

(Agency (Council)) Information Guide_{Government} Information (Public Access) Act 2009

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Preface

This Agency (Council) Information Guide (AIG) has been produced by Federation Council in accordance with Section 20 and 21 of the Government Information (Public Access) Act 2009 (GIPA Act) and is reviewed annually.

Council has a commitment to the principles of Open Government and Data and seeks to be responsive to the needs of our community in relation to the release of information to promote transparency.

The review process facilitates the identification of records that may be of interest to the public and enhances access through proactive release. It further serves to review our communication and engagement processes including forms and public facing information on our website as well as improving internal awareness.

The AIG serves as a tool to provide the public with information concerning:

- The structure and functions of Federation Council;
- The way in which the functions of Federation Council (in particular, decision-making functions) affect members of the public;
- The avenues available to the public to participate in policy development and the exercise of Federation Council's functions;
- The type of information available from Federation Council and how this information is made available.

Our AIG is available on council's website (www.federationcouncil.nsw.gov.au). Council welcomes any feedback from the community in relation to the information it makes available to the public or on our AIG.

Adrian Butler

General Manager



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1. Purpose

The purpose of this document is to outline council's approach to disclosing or releasing information about our structure, functions and policies that are of the public interest.

2. Introduction

The *Government Information (Public Access) Act 2009* (GIPA Act) provides rights to information that are designed to meet community expectations of more open and transparent government. It encourages government agencies to proactively release government information.

This Agency (Council) Information Guide (AIG) is published by Federation Council in accordance with the requirements of the GIPA Act. It provides the community with information about the structure and functions of Federation Council and identifies what information is publicly available and how to access it.

You can find out more about your right to information and ways to access NSW government information on the office of the Information and Privacy Commissioner (IPC) website at www.ipc.nsw.gov.au

3. Background and Legislative Context

The GIPA Act establishes the framework for all councils and NSW government agencies to:

- Proactively and publicly release government information.
- Ensure the rights of members of the public to access information is enforceable.
- Ensure that access to information is only restricted in circumstances where there is an overriding public interest against disclosure, or the release of the information is prohibited by law.

4. Scope

This information guide has been prepared in accordance with the provisions of Section 20 of the GIPA Act. Federation Council promotes open government and accountability to the community. The purpose of this document is to facilitate this by providing members of the public with information concerning the following:

- What we do.
- How we do it.
- The type of information we hold and generate through the exercise of our functions.
- How those functions affect members of the public.

5. Reviews

Council will review and adopt a new information guide at least once every 12 months in accordance with S.21 of the GIPA Act.

6. Legislative References

Government Information (Public Access) Act 2009 (NSW)

Government Information (Public Access) Regulation 2018 (NSW)

Privacy and Personal Information Protection Act 1998 (NSW)

Privacy and Personal Information Protection Regulation 2019 (NSW)

Local Government Act 1993 (NSW)

Copyright Act 1968 (Cth) About Federation Council

6.1 How Council Exercises its Functions

Functions of a council may be exercised:

- (a) By councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) By a committee of the council, or
- (c) Partly or jointly by the council and another person or persons, or
- (d) Jointly by the council and another council (which may, for example, be a voluntary or joint regional organisation of councils of which the council is a member), or
- (e) By a delegate of the council (which may, for example, be a voluntary or joint regional organisation of councils of which the council is a member).

6.2 Structure of Council

6.2.1 Governing body (Elected Councillors)

Councillors elected by the residents and ratepayers of the Local Government Area (LGA), in December 2021 are responsible for governing Federation Council.

The role of a councillor, as a member of the governing body of council, is:

- To provide a civic leadership role in guiding the development of the community strategic plan for the area and to be responsible for monitoring the implementation of the council's delivery program.
- To direct and control the affairs of the council in accordance with the Local Government Act 1993.
- To participate in the optimum allocation of the council's resources for the benefit of the area.
- To play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions.
- To review the performance of the council and its delivery of services, and the delivery program and revenue policies of the council.

The role of a councillor, as an elected person, is to:

- Represent the interests of the residents and ratepayers.
- Provide leadership and guidance to the community.
- Facilitate communication between the community and the council.

6.2.2 Mayor

The Mayor has a leadership responsibility for the council and the community. The role of the Mayor extends to:

- Promote civic awareness and cohesion.

- Be the principal member and spokesperson of the governing body, including representing the views of council as to its local priorities.
- Exercise, in cases of necessity, the policy-making functions of the governing body of council between meetings of council.
- Preside at meetings of council.
- Ensure that meetings of council are conducted efficiently, effectively and in accordance with this Act.
- Carry out the civic and ceremonial functions of the Mayoral Office.
- Ensure the timely development and adoption of the strategic plans, programs and policies of council.
- Promote the effective and consistent implementation of the strategic plans, programs and policies of council.
- Promote partnerships between council and key stakeholders.
- Advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of council.
- Ensure adequate opportunities and mechanisms for engagement between the council and the local community in conjunction with the General Manager.

6.2.3 General Manager

The General Manager is responsible for the efficient, effective operation of council's organisation and ensuring the implementation, without undue delay, of decisions of the council. To assist the General Manager in the exercise of these functions, Federation Council has four strategic departments that are responsible for achieving the key objectives and provide services to residents. These departments consist of Finance, Planning, Place and Sustainability Engineering Services and Corporate and Community Services.

6.2.4 Senior Executive

The [Senior Executive team](#) is required to assist the General Manager in the exercise of council's functions, there are three Senior Executive staff:

- Deputy General Manager / CFO.
- Director Engineering Services.
- Director Planning, Place and Sustainability.

The Senior Executive team is also referred to as Manex.

6.2.5 Committees of Council

Councils may also delegate functions to specialist committees that comprise of councillors, staff and members of the community. These committees enable grass roots level involvement and input into the decision-making process. Council has a number of committees who currently perform functions such as the care and light maintenance of facilities, recreation grounds or halls or running of council events.

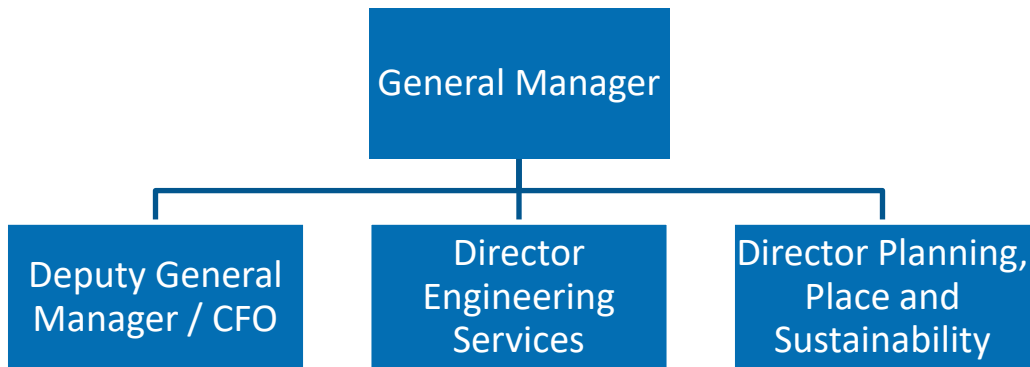
6.2.6 Employees

Councils employ staff to administer the council. The General Manager as the most senior employee provides the conduit between the elected council and other employees. The General Manager is responsible to the council for carrying out council decisions and policy and overseeing the day-to-day operation of the council. All council employees have a duty to carry out council decisions, they are

responsible to the General Manager, not the councillors. Individual councillors cannot direct staff in their day-to-day activities. (*Office of Local Government Councillor Handbook (p11)*).

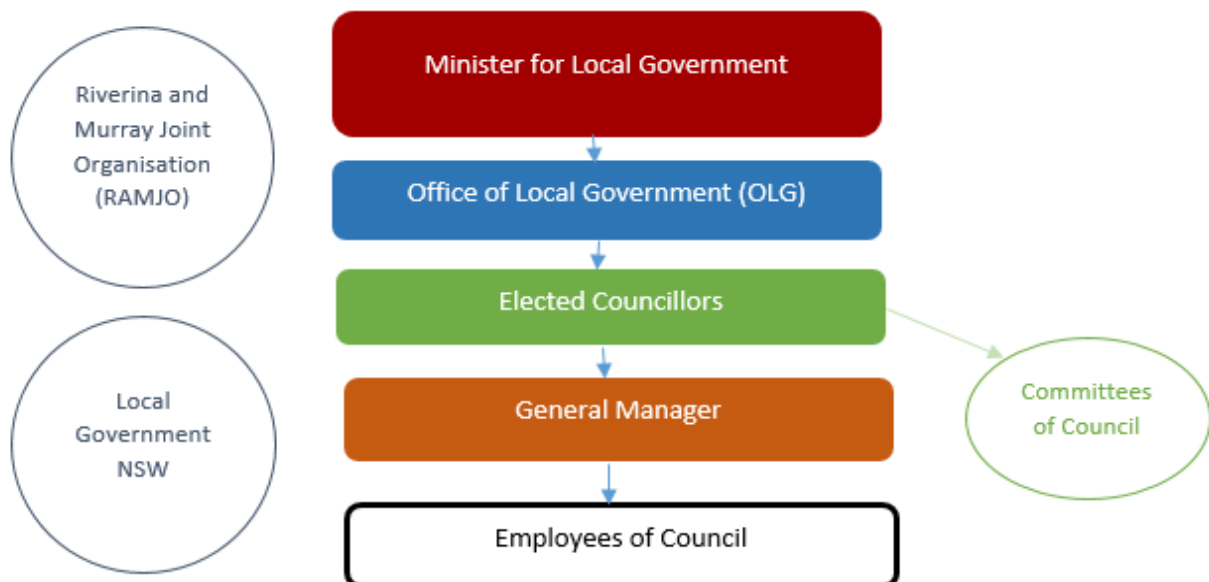
7. Federation Council Organisational Structure

Council's current Senior Executive structure is shown in the diagram below.



7.1 Local Government framework

The diagram below shows the various organisations that have a role to play in the way a council function. These roles are explained in further detail below.



7.1.1 Minister for Local Government

The Minister oversees local government in NSW, including administration of the Local Government Act 1993 under which local councils operate. The Minister ensures councils operate within the law and the NSW Government's policies relating to local government.

7.1.2 Office of Local Government (OLG)

The Office of Local Government (OLG) is an executive agency of the NSW State Government. The OLG is responsible to the Minister for Local Government and is the Minister's key adviser on local government matters, acting as a source of expertise for the NSW Government on all local government issues, including finance, infrastructure, governance, performance, collaboration and community engagement.

The OLG also conducts investigations, and supports and advises the Chief Executive and the Minister for Local Government in the exercise of their statutory powers to respond to council under-performance and official misconduct.

7.1.3 Local Government NSW (LGNSW)

Local Government NSW (LGNSW) is a membership body and represents councils across NSW by supporting and advocating on behalf of member councils and delivering a range of relevant, quality services including training and publications.

7.1.4 Joint Organisations of Councils (JO's)

Joint organisations of Councils (Jos) provide a forum for local councils, NSW Government and others to work together on regional strategic priorities and things that matter most to regional and rural communities, such as jobs, education and transport.

JOs give communities a stronger voice, improve collaboration between the State and local governments and make it easier to undertake important projects across council boundaries.

The Riverina and Murray Joint Organisation (RAMJO) brings together 11 regional councils:

- Albury City Council.
- Berrigan Shire Council.
- Carrathool Shire Council.
- Edward River Council.
- Federation Council.
- Griffith City Council.
- Hay Shire Council.
- Leeton Shire Council.
- Murray River Council.
- Murrumbidgee Council.
- Narrandera Shire Council.

8. Activities / Functions of Council

Council is governed by a number of Acts and Regulations. Council's primary functions fall under the Local Government Act 1993 and can be grouped into the following categories.

ADMINISTRATIVE	<ul style="list-style-type: none"> • Employment of staff and Human Resources • Financial management and reporting • Development of council plans including Progress and Annual Reports • Corporate Governance, Risk and Work Health and Safety functions • Information and records management
ANCILLARY	<p>Ancillary functions are necessary in order to carry out other functions. Most relate to:</p> <ul style="list-style-type: none"> • Resumption of land • Powers of entry and inspection
COMMUNITY PLANNING AND DEVELOPMENT	<ul style="list-style-type: none"> • Community and cultural development activities • Library Services and Preschool • Economic and tourism development including visitor servicing • Social Planning and community profiling
ENFORCEMENT	<p>Council is responsible for enforcing the obligations of the Local Government Act 1993 and Regulations, as well as other Acts and Regulations which may include prosecutions for offences in relation to:</p> <ul style="list-style-type: none"> • Failure to obtain an approval / comply with approval or order • Water, sewerage and storm water drainage • Parking- relating to parking in free parking areas • Civic office and buildings • Environment (noxious weed, noise and pollution control) • Public Health (food shop inspections, pest and vermin control, hazardous material containment, companion animal management)
REGULATORY	<p>Council is responsible for processing development applications, for building site and compliance inspections, and ensuring compliance with building regulations. Functions include Approvals, Orders and Building Information Certificates.</p>
REVENUE FUNCTIONS	<p>Council's main sources of finance to enable them to carry out their functions include:</p> <ul style="list-style-type: none"> • Rates, charges and fees, borrowings • Grants • Income from business activities, land or other investments • Sale of assets
SERVICE DELIVERY	<p>Providing an appropriate and affordable level of infrastructure is an important contribution Federation Council makes to the community and includes:</p> <ul style="list-style-type: none"> • Provision and maintenance of local roads, bridges, public car parks and footpaths • Development and maintenance of sporting fields, recreation, cultural, education and information services, cemeteries and parks • Water and sewerage operations • Saleyards and Aerodrome • Management of vegetation including bush land reserves • Street cleaning, landfill, recycling and waste management • Environmental protection • Land and property, industry and tourism development and assistance • Civil infrastructure maintenance and construction

9. How Council Decisions Affect the Public

Federation Council makes rules, passes development approval, and allocates resources to services such as roads, water services, sewer services, dog control, drainage works and footpaths. Each decision regarding resource allocation will have some effect on our community and the public.

Council has limited resources and balances the allocation of these resources to best serve the community and the public in general.

The following is an outline of how the broad functions of council will affect the public.

Administrative functions do not necessarily affect the public directly but have an indirect impact on the community. For example, council must report to the community on the objectives within the Delivery Program. In addition to this, council is required to meet compliance requirements of more than 100 different Acts, requiring us to develop and maintain systems and processes to support the staff and councillors including, policy making, record keeping, access to information, delegations, recruitment and employee management, information technology, councillor portal and website, media and publications, safety and risk management, property and legal services, volunteers and committees.

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 partly fund services and facilities provided to the community.

Community Planning and Development functions are those relating to the community. Federation Council has a major role in providing long term strategic planning including town planning, zoning and sub-divisions. We engage communities in key planning decisions that will affect the growth of their communities and seek to integrate planning for infrastructure.

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, parking offences, unclean premises and environmental offences.

Regulatory functions ensure that development and buildings meet certain requirements and will not endanger the lives and safety of any person. Members of the public must be aware of, and comply with such regulations.

Revenue functions are those that relate to how the council derives its income and is significant as most of the services delivered are largely dependent on the revenue received. Council reviews its Revenue Policy annually based on community priorities identified in the Community Strategic Plan and its Delivery Program.

Service Delivery functions of council include the vast range of services and facilities provided directly to the public and includes the provision of child care services, libraries, swimming pools, parks, halls and community centres, recreation facilities, parks and gardens, infrastructure such as roads, water, sewerage and footpaths, storm water drains, and the removal of rubbish.

10. Rights, Responsibilities and Roles under the GIPA Act

10.1 The Public's Rights

The public has a legal right to access most government information under the GIPA Act, unless there is an overriding public interest against disclosure.

10.2 Agency Responsibilities

Under the GIPA Act, government agencies need to release certain information (known as 'open access information') unless there is an overriding public interest against doing so. Generally, open access information must be made publicly available, free of charge, and on council's website. Council can also make open access information available in other ways (for example, in hard copy or by viewing in the council's office).

Council is not required to release all information on our website, but a lot of information should be available unless there is an overriding public interest against disclosure, or it would be unreasonably costly for council to publish the information on a website. Council's Right to Information Officer can tell you how and where you can access the information either free of charge, or at the lowest reasonable cost.

If you are unable to locate the information on council's website, you may contact us to ask for the information – this is known as 'informal release'. Agencies can release information informally, subject to any reasonable conditions.

If you can't get the information any other way, you can make a formal 'access application'.

(Ref: IPC Fact Sheet - [Your right to access government information](#))

10.3 The Role of the Information Commissioner under the GIPA Act

The Information and Privacy Commission (IPC) oversees the GIPA Act. The IPC provides information about the right to access information. Agencies must notify the Information Commissioner before adopting or amending an AIG.

Anyone can complain to the Information Commissioner about the conduct (including action or inaction) of an agency in the exercise of functions under an Information Act, including conduct that is alleged by the person to constitute a contravention of an Information Act.

A complaint may be made in one of the following ways:

- Post: GPO Box 7011, Sydney NSW 2001.
- Email: ipcinfo@ipc.nsw.gov.au.
- In person: Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000.

The Information Commissioner may decide to investigate, not to continue to investigate, or not investigate a complaint. Information regarding complaints about an agency's conduct is available on the [IPC website](#).

11. How Federation Council Engages with the Public

11.1 Public Participation in Decision Making

The public are encouraged to participate in the decision-making process in a number of ways:

- Addressing the council prior to council meetings.
- Responding to policies and plans placed on public exhibition.
- Making representations to councillors.
- Discussing issues with council officers.
- Participating on certain Council Committees/Working Parties.
- Through surveys and interviews.
- Attending forums, seminars, workshops and public meetings.
- Through neighbour notification procedures.
- Participating in any community reference groups.
- Subscribing to newsletters such as Community Conversations and the Business Support Newsletter.

11.1.1 Local Government Election

At a local Government election, the public elect the councillors they wish to represent them for a four-year term. In a local government election, residents aged 18 and over who are registered on the electoral roll are eligible to vote. Property owners who live outside of the area can also vote, but must register their intention to vote on the non-residential roll. Voting is compulsory.

11.1.2 Council Meetings

Council meets regularly in order to attend to business. Ordinary meetings of Council are generally held on the last Tuesday of the Month commencing at 9:30am and the meeting location is either the Corowa or Urana Chamber.

Federation Council's regular council meetings are open to the public. Working Party and Committee meetings minutes are also determined at these meetings.

Agendas and minutes to the Ordinary Council Meetings, Working Party meetings and Committee meetings are available via Federation Council's website, libraries and Customer Service Centre.

[Click here to access agendas and minutes on Council's website.](#)

Federation Council offers live streaming of Council meetings, recording of meetings can be viewed from [council's website](#).

Members of the public have the opportunity to address the Council prior to Ordinary and Extraordinary Council meetings. The forum allows for verbal submissions/presentations from community members on items of business to be considered at the meeting. Conditions are outlined in Council's Code of Meeting Practice. The Public Forum is scheduled for the Monday before the Council meeting at 5.30pm.

The public forum is recorded and uploaded to Council's website. Recordings of Public Forums held after the November 2023 Council meeting are available to view from [council's website](#).

11.1.3 Community Engagement

Federation Council engages with the community to understand important issues and consider improvements we can make to ensure our residents' voices are heard.

Information obtained from the community provides council with access to a wide source of information, as well as potential solutions to local issues. The community engaging with council allows the council to provide the community with information on why decisions were made and any related limitations or opportunities that may exist within these decisions.

Following changes to the Integrated Planning and Reporting (IP&R) Guidelines, Federation Council's Community Engagement Strategy must be reviewed and updated to support the development of all plans, policies, programs and key activities including those relating to IP&R, as well as strategic plans and programs required under other legislation. Engagement activities are to be incorporated into one overarching strategy, with work currently underway to implement these changes.

Community engagement opportunities are promoted on [council's website](#) and on social media and local media.

11.1.4 Social Media

The use of social media provides a fast and easy way for the public to engage, seek assistance and provide feedback. Council currently uses Facebook and its own website as well as separate websites for [North of the Murray tourism](#), [Corowa Aquatic Centre](#), [Urana Caravan Park](#) and [Ball Park Caravan Park](#) to facilitate more targeted engagement with customers, and visitors to the area.

11.1.5 Public Exhibition

The Public Exhibition of documents provides the community a chance to formally review and provide feedback on important documents generated by council, such as strategies, policies, development plans and planning information. Submissions received during the public exhibition period will be part of the report used by council to inform decision making.

Each document lists the closing date for submissions and where hard copies of the document can be viewed.

Documents on Public Exhibition can be accessed via the [council website](#).

12. Right to Information

12.1 Open Government and the GIPA Act

NSW government agencies must make available their data in a format that can be readily used, while also respecting the privacy and confidentiality of those to whom the data relates.

Open Government is the right to access information. Citizens expect government decision-making to be open, transparent and accountable.

The GIPA Act provides the legislative instrument by which government agencies are authorised and required to release information to the public.

12.2 Open Data

Open Data is information that anyone can access, use or share. Council as with all government agencies, has a role to play in ensuring certain information is available in a variety of formats.

Increasing the amount of government data that is available improves transparency and accountability within government, supports evidence-based policy development and provides a platform for innovation.

The NSW Government aims to make data more accessible to the public and to industry to stimulate innovative approaches to service delivery. NSW has been publishing government data online since 2009 making it easier for people to access information uploaded by government agencies with advanced search functions using secure platforms.

OpenGov NSW provides access to information published by NSW Government agencies, including Annual Reports and open access information released under the GIPA Act. To access OpenGov NSW go to <https://www.opengov.nsw.gov.au/main>.

Data.NSW brings together a list of NSW Government datasets available in one searchable website. For more information on how Data.NSW supports the sharing of data and enhances access go to <https://data.nsw.gov.au/datansw>.

13. Types of Information held by Council

Federation Council holds a vast number of records. A record includes any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner. It may consist of paper (hard copy) records, digital records (videos, photos, audio files), or electronic records received or issued (emails and attachments), stored (within Council's electronic document management system Content Manager), or produced by Council.

Records held for areas and functions of council include:

- Customer information.
- Information about council.
- Plans and policies.
- Information about development applications.
- Approvals, orders and other documents.

14. How to Access Federation Council Information

14.1 Open Access Information - Section 18 GIPA Act 2009

Open Access information is information held by Local Government Authorities that is required to be made available to the public under [Section 18 of the GIPA Act](#) without the need for a formal GIPA application.

14.2 Mandatory and Proactive Release

Mandatory release: [Section 6 of the GIPA Act](#) requires this information to be made available free of charge either via our website, or in another format, unless to do so would impose unreasonable additional costs on the council. Alternative methods of access may require a paper or electronic copy to be provided or enabling the record to viewed at one of our offices.

Mandatory Open Access Information is considered to include:

- (a) council's current agency information guide,
- (b) information about council contained in any document tabled in parliament by or on behalf of the agency, other than any document tabled by order of either house of parliament,
- (c) council's policy documents,
- (d) council's disclosure log of access applications,
- (e) council's register of government contracts,
- (f) 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,
- (g) such other government information as may be prescribed by the [GIPA Regulations 2018](#) as open access information.

14.3 Additional Open Access information – Schedule 1 GIPA Regulation 2018

Schedule 1 of the GIPA Regulation 2018 outlines additional Open Access information to be made available to the public and as outlined below.

1. Information about Council

- (1) Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:
 - (a) the model code prescribed under section 440 (1) of the LGA and the code of conduct adopted under section 440 (3) of the LGA,
 - (b) code of meeting practice,
 - (c) annual report,
 - (d) annual financial reports,
 - (e) auditor's report,
 - (f) management plan,
 - (g) EEO management plan,
 - (h) policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors,
 - (i) annual reports of bodies exercising functions delegated by the local authority,
 - (j) any codes referred to in the LGA.

- (2) Information contained in the following records (whenever created) is prescribed as open access information:
- (a) returns of the interests of councillors, designated persons and delegates,
 - (b) agendas and business papers for any meeting of the local authority or any committee of the local authority (but not including business papers for matters considered when part of a meeting is closed to the public),
 - (c) minutes of any meeting of the local authority or any committee of the local authority, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting,
 - (d) reports by the Chief Executive of the Office of Local Government presented at a meeting of the local authority in accordance with section 433 of the LGA.
- (3) Information contained in the current version of the following records is prescribed as open access information:
- (a) land register,
 - (b) register of investments,
 - (c) register of delegations,
 - (d) register of graffiti removal work kept in accordance with section 13 of the Graffiti Control Act 2008,
 - (e) register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA,
 - (f) the register of voting on planning matters kept in accordance with section 375A of the LGA.

2. Plans and policies

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

- (a) local policies adopted by the local authority concerning approvals and orders,
- (b) plans of management for community land,
- (c) environmental planning instruments, development control plans and contributions plans made under the Environmental Planning and Assessment Act 1979 applying to land within the local authority's area.

3. Information about development applications

- (1) Information contained in the following records (whenever created) is prescribed as open access information:
- (a) development applications (within the meaning of the Environmental Planning and Assessment Act 1979) and any associated documents received in relation to a proposed development including the following:
 - (i) home warranty insurance documents,
 - (ii) construction certificates,
 - (iii) occupation certificates,
 - (iv) structural certification documents,
 - (v) town planner reports,
 - (vi) submissions received on development applications,

- (vii) heritage consultant reports,
 - (viii) tree inspection consultant reports,
 - (ix) acoustics consultant reports,
 - (x) land contamination consultant reports,
 - (b) records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal),
 - (c) a record that describes the general nature of the documents that the local authority decides are excluded from the operation of this clause by subclause (2).
- (2) However, this clause does not apply to so much of the information referred to in subclause (1) (a) as consists of:
- (a) the plans and specifications for any residential parts 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
 - (b) commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret, or
 - (c) development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.
- (3) A local authority must keep the record referred to in subclause (1) (c).

4. Approvals, orders and other documents

Information contained in the following records (whenever created) is prescribed as open access information:

- (a) applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application,
- (b) applications for approvals under any other Act and any associated documents received in relation to such an application,
- (c) records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals,
- (d) orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA,
- (e) orders given under the authority of any other Act,
- (f) records of building information certificates under the Environmental Planning and Assessment Act 1979,
- (g) plans of land proposed to be compulsorily acquired by the local authority,
- (h) compulsory acquisition notices,
- (i) leases and licences for use of public land classified as community land,
- (j) performance improvement orders issued to a council under Part 6 of Chapter 13 of the LGA.

Much of this is available on council's website. Some records may not be available online but may be requested via informal release.

Personal or confidential information included in the content of the document, may be redacted before releasing to the public, especially where inclusion may result in there being an overriding public interest against disclosure of the record.

15. Open Access Records Available on Council's website

15.1 Mandatory Proactive Release

Council must make government information that is Open Access information publicly available unless there is an *overriding public interest against disclosure* of the information.

The following records are made available (free of charge) to the public on the [council website](#):

- Our Agency (Council) Information Guide (download from the bottom of the web page).
- [Policy Documents](#).
- [Annual Reports](#).
- [Council Management Plans & Strategies](#) (including Community Strategic Plan, Long Term Financial Plans and Revenue Policy).
- [Council Minutes and Agendas](#).
- [Information about Proposed Development Applications](#).
- Federation Council Contract Register (download from the bottom of the web page).
- Federation Council GIPA Disclosure Log (download from the bottom of the web page).
- Open Access Records Not Publicly Available (download from the bottom of the web page).

Additional records may be added during the year that are not shown here. Some records may be temporarily removed for periodic reviews.

If you cannot find the information you are looking for after searching our website, or do not have access to the internet, you should contact our Right to Information Officer on 02 6033 8951 for assistance.

Additional methods of access include:

- a) inspection at any of our offices during ordinary office hours or
- b) provision of a copy of the record containing the information. A fee for photocopying may apply in accordance with council's Fees and Charges policy.

15.2 Authorised Proactive Release

While not mandatory under the GIPA Act, council will make as much other information as possible publicly available free of charge, 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. As part of its proactive release strategy, council maintains a register of requests for information received to readily identify the type of information frequently requested with the view of making such information publicly available on its website, subject to Copyright and Privacy provisions and application of the Public Interest Test.

Table 1. Proactive Release Additional Open access information available on Council's website – No charge

Proactive Release - Additional Open Access Information available – No charge		
<u>Annual Reports & Audited Financial Statements</u>	<u>Audit Risk and Improvement Committee Terms of Reference</u>	<u>Business Ethics Policy</u>
<u>Chain of Responsibility Policy</u>	<u>Child Protection Policy</u>	<u>Code of Conduct</u>
<u>Code of Meeting Practice</u>	<u>Community Engagement Strategy</u>	<u>Community Participation Plan</u>
<u>Community Strategic Plan</u>	<u>Companion Animals Management Plan</u>	<u>Complaints Handling Policy</u>
<u>Compliance and Enforcement Policy</u>	<u>Contaminated Lands Policy</u>	<u>Corowa Riverfront Masterplan</u>
<u>Corowa Riverfront Masterplan Aerial Site Plans</u>	<u>Council Agendas and Minutes</u>	<u>Delegations Of Authority Council to GM</u>
<u>Delegations of Authority Council to Mayor</u>	<u>Delivery Program and Operational Plan</u>	<u>Developer Contribution Plans</u>
<u>Development Control Plans</u>	<u>Federation Disability Inclusion and Access Plan</u>	<u>Disclosures of Councillors and Designated Persons</u>
<u>Employment and Career opportunities at Council</u>	<u>Equal Employment Management Plan</u>	<u>Fees and Charges Policy</u>
<u>Festival and Event Management Policy</u>	<u>Form to Address Council Meeting</u>	<u>Gifts and Benefits Policy</u>
<u>Investment Policy</u>	<u>Register of Investments</u> (updated monthly in Council agenda)	<u>Legislative Compliance Policy</u>
<u>Liquid Trade Waste Policy</u>	<u>Live Streaming of Council Meetings Policy</u>	<u>Local Environmental Plans</u>
<u>Local Orders Policy</u>	<u>Mayor and Councillors Expense Policy</u>	<u>Media Policy and Protocols</u>
<u>Mulwala Foreshore Open Space Masterplan</u>		<u>Notices of Proposed Development Applications</u>
<u>Privacy Management Plan</u>	<u>Privacy Policy</u>	<u>Procedures for the Administration of the Model Code of Conduct</u>
<u>Procurement Policy</u>		<u>Public Art Policy</u>
<u>Public Interest Disclosures Policy</u>	<u>Register of Political Donations</u>	<u>Resolutions Register</u>
<u>Resourcing Strategy and Long-Term Financial Plan</u>	<u>Returns of Interests – Disclosures of Councillors and Designated Persons</u>	<u>Revenue Policy</u>
<u>Risk Management Policy</u>	<u>Section 355 Committee Policy</u>	<u>Social and Cultural Plan</u>
<u>Signs As Remote Supervision Policy</u>	<u>Social Media Policy</u>	<u>Tender opportunities and information for suppliers</u>
<u>Unreasonable Complainant Conduct Policy</u>	<u>Use of Council Seal Policy</u>	<u>Water Billing charges information</u>

16. Open Access Records Not Available on Council's Website

Section 6(5) of the Government Information (Public Access) Act 2009 requires that Federation Council keep a record of Open Access Information which it does not make publicly available based on any overriding public interest against disclosure. This register will only indicate the general nature of the information concerned and is available on Council's website via this [link](#).

16.1 Informal Release

Under the GIPA Act, council can choose to release other records without the need for a formal access application. Accessing information via an informal process is subject to the provisions of the GIPA Act and (if the information includes personal or health information) The Privacy and Personal Information Protection Act 1998 (PPIP Act) AND The Health Records and Information Privacy Act 2002 (HRIP Act).

Access via this path may be subject to reasonable conditions such as photocopying charges.

Informal requests for information are generally able to be processed within 5-10 working days (often this may be less than 5 days depending on the information requested). The longer timeframes may be required in circumstances where:

- Information requested is subject to copyright.
- The search for records that involve retrieval of information from archived records.
- The request is vague/non-specific and further clarifying information is required.
- Information requested includes large documents (a1-a2 size) that require specialised scanning.
- Information requested includes personal information of third parties which may require redacting and/or consultation with the third party.

To assist council in dealing with your request, we prefer requests to be received using the Informal Access Form. This assists applicants to provide the information we require to consider your request in a timelier manner. Please consider the following requests:

- Handwriting is clear, legible, and complete – block capitals are preferred.
- All sections are completed – preferably with an email address for information to be sent electronically.
- For property information – if you are not the property owner, or a legal representative of the property owner, you will be required to obtain and provide written consent from the owner or their legal representative for information to be released to you. Where you are the owner a declaration / signature is required. Where either of these are not provided the form will be returned to you for completion and return.
- The request is reasonable – requests that involve large amounts of information may be refused under the GIPA act and the applicant instructed to lodge a formal access application.

16.2 Formal Access Application

A Formal Access Application is referred to as a GIPA Application. A \$30 application fee applies to all Formal Access Applications.

Formal requests for information are subject to the provisions of the GIPA Act and must meet the following timeframes unless an extension has been approved.

- Acknowledgement of request where application is a valid application within 5 working days of receipt.

- Determination provided within 20 working days of receipt of a valid application, subject to any authorised extension.
- Release of records may be subject to additional processing charges being received.

16.3 Review of Decisions

16.3.1 Internal review

Formal Access Applicants have the right to review of decisions made as part of the determination process or of the determination itself under [Part 5 of the GIPA Act](#).

A fee of \$40 is payable by the applicant for an internal review. A request for an internal review is required to be made within 20 working days of the Notice of the Decision. An internal review must be conducted by an officer of the same or higher seniority within council.

Internal review of a decision is not available where:

- The decision is made by the principal officer of the agency, or a Minister (or a member of the Minister's personal staff).
- The decision is, or has been the subject of review by the Information Commissioner (unless conducted due to a recommendation of the Information Commissioner).
- The decision is or has been the subject of an administrative review by New South Wales Civil and Administrative Tribunal (NCAT).

An internal review must be completed within 15 working days subject to any further extension (10 working days) to consult with third parties not previously consulted with in relation to the application.

16.3.2 External review

If you are dissatisfied with a government agency's decision about releasing information, you can apply to the Information Commissioner to review the decision.

If you are the person applying for access to information, you do not have to have an internal review of the decision by the agency before asking the Information Commissioner to review it.

If you are not the person applying for the information (i.e., you are a third party), you **must** seek an internal review before applying for review by the Information Commissioner, unless that option is not available to you.

You have 40 working days from the time the decision is given to you, to ask for a review by the Information Commissioner.

The Information Commissioner must complete the external review, and make any recommendations to the agency, within 40 working days of the Information Commissioner receiving all the information it requires to complete the review. If the Information Commissioner does not complete the external review within 40 working days, the Information Commissioner is deemed to have made no recommendations to the agency. This means that the original decision made by the agency stands and you must seek a review by the NCAT.

[Applications for an external review](#) can be completed online via the IPC website.

17. Reasonable provisions

Council may impose reasonable provisions on accessing information which may include:

- Providing view only access to documents subject to copyright and where consent from the copyright owner has not been obtained.
- Refusing third party access to information about a property if consent from the owner or their legal representative has not been obtained.
- Asking for proof of identity when the applicant is seeking access to their own personal information.
- Requiring legal representatives (including real estate agents and legal guardians) to furnish evidence in support of lawful representation.
- Requesting applicants to limit the scope of the information they are requesting in circumstances where the request is too onerous or unreasonable.
- Requiring confidentiality restrictions on the release of information.
- Requiring redaction or removal of all or part of a document.
- Restricting how the information may be accessed (for example, view only access).

In circumstances where applicants reject any reasonable condition imposed by council, the application may be refused and the applicant requested to lodge a formal access to information request.

17.1 Copyright provisions

Nothing in the regulations requires or permits council to make open access available in any way that would constitute an infringement of copyright (Section 6 of the GIPA Act).

Access to copyright documents will only be granted by way of view only or copies provided where written consent is received. Where authority is unable to be obtained or the copyright owner is not able to be contacted, copyright material may be viewed in our office and may still be subject to redaction of personal information. These documents include plans, engineering drawings, consultant reports, statements of environmental effects and other reports submitted with a development application.

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

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

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

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

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

17.2 View only Access of Records at Council Office

You may be able to inspect records at council's offices at 100 Edward Street Corowa during normal office hours – 8.30 am to 5.00 pm Monday to Friday excluding public holidays.

Note - some of these documents, especially those relating to development and approval applications may not be immediately available for inspection.

To assist council in making this information available in the shortest possible time, and to enable follow up with applicants, it would be appreciated if applicants would complete the appropriate Access to Information form available on council's website.

18. Access to personal information

Council collects information from ratepayers and organisations to enable us to carry out our core functions. At times council receives requests from another individual, a private company or a government agency to supply personal or sensitive information that we may hold.

Council has a responsibility to protect sensitive and /or personal information that we hold and will generally not release personal details of our residents and rate payers. To release information without the person's consent, where it is unrelated to the purpose for which it was collected, or where the person would not have a reasonable expectation that such sensitive information may be disclosed, could constitute a breach of Section 18(1) of the *PPIP Act*.

18.1 No charges for first 20 hours of processing time.

Where an access application is made for personal information about the applicant (the applicant being an individual), council will not impose any processing charge for the first 20 hours of processing time for the application.

18.2 Proof of ownership of personal information.

Applicants will be required to provide adequate proof of identification prior to release which will usually require photo identification.

18.3 Release of personal information with authorisation

An individual may authorise any third party (such as a relative, interpreter, medical practitioner, legal representative, Member of Parliament, employer or insurer) to have access to their personal information.

The law recognises certain persons as being able to act on behalf of another person including:

- (a) a person acting under an enduring power of attorney;
- (b) a person having parental responsibility for the individual, if the individual is a child;
- (c) a guardian or person responsible within the meaning of the *Guardianship Act 1987*. This may include an individual's legally appointed guardian, spouse or partner if the spouse or partner is close and the relationship is continuing, or, in some circumstances, a close friend or relative of the individual and
- (d) a person empowered under law to act as an individual's agent. For example, a financial manager appointed by a court or tribunal might be able to request access to the individual's financial information.

18.4 Exemptions to the limitations on the release of personal information

Some exemptions under [Division 3 of the PPIP Act](#) exist to enable the release of personal information in circumstances where the information is requested by a third party without explicit authorisation. Some examples include:

- For law enforcement purposes.
- By ASIO in conjunction with the functions of the Australian Security Intelligence Organisation Act 1979.
- By an investigative agency, where non-compliance may benefit the individual concerned.
- Where the information is a lawful exchange between public sector agencies.

The [Privacy Code of Practice for Local Government](#) provides further provisions for the disclosure of personal information under Information Protection Principles 11 - Section 18 and may result in council releasing personal information under the following circumstances.

1. To another public sector agency or utility provider subject to the following being met:
 - (a) the request and purpose for the information is received in writing,
 - (b) the information is required for a "lawful activity" of the agency, and
 - (c) the personal information requested is 'reasonably necessary' for the exercise of that function.
2. To award the individual with a prize, benefit or similar form of personal recognition.
3. To verify with a potential employer:
 - (a) that a current or former employee works or has worked for council,
 - (b) the duration of their employment, and
 - (c) the position occupied during their employment.

18.5 Release of records with redaction of personal information

Where personal or confidential information is included in the content of a record requested by a member of the public such content may be redacted before releasing to the public.

This applies for all records held by council within the council's own records system. Councils Privacy Management Plan outlines the Privacy requirements concerning personal information in more detail.

For more information go to <https://www.ipc.nsw.gov.au/>

19. Public Interest Test

The introduction of the GIPA Act in July 2010, created a presumption in favour of disclosure for information held by government and replaces the Freedom of Information (FOI) Act. Disclosure authorised under GIPA will override the normal disclosure rules (IPPS 11-12 and HPP11) so long as the public interest test is met.

When deciding whether or not to release information, government agencies must consider whether there is an overriding public interest against releasing the information. Referred to as the “public interest test”, this compels government agencies to consider elements including, responsible and effective government, law enforcement and security, individual rights, judicial processes and natural justice, business interests of agencies and other persons, environment, culture, economy and general matters, secrecy provisions specifically provided in legislation and exempt documents under interstate FOI legislation, before making a decision about whether to release information, requested under GIPA.

In deciding what information to release, council will apply the Public Interest test which will involve:

- (a) identification of the relevant public interest considerations for disclosure;
- (b) identification of any relevant public interests against disclosure and
- (c) evaluation of the benefits of public disclosure in conjunction with the relevant guidelines and the relevant legislation (*Division Two of the Government Information (Public Access) Act 2009*).

Information that has the potential to breach privacy or copyright legislation requires a request to be submitted to council. The methods of making a request are outlined in [Section 17](#).

20. Advice to Contractors

Under Section 121 of GIPA Act, a private sector organisation that is contracted by council to deliver services to the public on behalf of council, is required to give council immediate right of access to information:

- That relates directly to the performance of the services provided by the organisation.
- Collected by the organisation from members of the public to who it provides, or offers to provide services.
- Received by the organisation from the agency to enable it to provide the services.

More information on this can be found on the Information Privacy Commission website at <https://www.ipc.nsw.gov.au/contractors-guide-section-121-gipa-act>.

21. Charges that may be Applicable

NATURE OF APPLICATION	APPLICATION FEE	PROCESSING CHARGES	PHOTOCOPYING
Mandatory release	No charge	No charge	No charge
Proactive release	No charge	No charge	No charge
Informal Application	No charge	Refer to Councils fees and charges	Refer to Councils fees and charges
Formal Application	\$30	\$30.00 / per hour after the first hour. * An advance deposit may be requested particularly for requests requiring a large number of records.	Refer to Councils fees and charges
Internal Review of Formal Application Decision	\$40 Section 85 GIPA Act	Nil Section 87 GIPA Act	
External Review of Formal Application Decision	Nil Section 93(6) GIPA Act		

* If an access application is made for personal information about the applicant (the applicant being an individual), the council cannot impose any processing charge for the first 20 hours of processing time for the application.

22. Forms

A copy of the 'Informal Access to Information' and formal 'GIPA Access Application' form is available on our [website](#) and provided at the end of this guide. For help on completing the forms, please contact the Right to Information (Governance) Officer on 02 6033 8951.

23. Feedback And Questions

Council welcomes constructive feedback about the exercise of its functions and its delivery of services to the community. Feedback and questions can be provided verbally or in writing using any of the contact methods outlined below:

Phone: 02 6033 8999 during business hours or 1800 110 088 (after hours or for emergencies)

Email: council@federationcouncil.nsw.gov.au

Post: PO Box 77 Corowa NSW 2646

Online: Lodge an online customer request - <https://www.federationcouncil.nsw.gov.au/Connect/Lodge-a-Customer-Request>

Facebook: <https://www.facebook.com/FederationCouncilNSW/>

24. Complaints

Complaints may be lodged in person, by telephone or in writing addressed to the General Manager in accordance with council's [Complaints Handling Policy](#).

Complaints received via Facebook or on social media will not be accepted as a formal complaint. Council's Public Officer is specifically appointed to manage requests or complaints from the public concerning specified council matters.

25. Schedule of Changes & Amendments

Responsible Department: Corporate and Community Services Approved by: Adrian Butler, General Manager		
Version	Date	Changes / Amendments
Version 1	20/09/2016	Adoption of document with changes to reflect new Federation Council - Note this has been reflected as Version 1.0 (Federation Council – new entity)
Version 2	13/02/2017	Organisational chart updated for new structure as at 6/2/2017 and new branding added
Version 3	27/09/2017	Organisational chart updated for new structure, new template, updated links to resources on website
Version 4	18/12/2018	Review carried out of open access information available and how it may be accessed (tables inserted) and additional information provided. Interaction with Privacy legislation and Copyright legislation inserted.
Version 5	20/04/2020	Added new links and open access records. Added role of Mayor and Senior Executive in section 8. Added more ways to contact council in section 12. Clarification of privacy considerations and exchange of information between public agencies in section 15. Addition of images. Updated IPC contact details.
Version 6	20/2/2020	<p>Inclusion of a core set of recommended headings to support easier navigation for the public, as per IPC Guideline 6 including:</p> <ul style="list-style-type: none"> • About [the agency] • How to access [the agency's] information • How [the agency] engages with the public • Feedback and questions (previously Contact Council) • The public's rights, agency responsibilities, and the role of the Information Commissioner under the GIPA Act. <p>Addition of <i>Government Information (Public Access) Regulation 2018</i> to references section 6.</p> <p>Addition of Pecuniary-Interest>Returns to Open Access Information available on website and removed from section 16 – Open Access information not available on website.</p> <p>Addition of "Notices of proposed Development Applications" to Open Access Information available on website.</p> <p>Additional section on "Types of information held by Council".</p> <p>Detailed list on Mandatory Open Access information added.</p> <p>Additional information on review rights added.</p> <p>Additional information on personal information, advance deposit and fees for review of formal application added to fees and charges section.</p> <p>Link to Fees and Charges on website added.</p> <p>Additional section on "Timeframes for processing".</p> <p>Additional section on "Reasonable Provisions" concerning access.</p> <p>Removal of section on "Contacting your Neighbour".</p> <p>Updated Open Access tables included column for responsible department to enable clearer reference point within council and help provide greater transparency on Council process.</p>
Version 7	12/1/2022	<p>Removal of register of open access information not published on website (section 16). Now available as separate link on website via main GIPA page.</p> <p>Minor formatting and addition of preface by General Manager.</p>
Version 8	07/06/2023	Inclusion of information and a link to the Data.NSW website. Adopted by Council on 31/10/2023
Version 9	13/05/2024	<p>Included the word council to the title – Agency (Council) Information Guide</p> <p>Minor formatting changes throughout document</p> <p>Minor wording change to departments in General Manager section (7.2.3)</p> <p>Added additional information to RAMJOs in Joint Organisations of Council (8.1.4)</p>

		<p>Minor changes to wording to How Federation Council Engages with the Public (12)</p> <p>Added sub headings and additional information on Public Participation in Decision Making (12.1.1 – 12.1.5)</p> <p>Added information and link to Open Gov NSW in Open Data section (13.2)</p> <p>Updated links to documents in the section Mandatory Proactive Release (16.1)</p> <p>Updated links to documents in the section Authorised Proactive Release (16.2)</p> <p>Added applicable fee for Internal Review (17.3.1)</p> <p>Minor wording changes to External Review (17.3.2)</p> <p>Minor wording changes to Feedback and Questions (24)</p> <p>Added link to Complaints Handling Policy (25)</p>
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