



Council Information Guide (GIPA)

Updated October 2013

This guide will be reviewed annually by: Corporate Services
Next review date: October 2014

Document Title:	Council Information Guide (GIPA)
Summary:	This information guide is issued in compliance with the Government Information (Public Access) Act 2009 to provide information about the structure and functions of Ashfield Council and access to information about Council.
Record Number:	2011
Date of Issue:	June 2011
Approval:	Manager Corporate Services
Version Control:	Version 2: 14 June 2011 V3: October 2012 V3: October 2013
Policy Location:	Corporate Services/Governance
Relevant References:	Local Government Act 1993 Privacy & Personal Information Protection Act 1998
Main Legislative or Regulatory References:	Government Information (Public Access) Act 2009
Applicable Delegation of Authority:	Access to Information Officer
Related Ashfield Council Policy:	Access to Information Policy Delegations Register

CONTENTS

Structure and Functions of Council	4
What are Council's functions?	4
Ashfield Council Structure	5
Local Government and the Public	6
Participation in Local Government	7
Representation	7
Public Participation	8
Council Information and Access to Information	10
Information Available	10
Open Access Information	10
Council Registers	12
How to Access Government Information	12
Methods of Access	12
Informal Access	12
Accessing Council Information	12
Restrictions in Accessing Council Information	13
Access to Information and the Public Interest	13
Consultation and Public Interest	13
Access to Information and Personal Information	14
Access to Information and Business Interests	14
Formal Access Applications	14
Public Officer – Right to Information Officer	14
Schedule of Fees	16
Office of the Information Commissioner	17
Rights of Review	17

Structure and Functions of Council

Ashfield Council

The Ashfield local government area is comprised of over 41,000 residents across an area of 8.29 kilometres including the suburbs of Ashfield, Croydon, Croydon Park, Haberfield, Haberfield, Hurlstone Park, Summer Hill and a portion of Ashbury. Ashfield Council is constituted under the Local Government Act 1993.

Ashfield Council provides a range of services to the public and key responsibility areas include:

- Roads, footpaths, drainage, graffiti control
- Parks and reserves
- Environmental sustainability, health inspections and waste management
- Town planning including development and building approvals
- Community facilities—Ashfield Aquatic Centre, community halls and libraries
- Culture and arts
- Economic development with local business

Ashfield Council provides a range of services and facilities to the community in the local government area. Some of the functions of Council under the Local Government Act 1993 (NSW) are listed in the table below.

What are Council's functions?

The Local Government Act 1993 outlines that Councils are to undertake various service, regulatory, revenue, administrative, enforcement and ancillary functions including:-

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	REVENUE FUNCTIONS	ADMINISTRATIVE FUNCTIONS	ENFORCEMENT FUNCTIONS
Including: - Provision of community health, recreation, education & information services - Environmental protection - Waste removal & disposal - Land & property, industry & tourism development & assistance - Civil infrastructure, Maintenance & Construction	Including: - Approvals - Orders - Building Certificates	Including: - Rates - Charges - Fees- Borrowings - Investments	Including: - Employment of staff - Management plans - Financial reporting - Annual reports	Including: - Proceedings for breaches of Local Government Act & Regulations and other Acts & Regulations - Prosecution of offences - Recovery of rates and charges

As well as the Local Government Act, Council has powers under a number of other Acts including:

- | | |
|--|---|
| <i>Coastal Protection Act 1979</i> | <i>Noxious Weeds Act 1993</i> |
| <i>Community Land Development Act 1989</i> | <i>Privacy & Personal Information Protection Act 1998</i> |
| <i>Companion Animals Act 1998</i> | <i>Protection of the Environment Operations Act 1997</i> |
| <i>Contaminated Land Management Act 1997</i> | <i>Public Health Act 1991</i> |
| <i>Conveyancing Act 1919</i> | <i>Recreation Vehicles Act 1983</i> |
| <i>Environmental Planning and Assessment Act 1979</i> | <i>Roads Act 1993</i> |
| <i>Fire Brigades Act 1989</i> | <i>State Emergency & Rescue Management Act 1989</i> |
| <i>Fluoridation of Public Water Supplies Act 1957</i> | <i>State Emergency Service Act 1989</i> |
| <i>Food Act 1989</i> | <i>Strata Schemes (Freehold Development) Act 1973</i> |
| <i>Government Information (Public Access) Act 2009</i> | <i>Strata Schemes (Leasehold Development) Act 1986</i> |
| <i>Heritage Act 1977</i> | <i>Strata Schemes Management Act 1996</i> |
| <i>Impounding Act 1993</i> | <i>Swimming Pools Act 1992</i> |
| <i>Library Act 1939</i> | <i>Unclaimed Money Act 1995</i> |

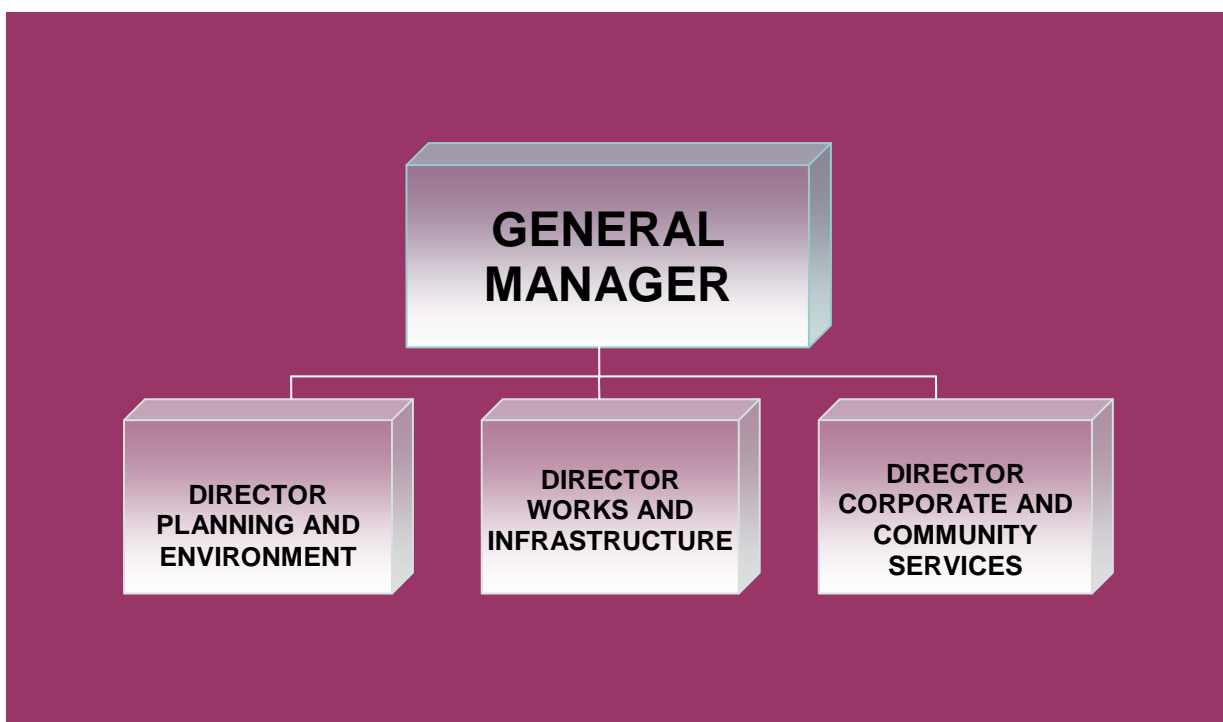
Ashfield Council Structure

Executive Structure

The Mayor presides at meetings of Council, carries out civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings and performs any other functions that the Council determines.

The General Manager is responsible for the day to day management of the Council and for ensuring the implementation of Council decisions. To assist the General Manager in the exercise of these functions, there are three (3) Directorates of Council. These Directorates are Corporate & Community Services, Planning & Environment and Works & Infrastructure.

Details of Council's Executive Structure can be found at: [Executive Management](#)



Local Government and the Public

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

Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as Meals on Wheels, child care services and libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

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

Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the non payment of rates and charges, unregistered dogs and parking offences.

Community planning and development functions affect areas such as cultural development, social planning and community profile and involves:

- Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Plan.
- Providing support to community and sporting organisations through provision of grants, training, information and access to facilities.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as NAIDOC Week, Youth Week, Children's Week, Seniors Week, Food Festivals, Art and Cultural Activities as well as promoting events of others.

Participation in Local Government

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.



Ashfield Council is divided into four wards. At each election, voters elect twelve Councillors' for a four year term. All residents of the area who are eligible to vote may do so as well as property owners who live outside the area but register their intention to vote on the non-residential roll. Voting is compulsory.

The role of a Councillor is, as an elected person:

- To represent the interests of the residents and ratepayers;
- To provide leadership and guidance to the community;
- To facilitate communication between the community and the Council.

Members of the public are encouraged to discuss local community concerns with their elected representatives. Current Councillor contact details can be found at: [Ashfield Council Councillors.](#)

North Ward

RAIOLA, Adriano
WANGMANN, Monica
WANG, Jeanette

North East Ward

CASSIDY, Ted
RACITI, Vittoria
McKENNA, Lucille

South Ward

DRURY, Mark
RAIOLA, Max
MANSOUR, Morris

East Ward

PASSAS, Julie
LOFTS, Alex
STOTT, Caroline



Public Participation

There are many ways to participate in forming local government policy. Members of the public are encouraged to participate and provide input for issues considered by Council.

- Public exhibitions – public exhibitions are a key avenue for members of the community to participate in local government. Members of the community can leave feedback on proposed policies and projects. These public exhibitions also represent a way for the Council to consult with members of the community.
- In developing new policies, Council will identify key stakeholders of the policy and in turn, consult with them. Key stakeholders include members of the public likely to be affected by a policy.
- In the same way, Council regularly consults with members of the public on issues that impact on the community including changes in traffic control plans, planning matters and other community issues.
- Council advisory meetings – Council presents opportunities for members of the public to participate in local government through standing and advisory committee meetings. Participation and membership for these committees and meetings is undertaken through avenues such as expressions of interest and advertising in the local press. Distinct from Ordinary Council meetings, there are a total of twelve Standing and Advisory committees, with Standing Committee meetings being held on the third Tuesday of each month commencing at 6:30pm:

Standing Committees:

- Planning and Environment Committee
- Works and Infrastructure Committee
- Community Activities Committee

Advisory Committees:

- Aboriginal Consultative Committee - Community Representatives
- Ashfield Access Committee – Community Representatives
- Civic Centre Redevelopment Steering Committee
- Internal Audit Committee – Community Representatives
- Local Area Traffic Committee
- Pratten Park Advisory Committee – Community Representatives
- Seniors Action Committee – Community Representatives
- Ashfield Youth Committee – Community Representatives
- Ashfield Women's Committee

Council meetings

Members of the public are also encouraged to attend Council meetings and in this way may also speak on matters (apart from 'closed committee' matters) in the agenda of Council meetings. Council meetings are held on Tuesdays, 6:30 pm. For more information about Council meetings, please see the [meeting schedule](#) on the Council website.

Community surveys

Council also from time to time undertakes community surveys to receive input from members of the community on proposals and local community issues.



Online Community Engagement

Members of the public may also leave feedback on Council and community issues on the “Have Your Say” section on the Council website.

“Ashfield Business”

Direct consultation is undertaken with businesses in the local community in developing policy. Council also undertakes regular business surveys, where the outcomes are used to assist in policy development. For further information about business in Ashfield please see: <http://www.ashfieldbusiness.com.au>

Council Information and Access to Information

Information Available

In accordance with the Government Information (Public Access) Act 2009, "government information" means information contained in a record held by an agency. (Section 4(1)).

The following information is prescribed open information and is available on the Ashfield Council website for perusal. Click here: [Ashfield Council](#)

- This publication guide
- Documents tabled in Parliament on behalf of Council
- Council's policy documents
- Disclosure Log
- Council's register of government contracts
- Record of open access information that is not made available to the public on the basis of an overriding public interest against disclosure.

Open Access Information

Council holds a range of information in various formats that relate to a number of different issues concerning the Ashfield local government area.

This information may be available on Council's website via informal release or via an access application in accordance with Sections 7-9 of the GIPA Act, unless there is an overriding public interest against disclosure of the information as outlined in Section 14 of the GIPA Act.

Policy Documents

There are a wide range of Council policies proactively released by Council which are available on the Ashfield Council website at [Ashfield Council Policies](#).

General Documents

Pursuant to Schedule 1 of *Government Information (Public Access) Regulation 2009*, the following records are prescribed as *open access information* and are freely available via the Council website and/or through Council customer service:

1. Information about Council
2. Plans and Policies
3. Information about Development and Planning
4. Approvals, Orders and Other Documents

1. Information about Council

Councillors and Council Meetings

- Ashfield Council's Code of Meeting practice
- Agendas and business papers for Council and Committee meetings (excluding those papers for matters considered in a part of the meeting closed to the public)
- Minutes of Council and Committee meetings (excluding those parts of the meeting closed to the public)
- Councillor Expenses and Facilities Policy
- Returns of the interests of Councillors, designated persons and delegates



- Register of Councillor's declarations of disclosures of political donations (in accordance with s328A of the LGA)
- Departmental representatives' reports presented at a meeting of the Council in accordance with section 433

Council Administration

- Model Code of Conduct prescribed under s440(1) of the LGA
- Ashfield Council adopted Code of Conduct
- Council's annual reports
- Annual financial reports
- Auditor's report
- Council plan and annual plan
- Community strategic plan
- EEO management plan
- Council's land register
- Register of investments
- Register of delegations
- Register of graffiti removal work (in accordance with s13 of the Graffiti Control Act 2008).
- Annual reports of bodies exercising delegated Council functions
- Register of Councillor voting on planning matters (in accordance with s375A of the LGA).

2. Plans and Policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental planning instruments, development control plans and contributions plans made under EPA applying to land within Council's area

3. Information about Development and Planning

- Development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and associated documents
- Records of decisions on Development Applications including decisions of appeals
- Records describing *general nature* of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

4. Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA
- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 2 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 Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land.

Register of Government Contracts

A register of government contracts entered into by Council above the value of \$150,000 per year must be kept by Council. These contracts include service contracts by private sector agencies undertaking work on behalf of Council and any leases or sale of land by Council.

Council Registers

Ashfield Council also has a range of registers available for inspection by the public or available on the Ashfield Council website. The Registers cover a range of information including Council contracts, land register, investments register, graffiti register etc.

Note: Copyright laws may still apply to documents. Copies of documents provided are given for information purposes only and are provided by Council to meet its requirements under relevant legislation. The copyright-owner's consent is required if any part of the document is used for any other purpose.

How to Access Government Information

Under the GIPA Act there is an underlying rationale to encourage greater accessibility to government information for members of the public.

Methods of Access

Most information will be made available to the public through:

- Mandatory disclosure requirements or;
- Proactive release by Council; or
- Information may also be released if an informal request is made to Council.
- A formal access application may be needed to access information held by Council. Any member of the public may make a formal application for access to Council information not readily available.

Informal Access

Council will endeavour to release other information in response to an informal request subject to any reasonable conditions as Council thinks fit to impose. However, notwithstanding the lodgement of an informal application, Council may require a formal access application to be submitted where the information sought:

- Is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or
- Contains personal or confidential information about a third party that requires consultation, or
- Would involve an unreasonable amount of time and resources to produce.

To make an informal request for access to information under the GIPA Act, Council may require the completion of an Informal Access Applications.

Accessing Council Information

There are two types of applications – Informal Access Applications and Formal Applications.

Council information will be made available by an electronic copy on the Council website, a hard copy through Customer service, or by contacting the Corporate Services section of Council.

Restrictions in Accessing Council Information

Ashfield Council will endeavour to release as much information as possible; however access to some information may be subject to a formal application. In turn, while every request will be treated on its merits, Council may not release information where there is an overriding public interest not to release the information or pursuant to other considerations.

Access to Information and the Public Interest

In deciding whether to release information the Public Officer must decide whether it is in the public's interest to disclose the information. Under the GIPA Act, there is an underlying principle to encourage greater accessibility to government information for members of the public and a general public interest in favour of disclosure.

In this way, there are overriding public interest factors both in favour of disclosure and against disclosure. Access will be refused if the public interest against disclosure outweighs the public interest in favour of disclosure (the '**public interest test**'). Council can take into account the personal factors of the applicant in applying the public interest test.

A refusal to grant access is subject to the public interest test against disclosure which includes the following considerations as stated in section 14:

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes and natural justice (this includes any legal advice or communications between staff in relation to legal matters);
- Business interests of agencies and other persons
- Environment, culture, economy and general matters
- Secrecy provisions
- Exempt documents under interstate Freedom of Information legislation

In applying the public interest test, the Council must not take into account that disclosing the information may cause embarrassment to, or loss of confidence in the Council, that the information may be misinterpreted or misunderstood by members of the public.

Consultation and Public Interest

In accordance with section 54, Council must consult where the information requested concerns:

- Personal information;
- Business interests;
- Research that has been carried out or;
- The affairs of another State or the Commonwealth government.

Consultation must take place if the information is such that the person may have reasonable concerns about disclosure and those concerns are relevant to the public interest test.

Access to Information and Personal Information

In accordance with section 54, Council must consult where the information requested concerns:

- Personal information;
- Business interests;
- Research that has been carried out or;
- The affairs of another State or the Commonwealth government.

Consultation must take place if the information is such that the person may have reasonable concerns about disclosure and those concerns are relevant to the public interest test.

Protecting Personal Information

Before releasing information to the public, if it includes personal information of a member of the public:

- Council must firstly have regard to the possibility that the individual may have objections about the release of this information.
- In turn there must be consultation with the individual, with any concerns about the release of the information to be taken into account.

Should a decision that the information will be released despite the individual's objections, Council must advise the individual of the right to have this decision reviewed and not release the information until all avenues of review have been exercised (s54).

For more information on the Information Privacy Principles and personal information, please see Council's Privacy and Personal Information Policy available on the Ashfield Council website by clicking: [Policies](#).

Access to Information and Business Interests

Prior to any information being released which includes information about a business or impacts on the interests of a business, Council must first consult with that business. Access to this information will only be allowed if it satisfies the public interest test (s54).

Formal Access Applications

Firstly, a person seeking information from Council should check if the information being sought is already available or could easily be made available by Council.

If information is not made available through mandatory, proactive or informal release, a formal access application will need to be made.

In deciding whether to release information that is subject to a formal access application, the Public Officer must decide whether it is in the public's interest to disclose the information.

Public Officer – Right to Information Officer

The Corporate Services Manager has been appointed as the Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning Council's affairs and has the responsibility of assisting people to gain access to public information of Council. The Public Officer is also Council's Right to Information Officer and as such, is responsible for determining applications for access to information or for the amendments of information. If you have any difficulty in obtaining access to Council information, you may wish to refer your enquiry to the

Public Officer. Also, if you would like to amend information of Council which you feel is incorrect it is necessary for you to make a written application to the Public Officer in the first instance. Enquiries should be address as follows:

General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Determining a Valid Application

For an access application to be valid, the following must be included as outlined by s41 of the GIPA Act:

- The request for access must be in writing and sent to or lodged at the Council;
- It must expressly state that the application is made under the GIPA Act;
- Include the prescribed fee of \$30;
- Include an Australian postal address for correspondence.
- Importantly the request must include information to assist the Public Officer in identifying the government information applied to have access to.

Actioning a Valid Application

Once it is determined that a valid application has been received:

- The Public Officer must acknowledge via a letter to the applicant, within 5 days, the receipt of the valid application;
- The letter is to state the date by which the application is to be decided;
- That the application is refused if it is not decided by this date;
- State that if the application is such that it is of the nature to be included in the disclosure log and that the applicant may object to this;
- Also include details about the rights to review.
- A decision regarding the application must be made and the applicant notified within the 20 days decision period.
- If the Public Officer decides that the information should also be released to the wider public, a record of the access application will be made on the **disclosure log**.

Note: The disclosure log is a record of formal access applications made to Council which will include the following details: the date the application was decided, a description of the information to which access was provided in response to the application, a statement as to whether any of the information is now available from the agency to other members of the public and if it is made available, how it can be accessed. (GIPA s26)

Granting Access

Access to Council information can be provided in the following ways in accordance with s76 of the GIPA Act:

- Opportunity to inspect the document, record etc
- Providing a copy of the record or information
- Providing access to a record with facilities to read, view or listen
- Providing a written transcript if applicable



If access is granted, a \$30 per hour processing fee may apply. This is to cover the time needed to process the application. However, if the information sought by the applicant is personal information, then the first 20 hours of processing is free.

Formal access is not to be provided in these ways if:

- It will interfere with Council operations,
- It will impact on the preservation of the record
- It will involve infringing copyright; and/or
- The way access is requested gives rise to an overriding public interest against disclosure.

The applicant must be notified of the decision to refuse access. Such notification must include reasons for the decision. Access will be refused if the public interest against disclosure outweighs the public interest in favour of disclosure

Schedule of Fees

The table below sets out the fees and charges associated with a **formal access** application. The amounts have been prescribed by legislation.

	Application Fee
Formal Application	\$30 one off*
Advance Deposit	Max. 50% of estimated total processing charge

*subject to 50% reduction for financial hardship.

A \$30 per hour processing charge may be imposed for formal access applications where the processing time exceeds more than one hour (as the initial \$30 application fee covers the first

processing hour). Council will advise the applicant if a processing fee will be applied and how this amount has been calculated.

If a fee for photocopies of information provided under the GIPA Act is payable, it will be listed in Council's adopted Fees and Charges and is GST inclusive.

Office of the Information Commissioner

The Office of the Information Commissioner has been established to oversee the GIPA Act. The OIC provides information about the right to access to information and can be contacted via:

Internet: www.oic.nsw.gov.au

Email: oiinfo@oic.nsw.gov.au

Mail: GPO Box 7011

Sydney NSW 2001

In person: Level 11, 1 Castlereagh St, Sydney NSW 2000

Phone: 1800 INFO COM (1800 463 626) Monday to Friday, 9am to 5pm (excluding public holidays).

Rights of Review

There are rights to review a decision made by the Public Officer. A full list of reviewable decisions is set out in s80 of the GIPA Act.

Internal Review

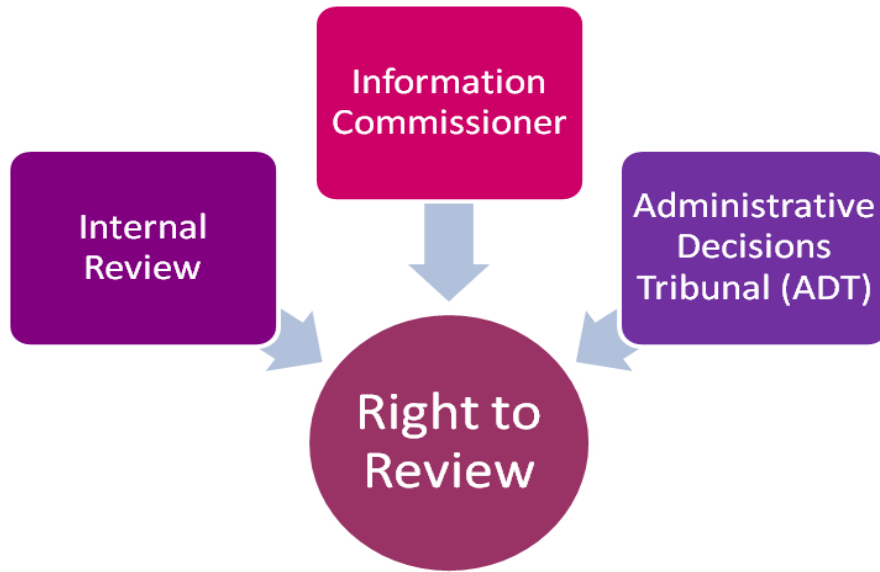
If an access application has been refused, there is a general right to seek an internal review of the decision. An internal review must be applied for within 20 working days of the original decision and is subject to a \$40 fee. Internal review involves a senior person in the agency reviewing the decision to reject the access to information application.

Role of the Information Commissioner

The Information Commissioner can review a decision to refuse access to information if requested by the applicant, notwithstanding any internal review being undertaken. However, for other persons seeking review, an internal review must first be undertaken. The Information Commissioner also deals with complaints under GIPA Act.

External Review (Administrative Decisions Tribunal)

Applicants also have formal avenues via the New South Wales Administrative Decisions Tribunal to review the decision to refuse access. This application must be made within 8 weeks of the original decision or 4 weeks after a review undertaken by the Information Commissioner.



Ashfield Council supports the measures to encourage greater accessibility to Council information as introduced under the GIPA Act. This in turn is said to foster increased government accountability and transparency in the delivery of services to the local community. Ashfield Council will endeavour to promote and cooperate in the availability and release of Council information to the public.