

# AGENCY INFORMATION GUIDE AND ACCESS TO INFORMATION POLICY

JUNE 2022

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

## DOCUMENT CONTROL

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3	FEB 2018	IPC REVIEW OF DRAFT AGENCY INFORMATION GUIDE	TIM JOHNSTON	EXEC	BRAD CAM
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6	MARCH 2020	COUNCIL RESOLUTION 85/20 - ACCESS TO INFORMATION POLICY AND AGENCY INFORMATION GUIDE	TIM JOHNSTON	EXEC	BRAD CAM
7	MAY 2022	IPC REVIEW OF DRAFT AGENCY INFORMATION GUIDE	TIM JOHNSTON	EXEC	BRAD CAM
8	JUNE 2022	COUNCIL RESOLUTION 188/22 ACCESS TO INFORMATION POLICY AND AGENCY INFORMATION GUIDE	TIM JOHNSTON	EXEC	BRAD CAM

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## Preface

This information guide has been produced by Mid-Western Regional Council in accordance with s.20 of the Government Information (Public Access) Act 2009. The guide is to be 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 Mid-Western Regional Council;
- The way in which the functions of Mid-Western Regional Council affect members of the public;
- The means by which members of the public can participate in policy development and the exercise of Council's functions;
- The type of information that is available from Mid-Western Regional Council and how this information is made available.

The Information Guide is available on Council's website <http://www.midwestern.nsw.gov.au/>;

BRAD CAM  
GENERAL MANAGER



# 1. Structure and functions of Council

## 1.1 Introduction

Mid-Western Regional Council is constituted under the Local Government Act 1993 and was proclaimed on 26 May 2004. The Council is an undivided area, with nine (9) Councillors elected each 4 year term. The next Council elections will be held in September 2020. The Mayor is elected every two years by the Councillors from among their numbers.

## 1.2 Role of the Governing Body

The role 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 (the Act)
- to provide effective civic leadership to the local community
- to ensure as far as possible the financial sustainability of the Council
- to ensure as far as possible that the Council acts in accordance with the principles set out in Chapter 3 of the Act and the plans, programs, strategies and policies of the Council
- to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of Council
- to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of council resources to implement the strategic plans (including the community strategic plan) of Council and for the benefit of the local area
- to keep under review the performance of Council, including service delivery
- to make decisions necessary for the proper exercising of Council's regulatory functions
- to determine the process for appointment of the General Manager by Council and to monitor the General Manager's performance
- to determine the senior staff positions within the organisation structure of the Council
- to consult regularly with community organisations and key stakeholders and keep them informed of the Council's decisions and activities
- to be responsible for ensuring that the Council acts honestly, efficiently and appropriately, and
- the governing body is to consult with the General Manager in directing and controlling the Council



## 1.3 Role of a Councillor

The role of a Councillor is as follows:

- to be an active and contributing member of the governing body'
- to make considered and well informed decisions as a member of the governing body
- to participate in the development of the integrated planning and reporting framework
- to represent the collective interests of residents, ratepayers and the local community
- to facilitate communication between the local community and the governing body
- to uphold and represent accurately the policies and decisions of the governing body
- to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor, and
- a Councillor is accountable to the local community for the performance of the Council

## 1.4 Role of the Mayor

The role of the Mayor is as follows:

- to be the leader of the 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 the Council as to its local priorities
- to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council
- to preside at meetings of the Council
- to ensure that meetings of the Council are conducted efficiently, effectively and in accordance with the Act
- to ensure the timely development and adoption of the strategic plans, programs and policies of the Council
- to promote the effective and consistent implementation of the strategic plans, programs and policies of the Council
- to promote partnerships between the Council and key stakeholders,
- to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council,
- in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community
- to carry out the civic and ceremonial functions of the Mayoral office
- to represent the Council on regional organisations and at inter-Governmental forums at regional, State and Commonwealth level
- in consultation with the Councillors, to lead performance appraisals of the General Manager, and
- to exercise any other functions of the Council that the Council determines

## 1.5 Role of the General Manager

The General Manager of a Council has the following functions:

- to conduct the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council
- to implement, without undue delay, lawful decisions of the Council
- to advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the Council
- to advise the Mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the Council and other matters related to the Council
- to prepare, in consultation with the Mayor and the governing body, the Council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report
- to ensure that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions
- to exercise any of the functions of the Council that are delegated by the Council to the General Manager
- to appoint staff in accordance with the organisation structure determined under this chapter and the resources approved by the Council
- to direct and dismiss staff
- to implement the Council's workforce management strategy
- any other functions that are conferred or imposed on the General Manager by or under this or any other act

## 1.6 Senior staff

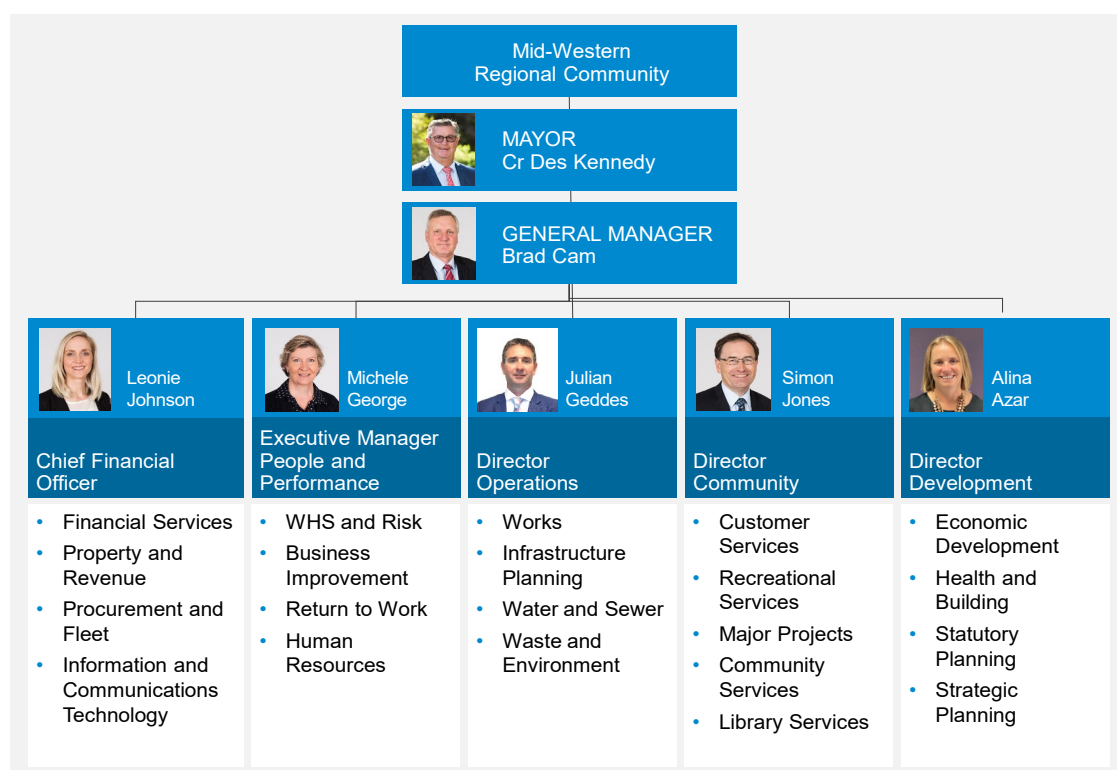
To assist the General Manager in the exercising of these functions, the General Manager in consultation with the Council has established three Directorates:

- Community
- Operations
- Development

Each Directorate is headed by a Director reporting to the General Manager. These positions and the General Manager are referred to as Council's senior staff.

The Council's Executive Team consists of the General Manager, the three Directors and the Executive Manager People and Performance and the Chief Finance Officer.

## 1.7 Organisational structure



## 1.8 Council functions

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

Service	Regulatory	Ancillary	Revenue	Administrative	Enforcement
<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</li> <li>Planning Maintenance &amp; Construction</li> </ul>	<ul style="list-style-type: none"> <li>Approvals</li> <li>Orders</li> <li>Building Certificates</li> </ul>	<ul style="list-style-type: none"> <li>Resumption of land</li> <li>Powers of entry and inspection</li> </ul>	<ul style="list-style-type: none"> <li>Rates</li> <li>Charges</li> <li>Fees</li> <li>Borrowings</li> <li>Investments</li> </ul>	<ul style="list-style-type: none"> <li>Employment of staff</li> <li>Community Strategic and Management plans</li> <li>Financial reporting</li> <li>Annual reports</li> </ul>	<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 (LGA), Council has powers under other Acts and Regulations including:

A to C	<ul style="list-style-type: none"> <li>Boarding Houses Act 2012</li> <li>Biodiversity Conservation Act 2016</li> <li>Biosecurity Act 2015</li> <li>Building and Development Certifiers Act 2018</li> <li>Children (Protection and Parental responsibility) Act 1997</li> </ul>	<ul style="list-style-type: none"> <li>Commons Management Act 1989</li> <li>Community Land Development Act 1989</li> <li>Community Land Management Act 2021</li> <li>Companion Animals Act 1998</li> <li>Companion Animals Regulation 2018</li> </ul>	<ul style="list-style-type: none"> <li>Contaminated Land Management Act 1997</li> <li>Cemeteries and Crematoria Act 2013</li> <li>Conveyancing Act 1919</li> <li>Crown Land Management Act 2016</li> <li>Crown Land Management Regulation 2018</li> </ul>
C to G	<ul style="list-style-type: none"> <li>Crown Lands (General Reserves) By- Laws 2006</li> <li>Dams Safety Act 2015</li> <li>Electricity Infrastructure Investment Act 2020</li> <li>Electricity Supply Act 1995</li> <li>Environmental Planning and Assessment Act 1979</li> </ul>	<ul style="list-style-type: none"> <li>Environmental Planning and Assessment Regulation 2021</li> <li>Fines Act 1996</li> <li>Fire and Rescue NSW Act 1989</li> <li>Fluoridation of Public Water Supplies Act 1957</li> <li>Food Act 2003</li> </ul>	<ul style="list-style-type: none"> <li>Game and Feral Animal Control Act 2002</li> <li>Geographical Names Act 1966.</li> <li>Government Information (Public Access) Act 2009</li> <li>Government Information (Public Access) Regulation 2018</li> <li>Graffiti Control Act 2008</li> </ul>
H to L	<ul style="list-style-type: none"> <li>Heritage Act 1977</li> <li>Holiday Parks (Long-term Casual Occupation) Act 2002</li> <li>Housing Act 2001</li> <li>Impounding Act 1993</li> <li>Inclosed Lands Protection Act 1901</li> <li>Independent Pricing and Regulatory Tribunal Act 1992</li> </ul>	<ul style="list-style-type: none"> <li>Land Acquisition (Just Terms Compensation) Act 1991</li> <li>Land and Environment Court Act 1979</li> <li>Library Act 1939</li> <li>Library Regulation 2018</li> <li>Liquor Act 2007 and Liquor Regulation 2018</li> </ul>	<ul style="list-style-type: none"> <li>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</li> <li>Local Government and Other Authorities. (Superannuation) Act 1927</li> </ul>
L to R	<ul style="list-style-type: none"> <li>Local Land Services Act 2013</li> <li>Major Events Act 2009</li> <li>Mining Act 1992</li> <li>Motor vehicle Sports (Public safety Act) 1985</li> <li>Ombudsman Act 1974</li> <li>Pesticides Act 1999</li> <li>Pipelines Act 1967</li> </ul>	<ul style="list-style-type: none"> <li>Privacy &amp; Personal Information Protection Act 1998</li> <li>Protection of the Environment Operations Act 1997</li> <li>Protection of the Environment Operations (Waste) Regulation 2014</li> <li>Public Health Act 2010</li> <li>Public Health Regulation 2012</li> </ul>	<ul style="list-style-type: none"> <li>Public Interest Disclosures Act 1994</li> <li>Public Works and Procurement Act 1912</li> <li>Real Property Act 1900</li> <li>Recreation Vehicles Act 1983</li> <li>Restricted Premises Act 1943</li> <li>Roads Act 1993</li> </ul>
R to W	<ul style="list-style-type: none"> <li>Road Transport (General) Regulation 2021</li> <li>Road Transport Act 2013</li> <li>Rural Fires Act 1997</li> <li>Rural Fires Regulation 2013</li> <li>Service NSW (One-stop Access to Government Services) Act 2013</li> <li>State Emergency &amp; Rescue Management Act 1989</li> <li>State Emergency Service Act 1989</li> </ul>	<ul style="list-style-type: none"> <li>State Records Act 1998</li> <li>Strata Schemes Development Act 2015</li> <li>Strata Schemes Development Regulation 2016</li> <li>Strata Schemes Management Act 2015</li> <li>Surveying and Spatial Information Act 2002</li> <li>Swimming Pools Act 1992</li> <li>Swimming Pools Regulation 2018</li> </ul>	<ul style="list-style-type: none"> <li>Tattoo Parlours Act 2012</li> <li>Transport Administration Act 1988</li> <li>Trees (Disputes Between Neighbours) Act 2006</li> <li>Unclaimed Money Act 1995</li> <li>Valuation of Land Act 1916</li> <li>Water Management Act 2000</li> <li>Wilderness Act 1987</li> <li>Work Health Safety Act 2011</li> <li>Workers Compensation Regulation 2016</li> </ul>

## 2. Impact of Council functions on the public

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

FUNCTION	DESCRIPTION
Service	Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as Meals on Wheels, Family Day Care services and libraries, halls and community centres, recreation facilities, infrastructure and the removal of waste and recyclable materials.
Regulatory	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 and safety of any persons. Members of the public must be aware of, and comply with, such regulations.
Ancillary	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	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	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	<p>Enforcement functions only affect those members of the public who are in breach of certain legislation. Council has enforcement powers in relation to the following functions:</p> <ul style="list-style-type: none"> <li>■ Development and building control</li> <li>■ Pollution control</li> <li>■ Water, sewer and septic systems</li> <li>■ Biodiversity conservation</li> <li>■ Biosecurity weeds</li> <li>■ Environmental health</li> <li>■ Public health and safety</li> <li>■ Companion animals</li> <li>■ Fire safety</li> <li>■ Food safety</li> </ul>
Community planning and development	<p>Community planning and development functions affect areas such as cultural development, social planning and community profile and involves:</p> <ul style="list-style-type: none"> <li>■ 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.</li> <li>■ Providing support to community and sporting organisations through provision of grants, training and information.</li> </ul> <p>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 other events</p>

## 3. Public participation in Local Government

Mid-Western Regional Council supports the principles of open Government and encourages community involvement in policy development and general activities of Council.

Council live streams its monthly meetings, which can be viewed online here:

<http://webcast.midwestern.nsw.gov.au/>

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

### 3.1 Representation

Councils in New South Wales are elected every four years. The next elections are to be held in September 2024.

At each election, voters elect nine Councillors for a four year term. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non-residential roll. Voting is compulsory.

#### Councillors elected in December 2021

 <p><b>MAYOR</b> Des Kennedy</p> <p>c/- Mid-Western Regional Council PO Box 156 Mudgee NSW 2850 02 6378 2850 <a href="mailto:councillor.kennedy@midwestern.nsw.gov.au">councillor.kennedy@midwestern.nsw.gov.au</a></p>	 <p><b>DEPUTY MAYOR</b> Sam Paine</p> <p>c/- Mid-Western Regional Council PO Box 156 Mudgee NSW 2850 0407 225 285 <a href="mailto:councillor.paine@midwestern.nsw.gov.au">councillor.paine@midwestern.nsw.gov.au</a></p>	 <p><b>COUNCILLOR</b> Paul Cavalier</p> <p>PO Box 1213 Mudgee NSW 2850  0403 995 533 <a href="mailto:councillor.cavalier@midwestern.nsw.gov.au">councillor.cavalier@midwestern.nsw.gov.au</a></p>
 <p><b>COUNCILLOR</b> Katie Dicker</p> <p>c/- Mid-Western Regional Council PO Box 156 Mudgee NSW 2850 0407 234 849 <a href="mailto:councillor.dicker@midwestern.nsw.gov.au">councillor.dicker@midwestern.nsw.gov.au</a></p>	 <p><b>COUNCILLOR</b> Alex Karavas</p> <p>34 Spring Road Mudgee NSW 2850  0428 670 905 <a href="mailto:councillor.karavas@midwestern.nsw.gov.au">councillor.karavas@midwestern.nsw.gov.au</a></p>	 <p><b>COUNCILLOR</b> Robbie Palmer</p> <p>c/- Mid-Western Regional Council PO Box 156 Mudgee NSW 2850 0407 246 381 <a href="mailto:councillor.palmer@midwestern.nsw.gov.au">councillor.palmer@midwestern.nsw.gov.au</a></p>
 <p><b>COUNCILLOR</b> Peter Shelley</p> <p>c/- Rylstone Newsagency 78 Louee Street Rylstone NSW 2849 0403 156 405 <a href="mailto:councillor.shelley@midwestern.nsw.gov.au">councillor.shelley@midwestern.nsw.gov.au</a></p>	 <p><b>COUNCILLOR</b> Phil Stoddart</p> <p>c/- Mid-Western Regional Council PO Box 156 Mudgee NSW 2850 0407 208 730 <a href="mailto:councillor.stoddart@midwestern.nsw.gov.au">councillor.stoddart@midwestern.nsw.gov.au</a></p>	 <p><b>COUNCILLOR</b> Percy Thompson</p> <p>'Morrington' 325 Mebul Road Mebul NSW 2852 0428 740 226 <a href="mailto:councillor.thompson@midwestern.nsw.gov.au">councillor.thompson@midwestern.nsw.gov.au</a></p>

## 3.2 Personal participation

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. It is the role of Councillors to represent the collective interests of residents, ratepayers and the local community.

Council encourages residents to make submissions when development applications and local policy is placed on exhibition. These exhibitions are advertised in local newspapers and on display at Council's three administration centres, Rylstone, Mudgee and Gulgong. They can also be access online using the link below;

<https://www.midwestern.nsw.gov.au/Council/Documents-on-exhibition>

Members of the public are able to attend Council meetings held on the third Wednesday of each month – except for January, when there are no meetings. Meetings are conducted in the Council Chambers, Administration Building, 86 Market Street, Mudgee.

Prior to meetings Council conducts a Public Forum which is an opportunity for persons to address Council on subjects that are matters of business for that meeting of the Council.

Council also has the following Community Committees comprising and including members of the public:

- Mudgee Showground Management Committee
- Mudgee Sports Council Sub Committee
- Gulgong Memorial Hall Committee
- Gulgong Sports Council Sub Committee
- Rylstone & Kandos Sports Sub Committee
- Mid-Western Regional Council Access Committee
- Mid-Western Regional Youth Council
- Red Hill Committee
- Botobolar Community Committee
- Rail Committee

## 4. Access to Government information

Mid-Western Regional 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 inform the public that they have lawful rights to access Council information and to describe the procedures for gaining access.

Under the provisions of the Government Information (Public Access) Act 2009 there is a right of access to certain information held by Council, unless there is an overriding public interest against its disclosure.

There are four main ways under the GIPA Act in which Council may provide access to information:

1. Mandatory Proactive Release
2. Proactive Release
3. [Informal Release](#)
4. [Formal Access Application](#)

### 4.1 Government information held by Council

Council holds a wide range of information, in both hard copy and electronic forms in respect of the wide range of functions. That information is contained in:

- Files – either physical or electronic
- Strategies and plans
- Policy documents
- General documents

### 4.2 Files – both physical and electronic

Prior to 1996, Council maintained a “hard copy” filing system, with material being held in physical, paper-based files. Archived hard copy files are maintained in storage, mainly consisting of development, building or construction information. These records will not be transferred to electronic form and will not be published to Council’s website, however information from these files may be made available either by informal release or via an access application, unless there is an overriding public interest against disclosure of the information, in accordance with the provisions of the Government Information (Public Access) Act (GIPAA).

### 4.3 Council’s strategies and plans

Council’s strategies and plans are available from Council’s website. The following link will guide you to these documents <http://www.midwestern.nsw.gov.au/council/council-documents/>

## 4.4 Council policy information

Council's policies are maintained in a policy register – access to which is available on the website.

## 4.5 General information

The following list of general Government information held by Council has been divided into four sections as outlined by Schedule 1 of the Government Information (Public Access) Regulation:

<https://www.legislation.nsw.gov.au/#/view/regulation/2018/510/sch1>

A. Information about Council
B. Plans and Policies
C. Information about Development Applications
D. Approvals, orders and other documents

Schedule 1 of the Government Information (Public Access) Regulation requires that this Government information held by Council, is to be made publicly available for inspection, free of charge.

The public is entitled to inspect Government information either on Council's website (unless there is an unreasonable additional cost to Council to publish this Government information on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council.

Any current or previous Government information of this type may be inspected by the public free of charge.

Copies can be supplied for reasonable copying charges.

The list of Government information held by Council is set out below:

SECTION	DESCRIPTION
A. Information about Council	<ul style="list-style-type: none"> <li>■ Annual Financial Reports</li> <li>■ Annual Report</li> <li>■ Auditor's Report</li> <li>■ Annual Reports of Bodies Exercising Functions Delegated by Council</li> <li>■ Agendas and Business Papers for any meeting of Council or any Committee of Council</li> <li>■ Codes referred to in the Local Government Act 1993, including :               <ul style="list-style-type: none"> <li>— The model code prescribed under section 440 of the LGA</li> <li>— Councils adopted Code of Conduct</li> <li>— Code of Meeting Practice prescribed under s360 LGA</li> </ul> </li> <li>■ Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan</li> <li>■ Departmental Representative Reports presented at a meeting of Council</li> <li>■ EEO Management Plan</li> <li>■ Land Register</li> <li>■ Minutes of any meeting of Council or any Committee of Council</li> <li>■ Policy concerning the Payment of Expenses Incurred by, and the Provision of Facilities to, Councillors</li> </ul>



SECTION	DESCRIPTION
A. Information about Council	<ul style="list-style-type: none"> <li>■ Register of current Declarations of Disclosures of Political donations</li> <li>■ Register of Delegations</li> <li>■ Register of Graffiti removal works</li> <li>■ Register of Investments</li> <li>■ Register of Voting on Planning Matters</li> <li>■ Returns of the interests of Councillors, designated persons and delegates</li> <li>■ Councillor declarations of conflicts of interests register</li> </ul>
B. Plans and Policies	<ul style="list-style-type: none"> <li>■ Local Policies adopted by Council concerning approvals and orders</li> <li>■ Plans of Management for Community Land</li> <li>■ Environmental Planning Instruments, Development Control Plans and Contribution Plans</li> </ul>
C. Information about DAs	<ul style="list-style-type: none"> <li>■ Development Applications and any associated documents received in relation to a proposed development: <ul style="list-style-type: none"> <li>— Acoustic Consultant Reports</li> <li>— Construction Certificates</li> <li>— Heritage Consultant Reports</li> <li>— Home Warranty Insurance documents</li> <li>— Land Contamination Consultant Reports</li> <li>— Occupation Certificates</li> <li>— Records of decisions on Development Applications including decisions on appeals</li> <li>— Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information</li> <li>— Structural Certification Documents</li> <li>— Submissions received on Development Applications</li> <li>— Town Planner Reports</li> <li>— Tree Inspections Consultant Reports</li> </ul> </li> <li>■ This information will be available to inspect free of charge, however not all information can be copied due to copyright restrictions.</li> </ul>
D. Approvals, orders and other documents	<ul style="list-style-type: none"> <li>■ Applications for approvals under Chapter 7 of the LGA</li> <li>■ Applications for approvals under any other Act and any associated documents received</li> <li>■ Compulsory Acquisition Notices</li> <li>■ Leases and Licenses for use of Public Land classified as Community Land</li> <li>■ Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA</li> <li>■ Orders given under the Authority of any other Act</li> <li>■ Plans of land proposed to be compulsorily acquired by Council</li> <li>■ Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals</li> <li>■ Records of Building Certificates under the Environmental Planning and Assessment Act 1979</li> </ul>

In addition to the above, the following information is also available:

- Council's current agency information guide,
- Council's disclosure log or access applications
- Council's policies
- Council's register of Government contracts

## Public registers

Council maintains other registers which are required by law to be available for public inspection.

Where the public register contains personal or health information, Council is required to ensure that access by a member of the public is for a purpose consistent with the purpose for which the register exists. The Local Government Code of Practice issued under the Privacy and Personal Information Protection Act (PPIPA) permits Council to provide access to such registers by way of inspection on Council premises and for the copying of an entry or page in the register without regard to the purpose of the person who seeks access.

Council reserves the right to seek to satisfy itself about the purpose of access and to require a statutory declaration from the person seeking access that personal information will only be used for a specified lawful purpose.

Council maintains some registers which are not available for public inspection. Particular entries in these registers, for example from Council's Rates Record and the Register of Impounded Items required by the Impounding Act, are available to any person. In the case of an application for a certificate of an entry in the Rates Record under Section 603 of the LGA, a charge is payable.

## Access to other documents held by Council

Other Council documents are available for inspection under the GIPA Act unless disclosure is, on balance, contrary to the public interest. Any application must be received in writing and will be processed promptly and within the agreed timeframe.

The request should specify the documents sought, with a reference to any time or date limitations. Any application will be considered on its merits and considered in the light of the obligation to make documents available unless public interest considerations favour the withholding of the document(s).

## Information and documents for which a charge is imposed

Part 10 of the Local Government Act 1993 commencing at clause 607A provides for the Council to charge and recover fees. Fees associated with the administration information requests are found on page 5 of the fees & charges schedule.

<https://www.midwestern.nsw.gov.au/Council/Rates-and-payments/Council-fees-and-charges>

## Information and documents not usually available

Information about the name of a property owner is in the public domain through internet access to the register maintained by the NSW Land and Property Information Service.

Council holds information about property ownership for the purpose of carrying out its functions. Council policy is not to make available information about the name of a property owner except in emergency circumstances or where the enquirer can establish a clear need to know.

Council will not supply bulk property data to third parties for the purposes of direct marketing.

Documents listed below will not usually be available because they are excluded from the right to access by an express provision in the LGA, or Council has concluded that disclosure of such

documents, or documents containing information of the kind indicated would, in the usual case, be contrary to the public interest.

## Documents not available because of provisions in LGA

The following information will not be available:

- Papers submitted to Council for consideration in a closed session
- Documents containing information about personnel matters concerning particular individuals, the personal hardship of any resident or rate payer, trade secrets or other sensitive commercial information, or where disclosure would found an action for breach of confidence
- Documents that contain information, the release of which would constitute an offence against an Act

## Other documents not available

- Documents or parts of documents which would reveal the identifying particulars of persons who provide information to Council in connection with its law enforcement and regulatory responsibilities, or who otherwise contact Council about matters of interest or concern, including complaints about other persons conduct or activities, and matters that require investigation by Council
- Documents which reveal confidential communications between the Council and its legal advisers, or documents which have been prepared by Council officers or others for the dominant purpose of use in proposed or anticipated legal proceedings
- Documents, the release of which are likely to endanger the life or safety of any person, or the security of any building or structure, or which would prejudice the conduct of a lawful investigation by Council or another authority
- Documents concerning Council functions or operations where disclosure would have a prejudicial effect on Council's property or financial interests, or would otherwise have an adverse effect on its regulatory functions, or its capacity to operate in an efficient and effective manner
- Council working documents prepared or received in connection with its decision making functions, prior to the making of a decision by Council, a committee of Council, or an officer exercising delegated authority

It should be noted that access through verbal advice as to the content of documents listed above is also not available.

## Large general requests for access to documents

Broad, general requests for a large number of documents, for example all documents of a certain kind, or documents held on a number of different Council files, or which otherwise require a substantial allocation of Council resources, may be refused after consideration of the public interest factors involved by Council's Public Officer/ Right to Information Officer.

The Officer may, in the light of an assessment of the work involved in identifying, locating, collating and assessing a large number of Council documents, conclude that access should be refused on the grounds that the substantial diversion of Council resources necessary to deal with the application would, on balance, be contrary to the public interest.

The Public Officer/Right to Information Officer shall, in reaching such a decision take into account the following:

- an assessment of the work and time involved in responding to the application
- the extent to which the work involved in dealing with the request would result in Council resources being diverted from dealing with other access requests, or from other important functions
- the nature of the documents requested and any public interests to be advanced by disclosure generally, or disclosure to the particular applicant. Council acknowledges there is a public interest in disclosure of documents about Council operations and the exercise of its functions, and in a particular applicant gaining access to documents where there is a strong and justifiable right to know

However, the right to access documents free of charge to an individual also requires consideration of the effect the processing of such an application may have on the rights of others, and on the efficient and effective use of Council resources in the interests of all ratepayers.

## Refusal of access

Where access to documents is refused under the GIPA Act, Council will advise the applicant in writing of the reasons for the decision. In the case of refusal on grounds that dealing with the request would involve the substantial diversion of Council resources, the Public Officer/Right to Information Officer will provide details to the applicant in writing, including an estimate of the time involved in responding to the application and consideration of the other factors mentioned in these guidelines, however before doing so will give the applicant a reasonable opportunity to amend the application.

Any applicant dissatisfied with Council's handling of a request for documents under GIPA Act may seek a review in accordance with Sections 82 - 88 of the GIPA Act, and may also seek a review of reviewable decisions through either the Information Commissioner or the NSW Civil and Administrative Tribunal (NCAT).

## Copyright

Copyright issues may arise when requests are made for copies of documents held by the Council. The Commonwealth Copyright Act (1968) takes precedence over State legislation.

Therefore the right to copy documents under GIPA or EP&A does not override the Copyright Act.

If Council commissions a report from a consultant it will be under the terms of the contract whether it can be copied.

With regard to documents supplied with development applications, Council's development application form includes a statement whereby applicants give their permission to allow documents included with a development application to be access under the GIPA Act. This permission does not override the rights of any copyright holder.

## Access to information by Councillors and Administrators

The process for access to information by Councillors and Administrators is outlined in Part 8 of Council's Code of Conduct.

## GIPA Act

Access to the GIPA Act is available from the website of the NSW Legislation website at the following link:

<https://www.legislation.nsw.gov.au/#/view/act/2009/52>

### 4.6 Public access to Government information held by Council

As far as practicable, Government information held by Council will be accessible by members of the public during office hours.

Any amendment of records held by Council will be undertaken pursuant to the provisions of the Privacy and Personal Information Protection Act 1998.

Persons interested in obtaining access to Government information or who wish to seek an amendment to the Council's records concerning their personal affairs, should contact a Customer Service Officer or the Privacy Officer or the Right to Information Officer. If you experience difficulty in obtaining Government information you should contact Council's Public Officer.

### 4.7 Public Officer – Right to Information Officer

The Manager Customer Service & Governance has been appointed as the Public Officer & the Right to Information Officer.

Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and to take delivery of documents on behalf of the Council.

The Right to Information Officer is responsible for determining formal applications for access to Government information (GIPA Act Access Applications) or for the amendment of records. If you have any difficulty in obtaining access to Government information.

Also, 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 Right to Information Officer in the first instance.

## 5. Further information

If you require any other advice or assistance about access to information you may contact the Information & Privacy Commission NSW website <https://www.ipc.nsw.gov.au/> or by telephone on 1800 472 679 or by email at [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au).

The Data.NSW website is another useful resource that can be used by members of the public, as well as other government agencies, to access data on a wide range of NSW Government related matters.



## 6. Information Access Request form



MID-WESTERN REGIONAL COUNCIL  
PO Box 156, MUDGEES NSW 2850  
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone  
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815  
E [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

### INFORMATION ACCESS REQUEST FORM

#### How to complete this form

1. This form is used to request access to information in files (either paper or electronic) held by Mid-Western Regional Council.
2. Please read the attached guidelines prior to lodging this form.
3. Make sure that all fields are filled out correctly and all necessary documentation is attached. Detailed information requests assist Council in identifying or locating the information you are seeking.
4. Once completed, submit this form to Council.
5. You will be notified by Council within 15 working days if the information you have requested is available for release.

There is no fee for applying for access to information through this form. Please note however that charges may apply for copying of documents. Fees are set out in Council's Fees and Charges Schedule.

#### APPLICANT DETAILS

Title _____		Given Name/s _____		Surname _____	
Postal Address _____				State _____	Post Code _____
Home Number _____		Mobile Number _____		Business Number _____	
Email Address _____					
<input type="checkbox"/> I agree to receive correspondence at the above address					

#### DETAILS OF INFORMATION REQUESTED

Please describe the information you would like to access (in detail) to allow us to locate all available records.  
Note: If you do not give enough details about the information you are seeking Council may be unable to process your application.

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Reason/s for requesting documents/information (this may assist us with locating the information you require):

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Address of property under enquiry, include Lot & DP (if applicable) Property Number: \_\_\_\_\_

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Are you the owner of the property under enquiry? ☐ Yes ☐ No

Adopted Date: 27 Nov 2019 Review Date: 27 Nov 2020

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Version No: 1.1

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**IF YOU REQUIRE DEVELOPMENT RELATED DOCUMENTS PLEASE MARK BELOW**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Development Consent                   | <input type="checkbox"/> Council/ Planners Report  | <input type="checkbox"/> Construction Consent               |
| <input type="checkbox"/> Home Owner Warranty Insurance         | <input type="checkbox"/> Occupation Certificate  | <input type="checkbox"/> Acoustics Consultant Report        |
| <input type="checkbox"/> Heritage Consultant Report            | <input type="checkbox"/> Submissions/Objections  | <input type="checkbox"/> Inspection report                  |
| <input type="checkbox"/> Copy of reports e.g. traffic engineer | <input type="checkbox"/> Development Application/Building Application/Construction Certificate Plans | <input type="checkbox"/> Statement of Environmental Effects |

**NOTE: If you require a letter stating proof of approvals and inspections issued on a property please apply for a Building Search using Council's 'Certificate Application' form.**

**If you wish to view floor plans of a residential building, you must either be the owner of the property or provide written consent from the owner. Please note, proof of identity and proof of ownership will be required in either case.**

DA/BA/CC/CDC number (if known) and approximate date: \_\_\_\_\_

**ACCESS TO INFORMATION**

**Would you like to view or would you like a copy? (Copyright considerations will apply, See Guidelines for further details)**

- ☐ I would like to view document/s in person
- ☐ I would like a copy of document/s\*
- ☐ I would like a copy of document/s sent by email\*\*

*\* Fees apply to the copying of documents. Plans and specialist reports will be subject to copyright and will not be able to be reproduced without written consent from the copyright holder.*

*\*\* Where possible, electronic documents will be provided via email.*

**Many of Council's documents are in paper form or are too large to scan or copy and may be unable to be sent by email**

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**Office Use Only**

Customer Service Officer: \_\_\_\_\_

Proof of Identity sighted (if applicable): \_\_\_\_\_

Date to view: \_\_\_\_\_

**Please have applicant complete at the time of viewing the documents.**

Date viewed: \_\_\_\_\_

Applicant's signature \_\_\_\_\_

Adopted Date: 27 Nov 2019

Review Date: 27 Nov 2020

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Doc number: GOV002

Version No: 1.1

## Information Access Request Guidelines

Prior to lodging a request application, you should first visit our website at [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au). Many Council documents are available to view or print from our website.

If information is not available from the website, you may use this form to request access to information from Council's files or documents. **Informal release does not involve payment of lodgement or processing charges, however copying charges are payable (if applicable).**

**DA Information:** Certain development application documents are required to be kept by Council, and are available for public inspection, as allowed under Part 16 of the *Environment Planning and Assessment Regulation 2000*.

### Acceptable requests

Information applications are suitable for requests for information which are non-complex and can be processed quickly. Though many applications involve requests for property information, this form can also be used to request other information held by Council including your personal information. Where personal information is involved, Council may request you to provide proof of identity e.g. driver's licence, passport, rates notice etc.

By providing specific and detailed requests, you can assist us in quickly determining what information is available to assist you.

Information applications are not suitable for requests which:

- involve access to another person's personal information requiring third party consultations;
- seek access to sensitive information requiring careful balancing of public interests in determining disclosure.

If your request involves any of the above, Council will require a formal GIPA access application. Formal GIPA access applications involve a lodgement fee and processing charges but also have a right of review. Formal GIPA Access Application forms are available on Council's website and from Council's Administration Centres.

### Processing your request

Upon receiving your request, Council will determine how the request will be processed and what information is available. This may involve Council contacting you to clarify what information is sought and the form in which it may be made available.

Applications will be assessed in accordance with the relevant legislation, such as the Environmental Planning and Assessment Act 1979, and the *Government Information (Public Access) Act 2009*. Applicants will be notified within fifteen (15) working days of the receipt of the application as to what information is available for release. Many Council records are held in storage off-site and may take a few days to be delivered to Council, which may change the anticipated processing time.

Access to information such as internal residential diagrams has restricted access provisions.

The copying of documents is subject to the *Copyright Act 1968*. There may be documents which are not able to be reproduced.

Where documents are able to be reproduced the applicant will be required to meet all costs associated with photocopying and scanning, as set out in Council's annual fees and charges schedule.

Information will be available for inspection at Council's Administration Centre, 86 Market Street Mudgee, for seven days from the date of notification. The Centre is open Monday to Friday, from 8:00am to 4:30pm.

**Privacy Notification** Personal information requested on this form is required to provide access to Council's records. The supply of information is voluntary but if you cannot provide the information requested, Council may not be able to process your application. The intended recipients of your information are council officers but information may be available to the general public under the Government Information (Public Access) Act 2009. Council is to be regarded as the agency that holds the information. Requests for access or amendment to records under the Government Information (Public Access) Act or Privacy & Personal Information Protection Act 1998, contact the Council's Public Officer. This form will be registered in Council's records management system.

## 7. GIPA Act Access Application form



MID-WESTERN REGIONAL COUNCIL  
PO Box 156, MUDGEE NSW 2850  
86 Market Street, Mudgee | 109 Herbert Street, Gulong | 77 Louee Street, Rylstone  
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815  
E [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

### Government Information (Public Access) Act 2009 ACCESS APPLICATION

Please complete this form to apply for formal access to government information under the *Government Information (Public Access) Act 2009* (GIPA Act). Please forward to the Right to Information Officer, Mid-Western Regional Council, PO Box 156 (or 86 Market Street) Mudgee, NSW, 2850, or by email to [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au). If you need help in filling out this form, please contact the Right to Information Officer on 02 6378 2850 or visit our website at [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au).

#### 1 Your details

Surname: \_\_\_\_\_ Title: ☐ Mr ☐ Mrs ☐ Ms ☐ Dr

Other Names: \_\_\_\_\_

Postal address: \_\_\_\_\_ Postcode: \_\_\_\_\_

Day-time telephone: \_\_\_\_\_ Facsimile: \_\_\_\_\_

Email: \_\_\_\_\_

*The questions below are optional and the information will only be used for the purposes of providing better service.*

Aboriginal or Torres Strait Islander: (tick one) ☐ Yes ☐ No

Do you have special needs for assistance with this application: \_\_\_\_\_

☐ I agree to receive correspondence at the above email address.

#### 2 Proof of identity

*Only required when you are requesting information on your own behalf.*

**When seeking access to personal information, you must provide proof of identity in the form of a *certified copy* of any one of the following documents:**

☐ Australian driver's licence  
with photograph, signature and current address

☐ Current Australian passport

☐ Other proof of signature and current address details

#### Office use only

Date application received: \_\_\_\_\_

File reference: \_\_\_\_\_

Adopted Date: 11 Dec 2019

Review Date: 11 Dec 2020

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Doc number: GOV005

Version No: 1.0

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### 3 Government Information

Please describe the information you would like to access in enough detail to allow us to identify it. We also request you include your reasons for requesting the information. Your reasons for requesting is optional, however they can form part of the application consideration.

Note: If you do not give enough details about the information, the Council may refuse to process your application.

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Are you seeking personal information? (tick one) ☐ Yes ☐ No

If you have applied at any time to another agency for substantially the same information, please provide the name of the other agency

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### 4 Form of access

How do you wish to access the information?

- ☐ Inspect the document (s) ☐ A copy of the document (s)
- ☐ Access in another way (please specify)

---

### 5 Application Fee

I attach payment of the **\$30 application fee** by (tick one)

- ☐ cash ☐ cheque ☐ money order ☐ credit card authority

(Note: please do NOT send cash by post. Payment must be made to Mid-Western Regional Council. Credit Card Authority forms can be found on Council's website)



## 6 Third Party Consultation

Under section 54 of the GIPA Act, if the information you are requesting contains information about another person, business or agency, the Council may be required to consult with third parties before deciding your application. The purpose of this consultation is for the agency to determine whether the third party has an objection to disclosure of some or all of the information being requested. Please indicate whether you consent to your identity as an applicant and the reason for your request being disclosed to the involved third party:

Do you object to this? (tick one) ☐ Yes ☐ No

## 7 Disclosure log

If the information sought is released to you and we consider it may be of interest to other members of the public, details about your application may be recorded in the agency's 'disclosure log'. This is published on our website. If you object to this, we must first decide if you are entitled to object and if so, whether the objection outweighs the general public interest in including this information in the disclosure log.

You can only object to the inclusion of information on an agency's disclosure log for one or more of the following grounds:

- The information includes personal information about you (or a deceased person for whom you are the personal representative)
- The information concerns your business, commercial, professional or financial interests
- The information concerns research that has been, or is being, or is intended to be, carried out by or on your behalf
- The information concerns the affairs of a government of the Commonwealth or another State (and you are entitled to act on behalf of that government agency).

Do you object to this? (tick one) ☐ Yes ☐ No

**Please note:** if an agency decides to include information in its disclosure log despite your objection, you can seek a review of this decision.

## 8 Discount in processing charges

You may be asked to pay a charge for processing the application (\$30 / hour). Some applicants may be entitled to a 50% reduction in their processing charges. If you wish to apply for a discount, please indicate the reason:

☐ Financial hardship – please attach supporting documentation (eg a pension or Centrelink card).

**AND / OR**

☐ Special benefit to the public – please specify why below:

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Your signature: \_\_\_\_\_

Date: \_\_\_\_\_

*General information about the GIPA Act is available by calling the Information and Privacy Commission on 1800 472 679 or visit the IPC's website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)*



## 8. Access to information policy



POLICY

Access to Information

*A prosperous  
and progressive  
community*

<b>ADOPTED</b> COUNCIL MEETING MIN NO: 188/22 DATE: 15 JUNE 2022	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">VERSION NO</td> <td>2.2</td> </tr> <tr> <td>REVIEW DATE</td> <td>JUNE 2023</td> </tr> <tr> <td>FILE NUMBER</td> <td>INM700014</td> </tr> </table>	VERSION NO	2.2	REVIEW DATE	JUNE 2023	FILE NUMBER	INM700014
VERSION NO	2.2						
REVIEW DATE	JUNE 2023						
FILE NUMBER	INM700014						

### Objective

To state the Council's commitment to being open and accountable in the exercise of its functions.

To acknowledge the lawful rights of citizen's access to information held by the Council.

To provide easy to understand information about the Council, its structure and functions, and how members of the public can make representations and participate in decisions.

To provide information on how to access council information.

To comply with legislation regarding disclosure of information, in particular the Government Information (Public Access) Act (GIPA), the Local Government Act (LGA), and the Environmental Planning and Assessment Act.

Council is also subject to the NSW Privacy and Personal Information Protection Act and Health Records Information Privacy Act that establish standards for information handling practices for personal and health information.

### Legislative requirements

- Local Government Act 1993
- Government Information Public Access Act 2009
- Environmental Planning and Assessment Act 1979
- NSW Privacy and Personal Information Protection Act 1998
- Health Records Information Privacy Act 2002

### Policy

#### Policy statement

Council is committed to:

- Openness, transparency and being held accountable in the exercise of its functions.
- Proactive disclosure and dissemination of information about operations, plans and decisions of Council.
- Providing opportunities for representations and personal participation in council decision making and functions.
- The provision of access to Council documents unless disclosure in a particular case would be contrary to the public interest.

## Commitments

Council will promote disclosure and dissemination of information about operations, plans and decisions, and information that promotes community advancement on its website wherever practicable, and will actively facilitate public access to information held by the council.

Documents required by law to be available for public inspection will be posted on the website, unless internet access poses an unacceptable risk of interference with privacy through potential data gathering and matching techniques or unless to do so would impose unreasonable additional costs on Council.

Any person is entitled to have information about their place of residence suppressed from documents available for inspection where disclosure would endanger personal safety, or removed from any register available for public inspection in accordance with the NSW Privacy and Personal Information Protection Act.

Other Council documents not posted on the website will be available for inspection unless disclosure on balance is contrary to the public interest.

Formal applications under the GIPA Act will not be required where documents are otherwise available under other legislation. Any member of the public may lodge a formal GIPA application, where information is not made available by other means, which will be dealt with in accordance with the Act's provisions.

Any individual has a lawful right to know what personal or health information Council holds about him or her, to access that information in accordance with the provisions of the NSW Privacy and Personal Information Protection Act and the NSW Health Records and Information Privacy Act, and to amend that information in certain circumstances.

## Limitations

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests, or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest (Clause 60 GIPA Act).

## Agency Information Guide

Council has published an Agency Information Guide to assist members of the public in understanding the types of information that is available from the council and how that information is made available.

The Agency Information Guide is available at Councils Administration Centre's and from the council's website.

The Agency Information Guide also lists the categories of documents not available because of legislative restrictions or because disclosure is likely to be contrary to the public interest. Documents of this kind include those that contain information about the personal affairs of other ratepayers, commercially sensitive information, or information which if disclosed would have an adverse effect on Council's law enforcement or other functions, such as the identifying particulars of complainants.