access to documents or for the amendment of records.

Council has in place a Privacy Management Plan for dealing with private or personal information. 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 Public Officer in the first instance. Enquiries should be addressed as follows:

Greg Hill  
General Manager  
Central Darling Shire Council  
PO Box 165  
WILCANNIA NSW 2836  
Email: [council@centraldarwin.nsw.gov.au](mailto:council@centraldarwin.nsw.gov.au)