

Government Information (Public Access) Act 2009

Agency Information Guide

2020-2021



Preface

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

Agency Information Guides are a significant portal to government information. They allow the public to identify and access government information held by an agency. They connect the public and agencies by providing clear and accessible information on accessing government information.

This Agency Information Guide includes:

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

The Agency Information Guide is available on Council's Website www.cabonne.nsw.gov.au

A handwritten signature in black ink, appearing to read 'Brad Byrnes'.

Brad Byrnes
GENERAL MANAGER



Cabonne Council's Molong Office

Summary of Amendments

Date	Amendment	Date adopted by Council
July 2018	Complete Review	28 August 2018
July 2019	Complete Review	27 August 2019

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1 Structure and Functions of Council

1.1 About Cabonne Council

Cabonne Council is located in the Central Tablelands of New South Wales. The area is bounded by Dubbo Regional Council, Narromine Shire Council and Mid-Western Regional Council areas in the north, Bathurst Regional Council in the east, Orange City Council, Blayney Shire Council and Cowra Shire Council in the South, and Forbes Shire Council and Parkes Shire Council in the west.

Council's Mission

To be a progressive and innovative Council which maintains relevance through local governance to its community and diverse rural area by facilitating the provision of services to satisfy identified current and future needs.

Council's Vision

Cabonne Council is committed to providing sustainable local government to our rural communities through consultation and sound financial management which will ensure equitable resources allocation.

Council's Values

In all we do, we will:

Respect each other, our community and the environment we live in

Have the courage and confidence to 'have a go'

Balance today's decisions with the long term future in mind

Be friendly, approachable and work together

Strive to do our very best and take personal responsibility for our actions

1.2 Basis of Constitution

Cabonne Council is constituted under the Local Government Act, 1993 as a body politic of the State.

1.3 Organisation Structure and Resources

Cabonne Council is not divided into wards and is governed by the body of councillors who are elected by the communities of the Local Government Area. The Mayor is elected by the councillors.

The role of councillors, as members of the governing body are:

- To direct and control the affairs of the Council in accordance with the Local Government Act 1993;
- To participate in the optimum allocation of Council's resources for the benefit of the area;
- To play a key role in the creation and review of Council's policies, objectives and criteria relating to the exercise of Council's regulatory functions;
- To review the performance of the Council and its delivery of services, management plans and revenue policies of the Council.

The role of a councillor is as follows:

- a) To be an active and contributing member of the governing body;
- b) To make considered and well-informed decisions as a member of the governing body;
- c) To participate in the development of the integrated planning and reporting framework;
- d) To represent the collective interests of residents, ratepayers and the local community;
- e) To facilitate communication between the local community and the governing body;
- f) To uphold and represent accurately the policies and decisions of the governing body;
- g) To make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor;
- h) To be held accountable to the local community for the performance of the council.

The role of the Mayor is as follows:

- a) To be the leader of the council and a leader in the local community;
- b) To advance community cohesion and promote civic awareness;
- c) To be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities;
- d) To exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council;
- e) To preside at meetings of the council;
- f) To ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act;
- g) To ensure the timely development and adoption of the strategic plans, programs and policies of the council;
- h) To promote the effective and consistent implementation of the strategic plans, programs and policies of the council;
- i) To promote partnerships between the council and key stake holders;
- j) 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;
- k) In conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community;
- l) To carry out the civic and ceremonial function of the mayoral office;
- m) To represent the council on regional organisational and inter-organisational forums at regional, State and Commonwealth level;
- n) In consultation with the councillors, to lead performance appraisals of the general manager;
- o) To exercise any other functions of the council that the council determines.



Mayor Kevin Beatty

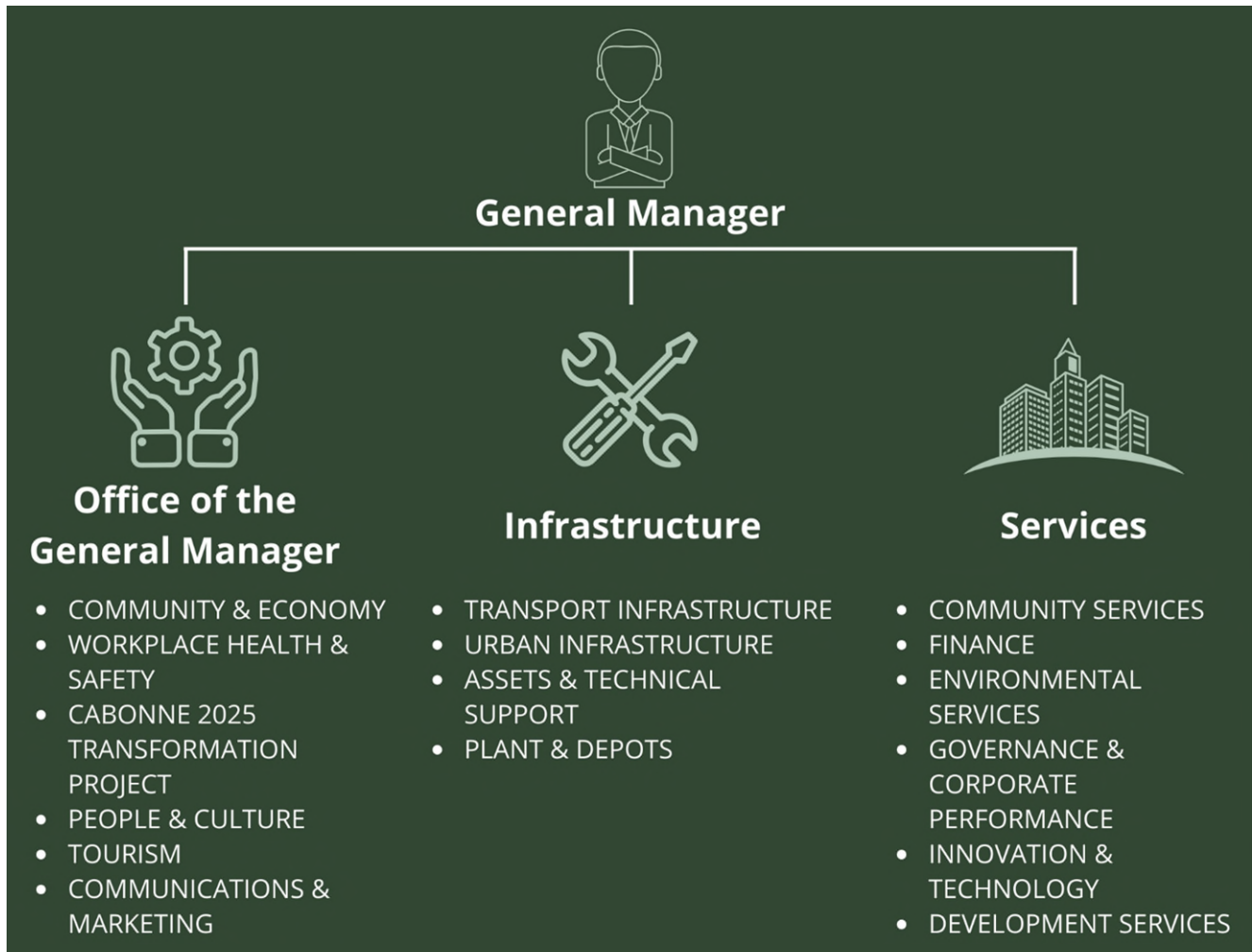
Functions of the General Manager

- a) To conduct the day to day management of the council in accordance with strategic plans, programs, strategies and policies of the council;
- b) To implement, without undue delay, lawful decisions of the council;
- c) To advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council;
- d) 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;
- e) 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;
- f) 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;
- g) To exercise any of the functions of the council that are delegated by the council to the General Manager;
- h) To appoint staff in accordance with the organisation structure and the resources approved by the council;
- i) To direct and dismiss staff;
- j) To implement the council's workforce management strategy;
- k) Any other functions that are conferred or imposed on the General Manager or under this or any other Act.



General Manager Brad Byrnes

1.4 Organisational Structure Chart



1.5 Functions of Council

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

Service Functions

- Provision of community health, recreation, education and information services
- Environmental protection
- Waste removal and disposal
- Land and property, industry and tourism development and assistance
- Civil infrastructure and planning, maintenance and construction

Regulatory Functions

- Approvals
- Orders
- Building Certificates

Ancillary Functions

- Resumption of land
- Powers of entry and inspection

Revenue Functions

- Rates
- Charges
- Fees
- Borrowings
- Investments

Administrative Functions

- Employment of staff
- Management plans
- Finance reports
- Annual reports

Enforcement Functions

- Proceedings for breaches of the Local Government Act 1993 and other legislation
- Prosecution of offences
- Recovery of rates and charges

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

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

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

- Community Development Act 1989
- Companion Animals Act 1998
- Conveyancing Act 1919
- Environmental Planning and Assessment Act 1979
- Fire Brigades Act 1989
- Fluoridation of Public Water Supplies Act 1957
- Food Act 2003
- Impounding Act 1993
- Library Act 1939
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Recreation Vehicles Act 1983
- Roads Act 1993
- Rural Fires Act 1997
- State Emergency Services Act 1989
- Strata Schemes Development Act 2015
- Swimming Pools Act 1992



2 Impact of Council Functions on the Public

Council's functions are determined towards meeting the needs and expectations of the public, which it serves, and to fulfil legislative and regulatory requirements. In fulfilling these requirements, the Council makes decisions that impact the public.

2.1 Service Functions

Service functions affect the public as Council provides services and facilities to the public. These include community health, recreation, education, information services, collection and disposal of garbage, as well as water and sewer reticulation services.

2.2 Regulatory Functions

Regulatory functions place restrictions on developments and members of the public must be aware of and comply with these regulations. These include approvals, orders and building certificates.

2.3 Ancillary Functions

These functions include acquisition of land or the powers for Council to enter and inspect, this only affects the owner of the property. This may also include the funding of emergency services including SES and RFS.

2.4 Revenue Functions

Revenue functions such as rates, borrowings, investments, grants and other fees and charges affect the public directly as they are used to fund services and facilities provided to the community.

2.5 Administrative Functions

The public is not affected directly by administrative functions but they have an indirect impact on the community through the service provided. These functions include employment of staff, management plans, financial reporting and annual reports.

2.6 Enforcement Functions

Enforcement functions affect members of the public that are in breach of legislation. These functions include proceedings for breaches of the Act, prosecution of offences and recovery of rates and charges.

2.7 Community Planning and Development Functions

Through the provision of grants, training and information Council provides support to community and sporting organisations. Council facilitates opportunities for people to be involved in community events such as Youth Week, Children's Week, Australia Day, Anzac Day, Citizenship events, as well as promoting events of others. Council advocates and plans for the needs of its communities by the preparation and implementation of the integrated planning and reporting documentation.



Mayor presenting the MCS Kindergarten Graduation Awards



Resealing of Davys Plains Road



Australia Day Citizenship Ceremony

3 Public participation in Local Government

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

3.1 Representation

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their local Council to make decisions on their behalf. In New South Wales, local government elections are held every four years. The next election for Cabonne is to be held in September 2020.

From 2020 at each election, voters elect nine councillors for a four-year term. All residents 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.

3.1.1 Making representation to Councillors

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 thus allowing members of the public to influence the development of policy.

3.1.2 In writing or person

Residents or ratepayers may choose to telephone or write to Council at any time about any of its operations, its facilities, its activities or its policies. They can make submissions or send petitions to Council. They may also have the opportunity to respond to questionnaires and surveys initiated by Council.



CURRENT ELECTED MEMBERS CONTACT



Clr Kevin Beatty (Mayor)
M: 0439 506 596
kevin.beatty@cabonne.nsw.gov.au



Clr Jamie Jones (Deputy Mayor)
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Clr Peter Batten
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Clr Ian Davison
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Clr Jennifer Weaver
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jenny.weaver@cabonne.nsw.gov.au

3.2 Personal Participation

Members of the public, such as ratepayers, residents and business owners, are encouraged to participate in policy development and functions of Council.

Council's website www.cabonne.nsw.gov.au is regularly updated with information on Council's activities, meeting agendas and business papers, as well as tenders, news items and events.

3.2.1 Council Meetings

Members of the public are able to attend Council Meetings held on the fourth Tuesday of each month commencing at 2:00pm. Council meetings are held in the Council Chambers 101 Bank Street, Molong NSW 2866.

3.2.2 Open Forum

Council's policy is that members of the public be given the opportunity to address Council at a public forum on the second Tuesday of each month.

Members of the public shall, upon prior request, be allowed to address councillors at allocated public forums on matters, provided the matter is within the responsibilities of Council and not a general request for council services – members of the public will be allocated 5 minutes to do so. A written request, using the Public Address Application form, must be lodged to Council by 12pm on the Wednesday before the meeting.

Speakers are requested not to make insulting or defamatory statements, and to take care when discussing other peoples' personal information (without their consent).

3.2.3 Council Committees

- Australia Day Awards Committee
- Heritage Working Party
- Central Tablelands Water
- Central West Libraries Committee
- Central NSW Business HQ Committee
- Cabonne Country Tourism Advisory Committee
- Arts Out West
- Association of Mining & Energy Related Councils Inc
- Australia Wide Rural Road Group
- Belubula River Joint Committee
- Cabonne/Orange Road Committee
- Cabonne Country Tourism Advisory Committee
- CADIA – MREMP Committee
- Canobolas Bush Fire Management Committee
- Canobolas Community Safety Precinct
- Canobolas Zone Liaison Committee
- Canowindra Age of Fishes Museum Board and Strategic Advisory Committee of the Canowindra Age of Fishes Museum
- Canowindra Food Basket Advisory Group
- Canowindra Retirement Village Project Working Committee
- Cargo Road Users Association

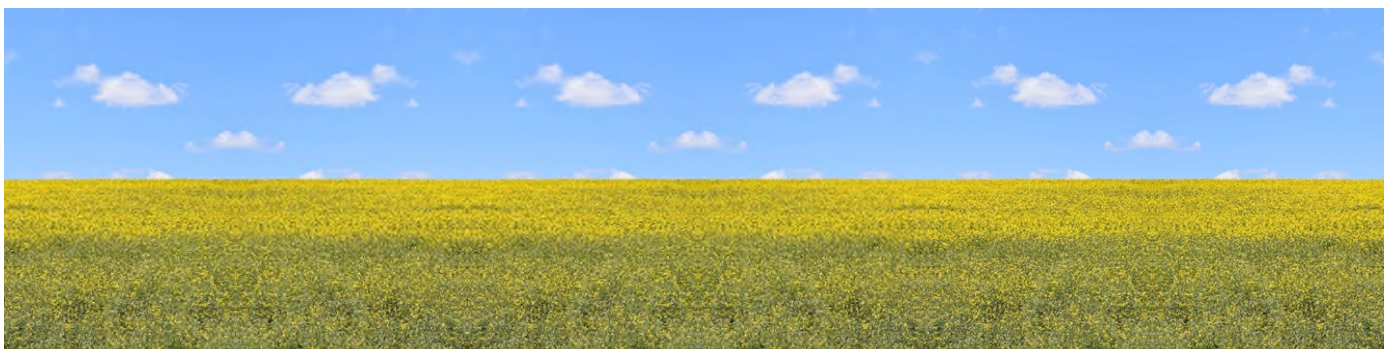


Canowindra Balloon Festival

- Central Tablelands Local Land Service
- Central West Mining Liaison Committee
- CENTROC Health Workforce Committee
- Joint Regional Planning Panel
- Lachlan Regional Transport Committee
- Little River Landcare Catchment Management
- Local Emergency Management Committee
- Molong Medical Committee
- Noxious Weeds Advisory Committee
- Ophir Reserve Trust Board
- Restart Water Security Taskforce
- Sydney Roadlinks Committee
- Traffic Committee
- VERTO LTD
- Waluwin Central Governance Committee
- Waluwin Molong HealthOne Health Services Advisory Committee
- Wellington/Dubbo Landcare Management
- Manildra and District Improvement Association
- Cumnock and District Progress Association
- Yeoval and District Progress Association
- Molong Advancement Group
- Mullion Creek and District Progress Association
- Cargo Progress Association
- Borenore Community Progress Association
- Canowindra Business Chamber
- Eugowra Promotion and Progress Association
- Cudal Incorporated
- Spring Hill/Spring Terrace Committee
- Canowindra Sports Trust

3.2.4 Public Submissions

All significant plans, strategies and policies of Council are placed on exhibition in draft form so that interested members of the public may view them and make comments should they wish to. Exhibition documents are made available at Council's customer service counter in Molong, Cudal and Canowindra, on Council's website, as well as other businesses located in the Council area.



3.2.5 Feedback, Customer Service Requests and Complaints

The public can offer feedback or submit customer service requests or complaints via an online submission form available on Council’s website. These submissions will be monitored and actioned by the relevant staff members. Members of public can expect a response according to Council’s policies and procedures.

4 Access to Government Information

Under the provisions of the GIPA Act there is right of access to certain information held by Council, unless there is an overriding public interest against its disclosure.

Most open access information of Council is publicly available on Council’s website at www.cabonne.nsw.gov.au.

Information not available on Council’s website may still be accessed by contacting Council’s Right to Information Officer on 6392 3200, who can advise where the information can be located. The Government Information (Public Access) Act 2009 establishes four ways for the public to access government information.

1. Mandatory Proactive Release
2. Proactive Release
3. Informal Release
4. Formal Access Application

Cabonne Council holds information in various formats and the type of information to be released is dependent upon the ages of the information and its subject.



4.1 Mandatory Proactive Release – Open Access Information

Available on Council’s website are the following documents defined as “Open Access Information” under Section 18 of the GIPA Act:

- The Agency current publication guide
- Information about the agency 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,
- The Agency policy documents
- The Agency disclosure log of access applications
- The Agency register of government contracts
- The Agency record of the open access information that it does not make publicly available on the basis of an overriding public interest against disclosure
- Such other government information as may be prescribed by the regulations as open access information.

Schedule 1 of the Government Information (Public Access) Regulation 2009 stipulates that the following additional documents are to be provided as open access information by Council.

Information about Council

- The model code prescribed under section 440 (1) of the local Government Act 1993

- The Code of Conduct adopted under Section 440 (3) of the Local Government Act
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors
- Annual reports of bodies exercising functions delegated by the local authority
- Any codes referred to in the Local Government Act
- Returns of the interests of councillors, designated persons and delegates may be viewed at the Council's Molong office during business hours.
- Agendas and business papers for any meeting for the local authority of any committee of the local authority
- Minutes of any meeting of the local authority or any committee of the local authority, but restricted to the resolutions and recommendations of the meeting
- Departmental representative reports presented at a meeting of the local authority in accordance with section 433 of the Local Government Act
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti Removal Work kept in accordance with Section 13 of the *Graffiti Control Act 2008*
- Register of Current Declarations of Disclosures of Political Donations kept in accordance with Section 328A of the Local Government Act
- The Register of Voting on Planning Matters kept in accordance with Section 375A of the Local Government Act

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:

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

Information about Development Applications

1. Information contained in the following records is prescribed as open access information:
 - (a) Development Applications and any associated documents received in relation to proposed developments include the following:
 - Home warranty insurance documents

- Construction certificates
- Occupation certificates
- Structural certification documents
- Town planner reports
- Submissions received on development applications
- Heritage consultant reports
- Tree inspection consultant reports
- Acoustics consultant reports
- Land contamination consultant reports
- Records of decisions on development applications including decisions made on appeals

(b) Records describing general nature of the documents that the local authority decides are excluded from the operation of this clause by subclause (2)

(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. 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 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

3. A local authority must keep the record referred to in subclause (1) (c)

Note - Council does not currently place information about development applications on its website; however, they are available for viewing and copying from Council's Molong Office.*

**Consistent with advice from the Information and Privacy Commission NSW, for copyright reasons, Cabonne Council is unable to make copies of plans in DA's for members of the public. If you wish to make a copy, you need to get permission from the copyright owner. If you need advice, please contact your solicitor. The Council cannot advise you about copyright issues.*

Approvals, orders and other documents

- Applications for approvals under part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application
- Applications for approvals under any other Act and any associated documents received in relation to such an application
- Records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the authority of any other Act
- Records of building certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by the local authority
- Compulsory acquisitions notices
- Leases and licenses for use of public land classified as community land
- Performance improvement orders issued to a Council under Part 6 of Chapter 13 of the LGA

4.2 Proactive Release

Council will make as much other open access information available on its website or via an informal request free of charge or the lowest reasonable cost, unless there is an overriding public interest against disclosure.

4.3 Informal Release

- An agency is authorised to release government information held by it to a person in response to an informal request by the person unless there is an overriding public interest against disclosure
- An agency can release government information in response to an informal request subject to any reasonable conditions that the agency thinks it to impose
- An agency cannot be required to disclose government information pursuant to an informal request and cannot be required to consider an informal request for government information
- An agency can decide by what means information is to be released in response to an informal request
- An agency can facilitate public access to government information contained in a record by deleting matter from a copy of the record to be released in response to an informal request if inclusion of the matter would otherwise result in there being an overriding public interest against disclosure of the record
- The functions of an agency under this section may only be exercised by or with the authority of the principal officer of the agency

4.4 Formal Access

Before lodging a formal access application, the person seeking information from Council should check that the information is not already available on Council's website or could be easily made available through an informal request application.

Where informal access is not possible, formal GIPA procedures and associated fees will apply. Formal applications for information under the GIPA Act should be accompanied by a \$30 application fee. In addition to the application fee, a \$30 per hour processing fee is charged for all requests to access documents that are not for personal information and cannot be obtained under other legislation.

Please note, to be a valid Formal Access Application it must meet the following requirements:

- Be in writing
- Specify it is made under the GIPA Act
- State an Australian postal address
- Be accompanied by the \$30 fee
- Provide sufficient detail to enable Council to identify the information requested.

4.5 Fees and Charges

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

4.6 Copyright

Nothing in the regulations requires or permits Council to make open access information available in any way that would constitute an infringement of copyright (Section 72(2) (c) GIPA Act).

Access to copyright documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained or the copyright owner is not able to be contacted, copies of copyright material will not be provided. These documents include plans/drawings, consultants reports, Statements of Environmental Effects and other miscellaneous reports submitted with a development application.

5 Access and Amendment to Council Documents

Council's documents can be accessed in varying ways and most documents can be inspected at and obtained from Council's Main Office in Molong between the hours of 9:00am to 5:00pm, Monday to Friday (except public holidays). For further enquiries about any document, please contact Council on 6392 3200.

If you would like to amend a document of Council which you feel is incorrect, it is necessary for you to make a written application to Council in the first instance.

CONTACT INFORMATION:

Phone: 02 6392 3200

99-101 Bank Street
PO Box 17
Molong NSW 2866

council@cabonne.nsw.gov.au

www.cabonne.nsw.gov.au



[Cabonne Council](https://www.facebook.com/CabonneCouncil)



[@cabonnecouncil](https://www.instagram.com/cabonnecouncil)



THE INFORMATION AND PRIVACY COMMISSIONER (IPC)

Phone: 1800 472 679
GPO Box 7011, Sydney NSW 2001
Level 17, 201 Elizabeth Street Sydney NSW 2000
9:00am to 5:00pm Monday to Friday



information
and privacy
commission
new south wales