

**BREWARRINA SHIRE COUNCIL**

**Agenda Submission for Ordinary Meeting held on 30<sup>th</sup> June 2011**

<b>TITLE:</b>	<b>Government Information (Public Access) Act 2009 (NSW) (GIPA) Publication Guide</b>	<b>DOC REF:</b> Item 9 A2-5-1
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<b>REPORT BY:</b>	Glenda Tasker General Manager	<b>DATE:</b> 14 June 2011
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**ATTACHMENTS:**  
Publication Guide

**EXECUTIVE SUMMARY**

The new Government Information (Public Access) Act 2009 (NSW) (GIPA) replaced the Freedom of Information Act 1989 (NSW) on 1 July 2010. Section 21 of the Act states:

*An agency must adopt its first publication guide within 6 months after the commencement of this section and must review its publication guide and adopt a new publication guide at intervals of not more than 12 months. An agency may update and amend its publication guide at any time.*

Council at the 27 August 2010 Council meeting adopted the Brewarrina Shire Council Publication Guide- Government Information (Public Access ) Act 2009.

Changes to the Organisational Structure require the Publication Guide to be amended by:

- Including the latest adopted Organisational Structure
- Change Public Officer to Director Corporate & Community Services
- Change Right to Information Officer to Administration Manager

**FINANCIAL IMPLICATIONS:**

Nil

**LEGAL IMPLICATIONS:**

Under Section 22 of the Government Information (Public Access) Act 2009 (NSW) Council must develop and adopt a Publication Guide and review annually.

**RECOMMENDATION:**

**That:**

- 1. Council adopt the amended Publication Guide; and**
- 2. Council forward the Publication Guide to the Information Commission for approval.**

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Glenda Tasker  
General Manager



**BREWARRINA SHIRE COUNCIL  
PUBLICATION GUIDE -  
GOVERNMENT INFORMATION  
(PUBLIC ACCESS) ACT 2009**

*Date adopted*

Introduction .....	3
How Brewarrina Shire Council was Proclaimed .....	4
Structure and Functions .....	4
Structure.....	4
Organisational Structure.....	5
Brewarrina Shire Council’s Principal Functions .....	5
1. Governance and Civic Affairs .....	5
2. Finance and Administration .....	5
3. Building & Development Control.....	6
4. Environmental Management.....	6
5. Waste Management.....	7
6. Engineering Operations .....	7
7. Services .....	7
8. Recreation .....	8
9. Community Services.....	8
10. Economic Development.....	8
Legislation & Regulations that Empower Council.....	10
How the Community Can Be Involvement in Council’s Functions.....	12
Representation .....	12
Personal Participation .....	12
Government Information Held By Council.....	13
How Members of the Public May Access and Amend Council Documents.....	15
Contact Details .....	16
Appendix 1- Organisational Structure.....	17

## Introduction

Brewarrina Shire Council provides a service under the *Government Information (Public Access) Act 2009, (NSW) (GIPA)* which requires Council to provide greater access to government information Council holds. A requirement of the GIPA is that a Publication Guide be produced as a reference to Council's functions, responsibilities and information.

Brewarrina Shire Council's publication guide details:

- (a) describes the structure and functions of the agency, and
- (b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and
- (c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions, and
- (d) identifies the various kinds of government information held by the agency, and
- (e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and
- (f) specifies the manner in which the agency makes (or will make) government information publicly available, and
- (g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Glenda Tasker  
**GENERAL MANAGER**

Matthew Slack-Smith  
**MAYOR**

# How Brewarrina Shire Council was Proclaimed

The township of Brewarrina was first settled as early as the 1830's and the town was laid out in 1861 and proclaimed on 28th April 1863.

## Structure and Functions

### Structure

Brewarrina Council consists of 9 councillors. Each year the Council elects two of its members to be the Mayor and Deputy Mayor. Council meets on the 4th Friday of every month.

The role of a Councillor is:

- To direct and control the affairs of Council in accordance with the Local government Act.
- To participate in the optimum allocation of the Council's resources for the benefit of the Shire.
- To play a key role in the creation and review of the Council's policies and objectives and criteria relating to the exercise of the Council's regulatory functions.
- To review the performance of the Council and its delivery of services, and the management plans and revenue policies of the Council.
- The role of the Councillor is, as an elected person:
- To represent the interests of the residents and ratepayers.
- To provide leadership and guidance to the community. To facilitate communication between the community and Council. Exercise, in cases of necessity the policy making functions of the governing body of the Council between meetings of the Council.

The role of the Mayor is:

- To preside at meetings of the Council
- To carry out the civic and ceremonial functions of the office

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

To assist the General Manager in the exercise of these functions there is an Assistant General Manager.

## **Organisational Structure**

The organisational structure is set out in Appendix One.

## **Brewarrina Shire Council's Principal Functions**

### **1. Governance and Civic Affairs**

#### Governance and Strategy

- A planning process is in place that ensures that the long term vision and strategies of the Council are considered, documented and available to the community.
- Review Council housing requirements for existing and future staffing arrangements.
- Conduct Council meetings that comply with statutory requirements and provide adequate opportunities for community input.
- A training and inductions process is in place for Councillors, staff and committee delegates to ensure they understand their roles and responsibilities.
- Review Council Policies to ensure that they are up to date with current requirements.
- Establish a system or process to ensure Councils Records Management Policy complies with legislative obligations.
- Establish a system or process to ensure Councils Public Documents are available and current in accordance with legislative requirements.
- Introduce an effective reporting process for staff against statutory requirements.
- Working with the Community.

### **2. Finance and Administration**

#### Administration and Financial Management

- Ensure sound financial management in accordance with statutory requirements.

#### HR Activities

- Introduce an effective communication process for staff.
- Review Council's organisation structure to ensure effectiveness of the Council.
- Review the recruitment and interview procedure to be open and transparent for all positions advertised as per the Organisational Structure.
- Council's HR policies meet legislative and organisational needs.
- Council implements a strategy to ensure compliance with State Award System and the Federal System.
- Council aims to manage its employees and its information technology in a professional and proficient manner.
- Ensure Council's workforce have necessary skills to carry out required tasks safely and competently.
- Skills Reports are relevant to positions, allow for career progression and are non-discriminatory.

- Council staff maintain and increase their skills.
- Ensure Council's EEO Management Plan is current and meets ongoing needs.

#### OH&S and Risk

- Ensure Council's staff meets Legislative Training Requirements.
- Council's OH&S Management System complies with legislation and meets Council's ongoing needs.
- Progressively identify and record all potential hazards.
- Implement best practice in risk management and support cooperative insurance arrangements.
- Reduce work related injuries and workers compensation claims and ensure effective return to work programs where necessary.

### **3. Building & Development Control**

#### Strategic Planning

- Develop strategic approaches to the future development of the Shire
- Facilitates economic development strategies and programs
- Develop policy documents, develop control plans and other strategic documents to guide the future development of the Shire
- Facilitate tin pubic participation in the development of planning policies

#### Development Control

- Ensure that policy and planning documents address emerging issues, satisfy legislative requirements, reflect 'best practice' and are responsive to community opinion.
- Ensure the development assessment and approval process is efficient and effective and is conducted in accordance with relevant legislation and Council policy.
- Provide a high level of customer service.

### **4. Environmental Management**

#### Public Health

#### Environment Protection

- Enhance public awareness of environmental issues.
- Minimise the potential negative impacts of human habitation on the environment.
- Ensure effective reporting and monitoring of issues.
- Ensure that Council has adequate policies to address the environment.

#### Noxious Weeds

- Undertake activities for the management of Noxious Weeds in accordance with the Noxious Weeds Act.

#### Ranger Services

- Minimise the incidence of conflict and nuisance caused by animals.
- Manage car parking to maximise its availability for residents and visitors.

#### Swimming Facilities

- Ensure pools are effectively and efficiently managed and operated in accordance with the Lease Agreement.
- Ensure that the Brewarrina Pool is properly maintained.

#### Building Maintenance

- Ensure sustainable management of buildings and facilities.

- Maintain buildings and facilities in safe and satisfactory condition.
- Carry out improvement works as funds permit.

## **5. Waste Management**

### Waste Management

- Ensure effective and efficient operation of Brewarrina and Goodooga landfill sites in accordance with environmental standards.

## **6. Engineering Operations**

### Engineering Management

- Implement traffic management systems to reflect adopted State standards and Council's policies.
- Review and update the Asset Management Plans for the Shire transport infrastructure network.
- Plan for transport infrastructure works to incorporate changes to the network which maximise the benefits to the road network with the available funds.
- Review all required documentation for Project Management on Capital Works Projects.
- Professional Development of staff to complete their duties more efficiently and effectively.

### State Roads

- Implement appropriate processes to ensure that Council retains control of selected work carried out on the section the Kamilaroi Highway located within Brewarrina Shire whilst achieving a commercial return for Council.

### Regional and Shire Roads

- Manage Council's exposure to risks associated with the transport infrastructure network.
  - Prepare schedule of works based on projects listed in the Operational Plan.
  - Maintaining the integrity of the Bridge Network throughout the Shire.
- ### Stormwater
- Maintain Urban and Rural stormwater in a serviceable condition.

### Quarries

- Maintain Quarries as potential source of rock and road building materials.

## **7. Services**

### Water Supply

- Capital works to meet service, capacity, quality, reliability and environmental goals at minimum long term cost.
- Manage Council's exposure to risks associated with the water infrastructure network

### Sewerage

- Capital works to meet service, capacity, quality, reliability and environmental goals at minimum long term cost.
- Manage Council's exposure to risks associated with the water infrastructure network

### Depots and Support Services

- Ensure facilities continue to provide the required levels of service to support the Council activities.

### Plant and Equipment

- Manage the plant and equipment fleet along business lines to ensure the long-term financial sustainability of the dedicated reserve fund by applying a life-cycle approach to investment decisions.
- Ensure optimum utilisation and operational availability of the Council fleet by applying a management approach to plant and equipment maintenance.
- Maintain flexibility in the operational capacity of the Council fleet through external hire or supply arrangements.

## **8. Recreation**

### Parks & Reserves

- Continue to provide and maintain a wide range of parks, reserves and recreational facilities.

### Street Facilities

- Continue to provide and maintain public facilities to a high standard

### Facilities Maintenance

## **9. Community Services**

### Community Planning and Development

- Progressively implement and review the Social Plan.
- Identify and implement the most effective options for Community Development.
- Support and assist development of existing community services.
- Promote the provision of equitable access to services and facilities.
- Maintain support for young people and their families.

### Libraries and Cultural facilities

- Continue to provide quality services at the Brewarrina branch.
- Examine work practices to improve services and to incorporate changing technology.
- Develop programs to educate and inform the community about library services.

### Childcare

- Provide a high quality childcare service that meets the needs of the Brewarrina Community.
- Examine work practices to improve services and to incorporate changing technology.
- Financial Management of Centre to ensure financial sustainability.

### Building Maintenance

## **10. Economic Development**

### Economic Development

- Implement the Brewarrina Shire Economic Development Plan.
- Encourage sustainable economic development within the Brewarrina Shire.
- Identify and investigate relevant funding sources and opportunities.
- Build relationships with funding bodies, relevant government and private institutions and peak community groups.

### Tourism Promotion

- Implement the Brewarrina Shire Tourism Development Plan.

- Visitors and potential visitors have access to information and tools which rise awareness, satisfies their needs and maximise conversion to sales and visitation.
- Facilitate structures and processes that enhance tourism advocacy, promotion and product development.

#### Caravan Parks and Cabins

#### Commercial Properties

#### Arts and Culture

- Support the promotion of local events, artistes, and performing groups.
- Provide appropriate cultural facilities that are appealing and accessible to all members of the public.

#### Indigenous Community

- Promote racial harmony and community understanding & acceptance of Aboriginal Culture in schools & the wider community.

#### Women

- Support the provision of access to safe accommodation for women suffering from domestic violence.

#### Men

- Help address isolation & lack of support networks for men.

#### Seniors

- Facilitate the provision of Aged Care Facilities and housing for older people.

#### Children

- Help address inadequate provision of before and after school care and vacation care for children, particularly for 8-12 age groups in Brewarrina and Goodooga.

#### People with Disabilities

- To ensure the provision of adequate directional signage and access to accessible facilities & services.

#### Access and Equity

- Improve availability of information, awareness and facilitate the sharing of available transport resources.

The activities of Council affect resident every day, from servicing issues such as roads and waste, library and childcare services to planning and regulation.

## Legislation & Regulations that Empower Council

Council's functions are specified in the Local Government Act 1993, Chapter 5. While the main function of Council are provided under this Act, Council also has functions under other Acts and Regulations.

Interpretation Act 1987  
A New Tax System (Goods and Services Tax) Act 1999 (Commonwealth)  
Annual Holiday Act 1994  
Anti- Discrimination Act 1977  
Building & Construction Industry Long Service Leave Payment Act 1986  
Building Codes- construction requirements  
Charitable Fundraising Act 1991  
Child (Care & Protection) Act 1987  
Children and Young Persons (Care & Protection) Act 1998  
Commission for Children and Young People Act 1998  
Community Land Development Act 1989  
Community Welfare Act 1987  
Companion Animals Act 1998  
Conveyancing Act 1919  
Copyright Act 1879  
Copyright Act 1968 (Commonwealth)  
Crimes Act 1900  
Crown Lands Act 1989  
Environmental Planning and Assessment Act 1979  
Essential Services Act 1988  
Fire Brigades Act 1989  
Fluoridation of Public Water Supplies Act 1957  
Food Act 1989  
Fringe Benefits Tax Assessment Act 1986 (Commonwealth)  
Government Information (Public Access) Act 2009 (NSW) (GIPA)  
Government Information (Public Access) Regulations 2009 (NSW) (GIPA)  
Health Records and Information Privacy Act 2002  
Heritage Act 1977  
Independent Commission Against Corruption Act 1988  
Industrial Arbitration (Special Provisions) Act 1984  
Impounding Act 1993  
Land Acquisition (Just Terms Compensation) Act 1991  
Land & Environment Court Act 1979  
Land Tax Management Act 1956  
Library Act 1939  
Long Service Leave Act 1955  
Motor Accident Act 1988  
Noxious Weeds Act 1993  
Occupational Health & Safety Act 2000  
Ombudsman act 1974  
Planning Controls- land use  
Privacy & Personal Information Protection Act 1998  
Protected Disclosure Act 1994  
Protection of the Environment Operations Act 1987  
Public Health Act 1991

Real Property Act 1900  
Recreation Vehicles Act 1983  
Regional Environment Plans  
Roads Act 1993  
RTA Traffic Facilities Guidelines  
Rural Fires Act 1997  
Shop Trading Act 2008  
State Authority Superannuation Act 1987  
State Emergency Service Act 1989  
State Records Act 1998  
Strata Schemes (Freehold Development) Act 1973  
Strata Schemes (Leasehold Development) Act 1986  
Swimming Pools Act 1992  
Trade Practices Act 1974 (Commonwealth)  
Threatened Species Conservation Act 1995  
Valuation of Land Act 1916  
Waste Avoidance & Resource Recovery Act 2001  
Workers Compensation Act 1987

## **How the Community Can Be Involvement in Council's Functions**

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

### **Representation**

In NSW, local government elections are held every 4 years. The next elections are to be held in September 2012. At each election, voters elect nine Councillors for a 4 year period.

All residents of Brewarrina Shire Council who are on the electoral role are eligible to vote. Voting is compulsory.

Members of the community are able to raise issues with and representation to the elected Councillors. The Councillors may pursue the matter on behalf to the community member thus allowing members of the public to influence the development of policy.

### **Personal Participation**

Another avenue for community involvement in policy development and the functions of Council through attendance at meetings of the Council which comprise or include members of the public, community forums, public exhibitions, calls for submissions and surveys.

To assist the Council in its policy decision-making role, the Council utilises a 'committee system' through which the majority of matter which need determination by Council are considered comprehensively. It has five major standing committees being Finance; Technical Services; Youth Sport & Recreation; Tourism & Economic Development and Policy Committees.

The ordinary meetings of the Council are held on the 4<sup>th</sup> Friday of every month and are open to the public and include a public forum. Members of the public can request to address the Council in this public forum. It is in these meetings that major decisions affecting Council's function, policies and budgets are made.

## Government Information Held By Council

The *Government Information (Public Access) Regulation 2009 (NSW)* requires that the following list of general documents held by Council are 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.

In keeping with the intent of the GIPA to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, Council is committed to the proactive release of government information that it holds, to the public.

Council holds documents (hard copy and/or electronic form) that relates to a number of different issues concerning Brewarrina Shire Council.

### 1. Information about Council

- Council's Code of Conduct
- The Council's Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Reports
- Management Plan
- EEO Management Plan
- Council's policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors
- Council's land register
- Register of investments
- Returns of the interests of Councillors, designated persons and delegates (this document is available for inspection at Council offices only, and not on the website, in accordance with the Information Commissioner's guidelines)
- Returns as to candidates' campaign donations
- Agendas and business papers for Council and Committee meetings (but not including business papers for matters considered when part of a meeting closed to the public)
- Minutes of Council and Committee meetings, 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.
- Any codes referred to in the Local Government Act 1993
- Register of delegations
- Annual reports of bodies exercising delegated Council functions
- Register of graffiti removal work kept in accordance with section 67C.
- Departmental representatives reports presented at a meeting of the Council in accordance with section 433 of the Local Government Act 1993.
- Register of Investments
- Land Register

## 2. Plans and Policies

- Environmental planning instruments, development control plans and plans made under section 94AB of the Environmental Planning and Assessment Act 1979 applying to land within the Council's area
- Local policies adopted by Council concerning approvals and orders
- Plans of management for community land

## 3. Information about Development Applications

- Development applications (within the meaning of the Environmental Planning and Assessment Act 1979) and associated documents local policies adopted by the Council concerning approvals and orders

## 4. Approvals, Orders and Other Documents

- Records of building certificates under the Environmental Planning and Assessment Act 1979
- Applications under Part 1 of Chapter 7 for approval to erect a building, and associated documents
- Records of approvals granted, any variation from local policies with reasons for the variations, and decisions made on appeals concerning approvals
- Plans of land proposed to be compulsorily acquired by the Council
- Leases and licences for use of public land classified as community land

## **How Members of the Public May Access and Amend Council Documents**

Access to Council documents may be obtained via the Council website or by contacting Council's Customer Service Centre between 9.00 am and 5.00 pm Monday to Friday (excluding public holidays).

Information can be obtained by an informal request or a formal access application (unless there is an overriding public interest against disclosure of the information in accordance with the provision of GIPA). Council is not required to disclose information pursuant to an information request and there is no appeal right if refused.

A formal application must be completed on a Formal Access Application form with specified information and include a \$30 fee. The advantage of lodging a formal application is that time limits and appeal rights apply. The application must be dealt with within 20 days generally.

Details of procedures and fees are detailed in the GIPA Act, on the Council's website or may be obtained from Council's Administration Office.

An application for amendment to personal information held by Council must be made in accordance with the *Privacy and Personal Information Protection Act 1998* (PPIPA). A request for amendment must be made by way of a statutory declaration and must be accompanied by appropriate evidence as to the cogency of the making of the amendment.

## Contact Details

### Public Officer:

Director Corporate & Community Services  
Lynn Moore  
PO Box 125  
Brewarrina NSW 2830

Ph: 02 6830 5100  
Fax: 02 6839 2100  
Email: [breshire@brewarrina.nsw.gov.au](mailto:breshire@brewarrina.nsw.gov.au)

### Right to Information Officer:

Administration Manager  
Rebecca Johnson  
PO Box 125  
Brewarrina NSW 2830

Ph: 02 6830 5100  
Fax: 02 6839 2100  
Email: [breshire@brewarrina.nsw.gov.au](mailto:breshire@brewarrina.nsw.gov.au)

### Access to Information Officers:

Records Officer  
PO Box 125  
Brewarrina NSW 2830

Ph: 02 6830 5100  
Fax: 02 6839 2100  
Email: [breshire@brewarrina.nsw.gov.au](mailto:breshire@brewarrina.nsw.gov.au)

### Office of Information Commissioner

Further information regarding the functions of the Office of Information Commissioner and your rights to accessing government information visit the OIC website at [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au) or call 1800 INFOCOM (1800 463 626) between 9am to 5pm Monday to Friday (excluding public holidays).

## **Appendix 1**

