



INNER WEST COUNCIL

Inner West Council Agency Information Guide

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* Section 21 Government Information (Public Access) Act 2009 – An Agency's Information Guide must be reviewed at twelve (12) month intervals

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Introduction

In 2009, new statutory requirements for the management of information were implemented by the NSW Information Privacy Commission, which aims to ensure greater public accessibility to documents and records held by government organisations. The Government Information (Public Access) Act 2009 (GIPA Act) does not cover private sector organisations. The GIPA Act supersedes the Freedom of Information Act 1989.

Council's Information Guide is prescribed under section 20 of the GIPA Act. It must:

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

The objective of the GIPA Act is to:

Maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, the object of this Act is to open government information to the public by:

- a. authorising and encouraging the proactive public release of government information by agencies, and;
- b. giving members of the public an enforceable right to access government information, and
- c. providing that access to government information is restricted only when there is an overriding public interest against disclosure.

Inner West Council at a Glance

Inner West Council was proclaimed on the 12 May 2016 and incorporates the former local government areas of Ashfield, Leichhardt and Marrickville. The Council has a population of 187,566 people and spans 35km² from the banks of the Parramatta River in the North East to the Cooks River at Dulwich Hill in the South West.

Suburbs in the new local government area include: Annandale, Ashfield, Balmain (including Balmain East), Birchgrove, Dobroyd Point, Dulwich Hill, Enmore, Haberfield, Leichhardt, Lewisham, Lilyfield, Marrickville, Petersham, Rozelle, Stanmore, St Peters, Summer Hill, Sydenham, Tempe and parts of: Ashbury, Camperdown, Croydon, Croydon Park, Hurlstone Park and Newtown.

Figure 1 shows the Inner West Council boundary area is comprised of 5 wards for ease of administration. The 5 Wards are Ashfield, Balmain, Leichhardt, Marrickville and Stanmore.



Figure 1 Inner West Council Wards

The Inner West of Sydney is an important business and cultural hub of Sydney and has a vibrant economic outlook contributing to the NSW economy.

Inner West Council at a Glance:

Statistic	Inner West Council
GRP (billion)	9.25
Population	187,566
Local jobs	69,134
Employed residents	109,781
Local businesses	17,958
Largest industry	Health Care and Social Assistance

Source: National Institute of Economic and industry Research

Further information is available from Council's Community Profile

<http://www.innerwest.nsw.gov.au/community/who-we-are/community-profile>

Services provided to the Community

Council provides a comprehensive range of services to the Community. These services are reviewed regularly with the Community to ensure the right mix of services are being delivered by Council:

- Access and disability services
- Aquatic services including learn to swim, aqua-aerobics
- Arts and cultural services such as artists in residence, arts and cultural grants, Chrissie Cotter Gallery and public art
- Citizenship ceremonies
- Community events
- Council and Committee meetings
- Customer services in person and over the phone
- Cycling and road safety including planning cycle routes, planning sustainable transport and encouraging road safety
- Development approvals
- Economic development services for local businesses
- Environmental services including community nursery, education, grants, volunteer programs and Green Living Centre
- Graffiti management
- Hall and community facilities hire
- History and local studies services Library services
- Local emergency management
- Pet registration and micro-chipping
- Planning and construction of major capital projects such as community buildings and facilities
- Planning and development controls, zoning and heritage and conservation
- Planning, construction and maintenance of roads, footpaths and other infrastructure
- Provision and maintenance of parks, sports fields,
- playgrounds and dog off-leash areas
- Public access to information
- Recreation services including sports and aquatic facilities
- Regulatory services including inspections, investigations and permits for food safety, fire safety, building safety, parking regulations, pet regulations, noise pollution and footway licensing
- Removing unregistered and abandoned vehicles from local streets
- Services for older people including community transport, meals-on-wheels, home visits, social activities and volunteering
- Services for young people, including Ashfield Youth Theatre, Youth Council and events
- Social services such as community grants and affordable housing
- Stormwater management, and the monitoring and management of the Cooks River and local sub-catchments
- Traffic and parking management
- Tree management, including looking after Council trees and tree approvals
- Waste services including regular household bin services, booked clean ups, chemical and e-waste disposal, skip bin permits and illegal dumping

How is the Inner West Council Managed?

Inner West Council held its first election on 9 September 2017. Three Councillors were elected for each of the five Wards. The Councillors subsequently elected the Mayor and Deputy Mayor. The Mayor elected during September 2017 will serve a two year term. The Mayor to be elected during September 2019 will serve a one year term.

An Interim General Manager was appointed under section 335 of the Local Government Act (the Act) whom is responsible for the efficient and effective management of the Council's organisation and for ensuring decisions of the Council are enacted in a timely manner. The Interim General Manager is responsible for the day-to-day management of the Council, the exercise of any functions delegated to them by the Council, the appointment of staff, the direction and dismissal of staff and the implementation of Council's Equal Employment Opportunity Plan and to assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report.

Organisational Structure

The Interim General Manager is supported by an organisational structure that that is responsive to the needs of the Community which aims to deliver services cost effectively and efficiently.

The Organisational structure consists of three Deputy General Managers and 17 Group Managers each responsible for a service line as shown in figure 2. Each of the Deputy General Managers has a specific service focus.

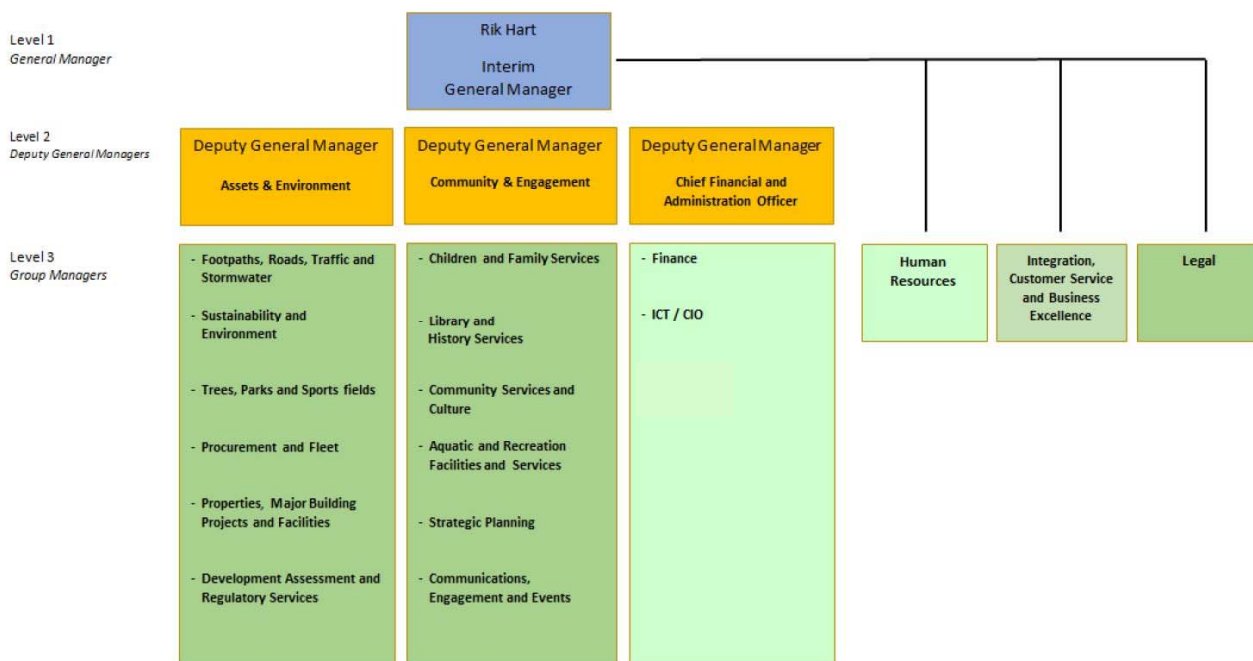


Figure 2: Organisational Structure

Local Government and the Community

As a service organisation, the majority of the activities of the Inner West Council have an impact on the community. The following is an outline of how the broad functions of Council can affect the community as prescribed by the Local Government Act 1993:

- *Service functions* affect the community as Council provides services and facilities to the community. 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 community. 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.

What are Council's functions?

Function	Service
Service Functions	<ul style="list-style-type: none"> – Provisions of community health, recreation, education & information services – Environmental protection – Waste removal & disposal – Land & property industry & tourism development – Civil Infrastructure, Maintenance & Construction
Regulatory Functions	<ul style="list-style-type: none"> – Approvals – Orders – Building certificates
Revenue Functions	<ul style="list-style-type: none"> – Rates – Charges – Fees – Borrowings & investments

Function	Service
Administrative Functions	<ul style="list-style-type: none"> – Employment of staff – Management Plans – Financial reporting – Annual reports
Enforcement Functions	<ul style="list-style-type: none"> – Proceedings for breaches of Local Government Act & Regulations and other Acts & Regulations – Prosecution of offences – Recovery of rates & charges

Table 3: Key functions of Council as detailed under the Local Government Act 1993

As well as the local Government Act 1993, Council has other powers under a number of other Acts including:

- Community Land 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 1989
- Impounding Act 1993
- Library Act 1939
- Protection of the Environment Operations Act 1997
- Public Health Act 1991
- Recreation Vehicles Act 1983
- Roads Act 1993
- Rural Fires Act 1997
- State Records Act 1998
- State Emergency Service Act 1989
- Strata Schemes (Freehold Development) Act 1973
- Strata Schemes (Leasehold Development) Act 1986
- Swimming Pools Act 1992
- Public Health Act 1991
- Coastal Protection Act 1979
- Environmental Offences and Penalties Act 1989
- Government Information (Public Access) Act 2009
- Heritage Act 1977
- State Emergency and Rescue Management Act 1989
- Unclaimed Money Act 1995
- Unhealthy Building Land Act 1990

Planning for Our Future

The Local Government Act 1993 sets out the key Guiding Principles (Appendix 1) that Council must follow. These over – arching Principles provide the framework for sustaining Councils into the future and to ensure that the Communities aspirations are addressed.

To achieve this Council has developed a suite of plans to implement the Integrated Planning and Reporting Framework (IP&R) under the Local Government Act. The IP&R aims to improve how a Council undertakes its long term community, financial and asset planning. It identifies funding priorities and service levels in consultation with the community.

The IP&R requires the development and maintenance of a hierarchy of documents as shown in figure 3 including a Community Strategic plan which identifies community aspirations, a Resourcing Strategy which identifies the resources that will be needed to implement the Community Strategic Plan, a Delivery Program that documents principle activities and an Operational Plan that outlines specific details for each of the four years of the Delivery Program.

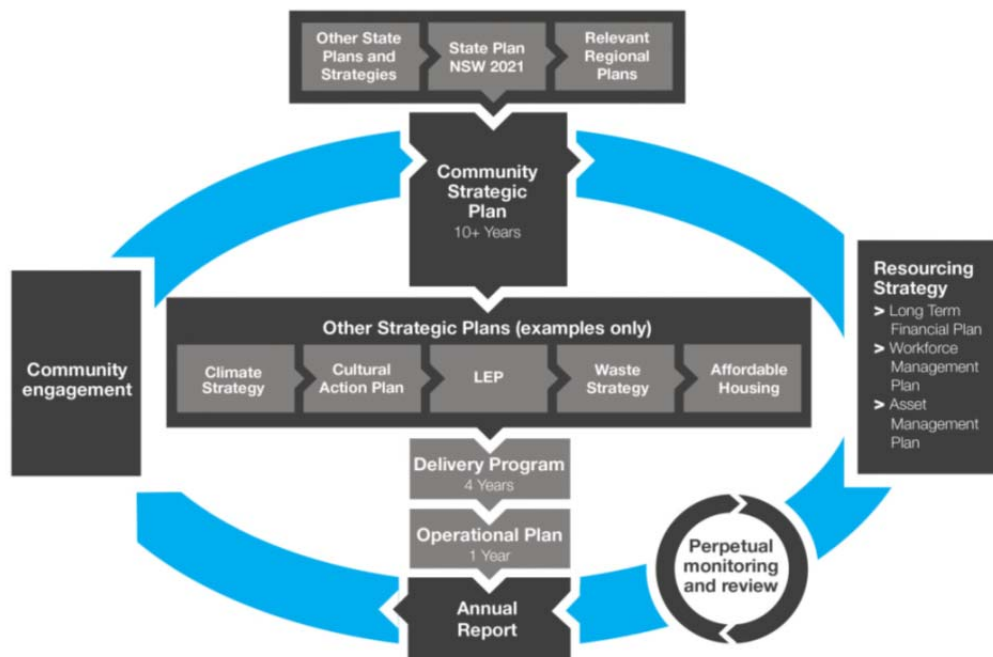


Figure 3: Integrated Planning and Reporting (IPR) framework

The Community Strategic Plan is a long-term plan over 10 years whilst the Delivery program is over a 4 years and the Operational Plan 1 year.

The Community Strategic Plan is a plan for the community rather than a plan of Council. Whilst Council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan on behalf of the community, it is not wholly responsible for its implementation. Other partners such as State agencies and community groups also have a role in delivering the long-term objectives and goals of the plan.

The Delivery Program

The Delivery Program is a corporate plan that provides a statement of Council’s specific commitments over four years in advancing the community’s aspirations as detailed in the Community Strategic Plan. It outlines the principle activities Council will undertake during its elected term to help achieve the community’s long-term goals. The Delivery Program establishes the overall operating framework for all Council principle activities and is the key planning document to guide and shape Council’s policies and programs.

Council prepares a new Delivery Program for its elected term every four years. The Delivery Plan is reviewed each year, before preparing the Operational Plan, which details the individual projects and principle activities that will be undertaken in each of the four years in achieving the commitments of the Delivery Program.

Resourcing Strategy

The Resourcing Strategy details the resources that will be required to achieve the long-term objectives of the Community Strategic Plan. Table 4 shows the key the plans that make up the Resourcing Strategy:

Plan	Duration	Description
Long-Term Financial Plan	10 years	Designed to ensure that Council remains financially viable and sustainable. It includes scenarios based on a ‘business as usual’ approach that maintains current service levels, as well as alternative scenarios around service delivery rationalising Council’s property holdings and delivering targeted specific service improvements and increased levels of investment in infrastructure maintenance and renewal
ICT Plan	4 years	Maps out the technology requirements for Council and the community
Public Participation in the Formulation of Council Policies	Public Participation in the Formulation of Council Policies	Public Participation in the Formulation of Council Policies

Table 4: The Resourcing Strategy at a Glance

Public Participation in the Formulation of Council Policies and/or the Exercise of Council's Functions

There are a number of ways for the community to participate in the formulation of Council's Policies and/or the exercise of Council's functions. These include:

Open Council and Committee Meetings

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.

Members of the public are invited to attend Council meetings and address Council on any matters on the agenda to assist with the decision-making process. Council also has a number of advisory committee meetings which discuss policy and strategic matters and make recommendations to the Interim General Manager.

Business Papers for these meetings are available from Council's Customer Service counters, library branches and website at least a few days prior to each meeting.

Members of the public may address Council on any issue of the meeting agenda. A 3 minute time limit applies and there is no limit on the number of people who may address Council. Members of the public can attend the meeting and address Council when the relevant item is being discussed.

Community feedback is important in shaping Council policy. There are a number of ways feedback can be made:

- 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.

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 Inner West Council is divided into five electoral districts called wards. At each election, voters elect three Councillors from each ward (a total of fifteen Councillors) for a fixed term (usually four years). All residents of the area who are eligible to vote may do so as well as property owners who live outside of the area but register their intention to vote on the non-residential roll. Voting is compulsory.

The current Councillors were elected on 9 September 2017 and will serve until September 2020.

Access to Information

What Council Information is available?

Council holds a number of records¹ in respect of the wide range of functions undertaken by it, and pertinent to the Local Government Area (LGA).

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

1. Information about Council
2. Plans and Policies
3. Information about Development and Planning
4. Approvals, Orders and Other Documents
5. Enforcement Functions
6. Regulatory Services

1. Information about Council

Councillors and Council Meetings

- 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

Council Administration

- Annual Report
- Annual financial reports
- Auditor's report
- Council adopted Code of Conduct
- Council's annual reports
- Council plan and annual plan
- Community strategic plan
- Council's land register
- Customer requests for service and complaints
- Service Standards
- Committee Terms of Reference, Reports, Agendas and Minutes
- Community Directories
- EEO management plan
- Financial Management Records
- Model Code of Conduct prescribed under s440(1) of the LGA
- 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 Local Government Act)
- Rates Management Information

2. Plans and Policies

- Aged care services and administration Corporate Plans, Strategies and Reports
- Children and Family Services Administrative records
- Environmental planning instruments, development control plans and contributions plans made under EPA applying to land within Council's area
- Community Development Plans and Strategies
- Civil infrastructure planning, maintenance and construction records
- Grants administration
- Local Policies adopted by Council concerning approvals and orders
- Leases and Licences of Community Land
- Plans of Management for Community Land
- Environmental program management records
- Library management records
- Waste management and recycling records
- Sister City records
- Surveys and Community Consultation

3. Information about Development and Planning

- Development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and associated documents as specified in Schedule 1 of the GIPA Regulation 2009
- 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
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land. 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
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals

5. Enforcement Functions

- Building Certification
- Companion animals records and management
- Fines administration
- Food Safety records
- Fire Safety records
- Health and Building matters
- Orders and Notices of Proposed Orders
- Public Health Records

6. Regulatory Services

- Building Certificate records
- Contribution Plans
- Construction Certificates
- Development Control Plans
- Development Application files
- Land Planning Instruments
- Local Environmental Plans
- Town Planning Files

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 the private sector undertaking work on behalf of Council and any leases or sale of land by Council. The Register of contracts above \$150,000 is available on Council's website [Register of Government Contracts](#)

Council Registers

Council also has a range of registers available for inspection by the public or available on the Council's website. The Registers cover a range of information including Council contracts, land register, investments register, graffiti register, Register of Councillor's declarations, Departmental representatives' reports 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 can Council Information be Accessed?

The Government Information (Public Access) Act 2009 (GIPA Act) applies to all NSW Government Agencies, including local Councils, and give members of the public the right to access government information. The GIPA Act requires Council to make some information widely available, known as Open Access Information.

Open Access

Open access information is to be made publicly available free of charge on a website maintained by the Council (unless to do so would impose unreasonable additional costs to Council) and can be made publicly available in any other way that Council considers appropriate, that is free of charge to the community unless there are over-riding public interests not to do so.

Appendix 2 shows the types of Open Access Information made available by Council.

Authorised Proactive Release

The GIPA Act encourages Council to go beyond the minimum mandatory disclosure requirement, unless there is an overriding public interest against disclosure. This is a discretionary power to release information in any manner considered appropriate, free of charge or at the lowest reasonable cost. Council reviews annually its proactive release program by identifying the kinds of information it holds that should be released in the public interest.

Appendix 3 shows the types of Proactive Release Information made available by Council.

Informal Access

Council holds a large range of other documents and records to assist in carrying out its functions. Unless defined as mandatory or proactive release by legislation or Council policy, access to these documents may be requested through an Informal Access Application under the GIPA Act. Many of the types of documents commonly released through Informal Access Application are listed in Appendix 2 and 3. Council's Information Access Policy has been implemented to enable the public to readily gain access to a wide variety of Council information. Access to information via an Informal Access Application is free of charge, although a fee may be charged for photocopying.

Council may release any information informally unless there is an overriding public interest that would prevent this.

Some relevant considerations regarding informal release of information include:

- Is it in the public interest to release the information to the person or organisation requesting it?
- If an individual requests the information, is it his or her personal information?
- Can any sensitive information, such as information about a third party, be easily deleted, allowing the rest to be released?
- Could a summary of the information be easily and quickly prepared if it is not possible to release all of the information?
- Is the information relatively simple to search for and obtain?

If the answer to these questions is 'yes', and there is no overriding public interest against disclosure, then Council may consider releasing the information in the most appropriate format without requiring a Formal Access Application.

Formal Access Application

Information which is not made available as a matter of course or defined mandatory or proactive release by legislation or Council policy may be applied for under the GIPA Act through a Formal Access Application. If you require advice or have questions regarding Formal Access Applications please contact Council's Customer Service Centre to speak to a Customer Service Officer or an Access Information Officer.

Council retains the discretion to require a Formal Access Application to be lodged in appropriate circumstances. Some examples may include instances where:

- Searching for and retrieving the information sought would require a significant diversion of resources
- The material contains information about a third party that cannot be deleted easily or without rendering the information useless, and consultation would need to occur
- The material is sensitive in nature and requires careful balancing of public interests

A request for information deemed to require a Formal Access Application under the GIPA Act requires a completed written application and a payment of a \$30 application fee. The Formal Access Application is available on Council's website or available at Council's Customer Service Centres. A further \$30 per hour processing fee may apply in some instances. Council may waive, reduce, or refund fees on application or in any case that Council considers appropriate (under s.127 of the GIPA Act). Standard turnaround time for a Formal Access Application is 20 business days, with a provision for extensions in certain circumstances.

Restrictions in Accessing Council Information

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 under section 14 of the GIPA Act:

- 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

Consultation and Public Interest

In accordance with section 54 of the GIPA Act, 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

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 (s. 54).

For more information on the Information Privacy Principles and personal information, please see Council's Privacy Management Plan available on Council's website.

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 (s. 54).

Public Officer – Right to Information 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.

If you would like to amend information held by 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 addressed as follows:

Public Officer
Inner West Council
PO Box 14,
PETERSHAM NSW 2049

Email: council@innerwest.nsw.gov.au

or delivered in person to one of Council's Service Centres as follows:

Ashfield Service Centre, 260 Liverpool Road, Ashfield NSW 2131

Leichhardt Service Centre, 7-15 Wetherill Street, Leichhardt NSW 2040

Petersham Service Centre, 2-14 Fisher Street, Petersham NSW 2049

Determining a Valid Application

Before a Formal Access Application is considered it must meet certain criteria, that is, to make it a valid application. This is set out in Appendix 4.

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 the GIPA Act.

External Review (Civil and Administrative Tribunal)

Applicants also have formal avenues via the New South Wales Civil and Administrative 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.

For further information in relation to the GIPA Act and privacy information:

Information and Privacy Commission NSW
Level 17
201 Elizabeth Street
Sydney 2000

Ph. 1800 472 679

The IPC website contains information and a number of resources of benefit to Government and Public <http://www.ipc.nsw.gov.au/>

Appendix 1

Council's Guiding Principles

Under Section 8A of the Local Government Act, Council has the following guiding principles:

- (1) Exercise of functions generally - The following general principles apply to the exercise of functions by councils:
 - (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
 - (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
 - (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
 - (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
 - (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
 - (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
 - (g) Councils should work with others to secure appropriate services for local community needs.
 - (h) Councils should act fairly, ethically and without bias in the interests of the local community.
 - (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.
- (2) Decision-making - The following principles apply to decision-making by councils (subject to any other applicable law):
 - (a) Councils should recognise diverse local community needs and interests.
 - (b) Councils should consider social justice principles.
 - (c) Councils should consider the long term and cumulative effects of actions on future generations.
 - (d) Councils should consider the principles of ecologically sustainable development.
 - (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.
- (3) Community participation - Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures

Appendix 2 - Open Access Information

Information that is made available through Council's website

Document Type	Method of Access	Definition
General Information		
Council Policies	http://www.innerwest.nsw.gov.au/council/plans-policies-publications/policies	Documents used in connection with the exercise of Council's functions that affect the public. Many of Council's policies are available from Council's website. Policy documents not available on Council's website can be accessed by informal application
Agency Information Guide	This document.	The structure and functions of Council. The type of information held by Council and how to access it.
Disclosure log of Formal Access Applications	http://www.ashfield.nsw.gov.au/page/access-to-information.html http://www.marrickville.nsw.gov.au/en/council/about-council/access-to-information/ IWC - TBA	Details about the type of information formally requested from Council
Register of Government Contracts	http://www.innerwest.nsw.gov.au/council/plans-policies-publications/registers/contracts	Register of contracts awarded by Council valued at \$150,000 or more
Information About Council		
Model Code of Conduct prescribed under section 440(1) of the Local Government Act 1993	https://www.innerwest.nsw.gov.au/council/policies-and-publications/policies	The conduct of Council officials
Code of Meeting Practice	https://www.innerwest.nsw.gov.au/council/meetings/council-meetings	Procedures for all Council and Committee Meetings
Auditor's Report	http://www.ashfield.nsw.gov.au/page/corporate-plans-and-reports.html http://www.marrickville.nsw.gov.au/en/council/forms-and-publications/ http://www.leichhardt.nsw.gov.au/About-Council/Plans-Policies-Publications/Reports/Reports https://www.innerwest.nsw.gov.au/council/planning-for-our-future	The Auditor's Report is included in the Annual Financial Report
Delivery Program	http://www.ashfield.nsw.gov.au/page/corporate-plans-and-reports.html http://www.leichhardt.nsw.gov.au/About-Council/Plans-Policies-Publications/Planning-and-Resourcing-Our-Future/Budget-Delivery-Program-and-Operational-	Translates the strategic direction of Council into operational planning

	<p>Plan/Delivery-Program-and-Operational-Plan</p> <p>http://www.marrickville.nsw.gov.au/en/council/forms-and-publications/main-plans/</p> <p>http://www.innerwest.nsw.gov.au/council/plans--policies---publications/planning-for-our-future</p>	
EEO Management Plan	<p>http://www.ashfield.nsw.gov.au/page/policies_and_corporate_plans.html</p> <p>http://www.marrickville.nsw.gov.au/en/council/forms-and-publications/council-policies/</p>	The Equal Opportunity Plan shows the Council's commitment to EEO
Councillor Expenses and Facilities Policy	http://www.innerwest.nsw.gov.au/council/plans-policies-publications/policies	Policy for expenses incurred by and provision of facilities to Mayor and Councillors
Returns of interests of Councillors and Designated Persons	<p>Informal Access Application: <i>Section 449 Returns: Disclosure by Councillors and Designated Persons</i></p> <p>Contact: council@innerwest.nsw.gov.au</p>	Council's register of declarations of pecuniary interest. The Register is available for inspection at Council's Petersham office during ordinary business hours. For details regarding this information a request should be made using the Informal Access Application Form
Agenda, Business Papers, and minutes for any meeting of Council or Committee of Council	http://www.innerwest.nsw.gov.au/council/meetings	Agenda , papers, resolutions and recommendations for Council Meetings and Committees
Land Register	<p>Informal Access Application: <i>Land Register</i></p> <p>Contact: council@innerwest.nsw.gov.au</p>	Register of all lands vested in Council or under its control. For details regarding this information please use the Informal Access Application
Register of Investments	<p>Investment Report</p> <p>Contact: council@innerwest.nsw.gov.au</p>	Register of investments and cash at bank. Council's investments are reported to Council meetings
Register of Delegations	<p>Informal Access Application <i>Delegations</i></p> <p>Contact: council@innerwest.nsw.gov.au</p>	A register of the functions delegated to the Administrator, General Manager and to Council staff. For details regarding this information please use the Informal Access Application.
Register of Graffiti removal works	<p>Informal Access Application: <i>Register of Graffiti Removal Works</i></p> <p>Contact: council@innerwest.nsw.gov.au</p>	Council manages graffiti through a Graffiti management plan and other mitigation initiatives
Register of current Declarations of Disclosure of Political Donations	http://www.innerwest.nsw.gov.au/council/plans--policies---publications/register/political-donations	Information regarding disclosures of political donations
	<p>Electoral Commission NSW</p> <p>http://www.elections.nsw.gov.au/fd</p>	Information regarding disclosures of political donations lodged by candidates, groups, members of parliament, local government Councillors,

		political parties and political donors can be found on the Electoral Commission of NSW website
Register of voting on Planning Matters	http://www.innerwest.nsw.gov.au/council/plans--policies---publications/registers/planning-decisions	Council keeps a register of voting on planning matters

Plans and Policies		
Local policies adopted by Council	<p>Council policy:</p> <p>http://www.innerwest.nsw.gov.au/council/plans-policies-publications/policies</p>	Council publishes most of its policy documents on its website. Other policy not on the website can be accessed by making an Informal Access Application
Plans of Management for community land	<p>Plans of Management:</p> <p>http://www.marrickville.nsw.gov.au/en/council/forms-and-publications/council-plans/</p> <p>http://www.leichhardt.nsw.gov.au/About-Council/Plans-Policies-Publications/Plans-of-Management/Plans-of-Management</p> <p>Through Informal Access Application.</p> <p>Contact: council@innerwest.nsw.gov.au</p>	Access will be provided to the Plans in their entirety upon request by making an Informal Access Application
Environmental Planning Instruments, Development Control Plans and Contribution Plans made under the Environmental Planning and Assessment	<p>Local Environment Plan:</p> <p>http://www.ashfield.nsw.gov.au/page/ashfields_local_environment_plan_and_urban_planning_strategy.html</p> <p>http://www.marrickville.nsw.gov.au/en/development/planning-controls/background-to-lepdcp-review/</p> <p>http://www.leichhardt.nsw.gov.au/Planning---Development/Planning-Controls--DCPs--LEPs--VPAs-/LEPs/LEPs</p>	The starting point for all zoning, land use and development enquiries is the Local Environment Plan

nt Act 1979		
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Information about Development Applications		
Register of Development Applications Lodged and Determined	Register of Development Applications Lodged and Determined http://www.ashfield.nsw.gov.au/page/development_applications.html http://www.marrickville.nsw.gov.au/en/development/development/da-on-exhibition/ http://www.eservices.lmc.nsw.gov.au/ApplicationTracking/Pages/XC.Track/SearchApplication.aspx	Register of Development Applications Lodged and Determined
Development Applications and associated documents including, but not limited to, Application Form, Determination and Conditions, Officer's Delegated Authority Report, Statement of Environmental Effects, Plans, Construction and Occupation Certificates, Acoustic Reports, Dilapidation Reports, Heritage Reports etc	Application made through Informal Access Application Contact: council@innerwest.nsw.gov.au	The majority of Development Applications are available on Council's websites
Submissions received on Development Applications	Application made through Informal Access Application	Council considers, on balance, the public interest in protecting the personal information of submitters overrides the public interest in web-publication of submissions. Council may make submissions available via Informal Access.
Record of Information about Development Applications not made Publically Available	Application made through Informal Access Application	

Approvals, Orders and other documents		
Applications for approvals under Part 1 of Chapter 7 of the Local Government Act 1993	Register of Development Applications Lodged and Determined Application made through Informal Access Application	Applications for approvals under Part 1 of Chapter 7 of the Local Government Act 1993 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	Application made through Informal Access Application	Information regarding specific approvals other than development applications may be accessed by making an Informal Access Application
Records of approvals granted or refused, any variation from local policies with reasons for the variation and	Application made through Informal Access Application	Information regarding specific approvals other than development applications may be accessed by making an Informal Access

Approvals, Orders and other documents		
decisions made on appeals concerning approvals		Application
Orders given under the Local Government Act 1993	Register of Orders Application made through Informal Access Application	Orders issues and complied with under Part 2 of Chapter 7 of the Local Government Act 1993
Orders given under the authority of any other Act	Application made through Informal Access Application	Council will consider orders by making an Informal Access Application
Records of Building Certificates	Building Certificate Register Application made through Informal Access Application	Records of Building Certificates issued under the Environmental Planning & Assessment Act 1979. Copies of Building Certificates available for fee
Plans of land proposed to be compulsorily acquired by the local authority; Compulsory acquisition notices	Application made through Informal Access Application	Council does not regularly compulsorily acquire land. In instances where this authority is exercised by Council, the plans and notices will be published on Council's website. For details regarding this: use Informal Access Application.
Leases and licences for use of public land classified as community land	Application made through Informal Access Application: <i>Register of Leases and Licences of Community Land</i>	Leases and licences for use of public land classified as community land. For details regarding this information or copies of specific leases and licences please make an Informal Access Application.

Appendix 3 - Authorised Proactive Release

Document Type	Method of Access	Definition
Council Administration and Governance		
Approved Council Strategies and Plans	<p>Council policy and plans</p> <p>http://www.ashfield.nsw.gov.au/page/policies_and_corporate_plans.html</p> <p>http://www.marrickville.nsw.gov.au/en/council/forms-and-publications/council-policies/</p> <p>http://www.leichhardt.nsw.gov.au/About-Council/Plans-Policies-Publications</p> <p>http://www.innerwest.nsw.gov.au/council/plans--policies---publications/planning-for-our-future</p>	Documents used in connection with the exercise of Council's functions that affect the public. Previous versions not available on the web may be accessed by Informal Access Application.
Fees and Charges	<p>Fees and Charges:</p> <p>http://www.innerwest.nsw.gov.au/council/plans--policies---publications/planning-for-our-future</p>	Council's pricing policy, fees, and charges for the current financial year.
Council News Updates	<p>http://www.innerwest.nsw.gov.au/news-and-events</p> <p>https://www.innerwest.nsw.gov.au/news---hot-topics/news/enewsletters</p>	Council provides a range of online tools to provide up-to-date Council news, activities, and events, including the weekly Council Column, Newsletters, and Media Releases.
Government Submissions	<p>http://www.ashfield.nsw.gov.au/</p> <p>http://www.marrickville.nsw.gov.au/</p> <p>http://www.leichhardt.nsw.gov.au/</p> <p>http://www.innerwest.nsw.gov.au/</p>	Submissions made to Government by Council may be published on Council's website.
Research Studies	<p>http://www.ashfield.nsw.gov.au/</p> <p>http://www.marrickville.nsw.gov.au/en/council/forms-and-publications/council-plans/</p> <p>http://www.leichhardt.nsw.gov.au/</p> <p>http://www.innerwest.nsw.gov.au/</p>	Council occasionally undertakes or commissions research studies. These will generally be made available on Council's website.
Standing and Special Committee Terms of Reference	<p>http://www.innerwest.nsw.gov.au/council/meetings</p>	Council's Reference Guide to Committees provides an overview of the structure, responsibilities, membership;
Council Administration and Governance cont.		
State of Environment Report	State of the Environment Report:	Report of environmental

	http://www.ashfield.nsw.gov.au/page/state_of_the_environment.html http://www.leichhardt.nsw.gov.au/Environment---Sustainability/State-of-the-Environment Request can also be made by making an Informal Access Application	indicators and activities undertaken by Council to protect and enhance the local environment.
Council Events Information	Council Events Information: http://www.innerwest.nsw.gov.au/news-and-events	Information on events for the Inner West Council

Regulatory

All Development Application plans	Accessed by making an Informal Access Application	Council will proactively release most development application plans on Informal request. Copies may be subject to copyright provisions and incur a fee
Development Application files and associated documents; see previous section "Information about Development Applications".	Accessed by making an Informal Access Application	Council will proactively release most development application file documents.

Other Information

Community information directories, publications, and services	Community Information http://www.ashfield.nsw.gov.au/page/arts_culture_participation.html http://www.leichhardt.nsw.gov.au/Community http://www.marrickville.nsw.gov.au/en/community/ http://www.innerwest.nsw.gov.au/community	Council publishes a wide range of community information on the website including directories, news, and information publications.
Major Projects updates	Major Projects http://www.ashfield.nsw.gov.au/page/major_projects1.html http://www.leichhardt.nsw.gov.au/Planning---Development/Major-Developments-and-Planning-Projects/Major-Developments-and-Planning-Projects https://www.innerwest.nsw.gov.au/development-works/major-council-projects	Council regularly updates the status and progress of its Major Projects. Reports are also periodically presented to Council Meetings and can be accessed online in Council's Business Papers.
Other Information cont.		
Your own personal information	Informal Access Application + ID	Council will facilitate access to your own personal information

		holdings in accordance with the requirements of the PPIP Act. To access your own information, please complete an Informal Access Application <i>with a certified copy of photo ID</i>
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Appendix 4 - Valid Application Criteria

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

ⁱ The *Government Information (Public Access) Act 2009* (GIPA Act) provides for the public to have a right of access to Government (Council) information. Government information under section 41(1) of the Act 'means information contained in a record held by any agency'.

A council record, for the purposes of the Act, is information:

- To which Council has an immediate right to access
- That is in the possession or under the control of a person in that person's capacity as an officer of Council
- Created by an officer of the Council in the normal course of that person's duties for the purposes of Council, or for the purposes of the person as an officer of Council.

Records are defined in Schedule 4 of the Act as 'any document or other source of information compiled , recorded, or stored in written form or by electronic process, or in any other manner or by other means.'