



# Agency Information Guide

Prepared in accordance with the provisions of Section 20 of the  
*Government Information (Public Access) Act 2009*

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Verified by General Manager.....Verified by Mayor.....

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## **1. Structure and Functions of Council**

### **1.1 Introduction**

The role of the Council is to:

- direct and control the affairs of the Council in accordance with the Local Government Act 1993, (the LG Act);
- provide effective civic leadership to the local community;
- ensure as far as possible the financial sustainability of the Council;
- ensure as far as possible that the Council acts in accordance with the principles set out in the LGA and the plans, programs, strategies and policies of the Council;
- develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the Council;
- determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the Council's resources to implement the strategic plans (including the community strategic plan) of the Council and for the benefit of the local area;
- keep under review the performance of the Council, including service delivery,
- make decisions necessary for the proper exercise of the Council's regulatory functions;
- determine the process for appointment of the General Manager by the Council and to monitor the General Manager's performance;
- determine the senior staff positions within the organisation structure of the Council;
- to consult regularly with community organisations and other key stakeholders and keep them informed of the Council's decisions and activities; and
- be responsible for ensuring that the Council acts honestly, efficiently and appropriately.

The Mayor is the leader of the Council and a leader in the local community. He/she has a role to enhance community cohesion and is the principal member and spokesperson of the governing body.

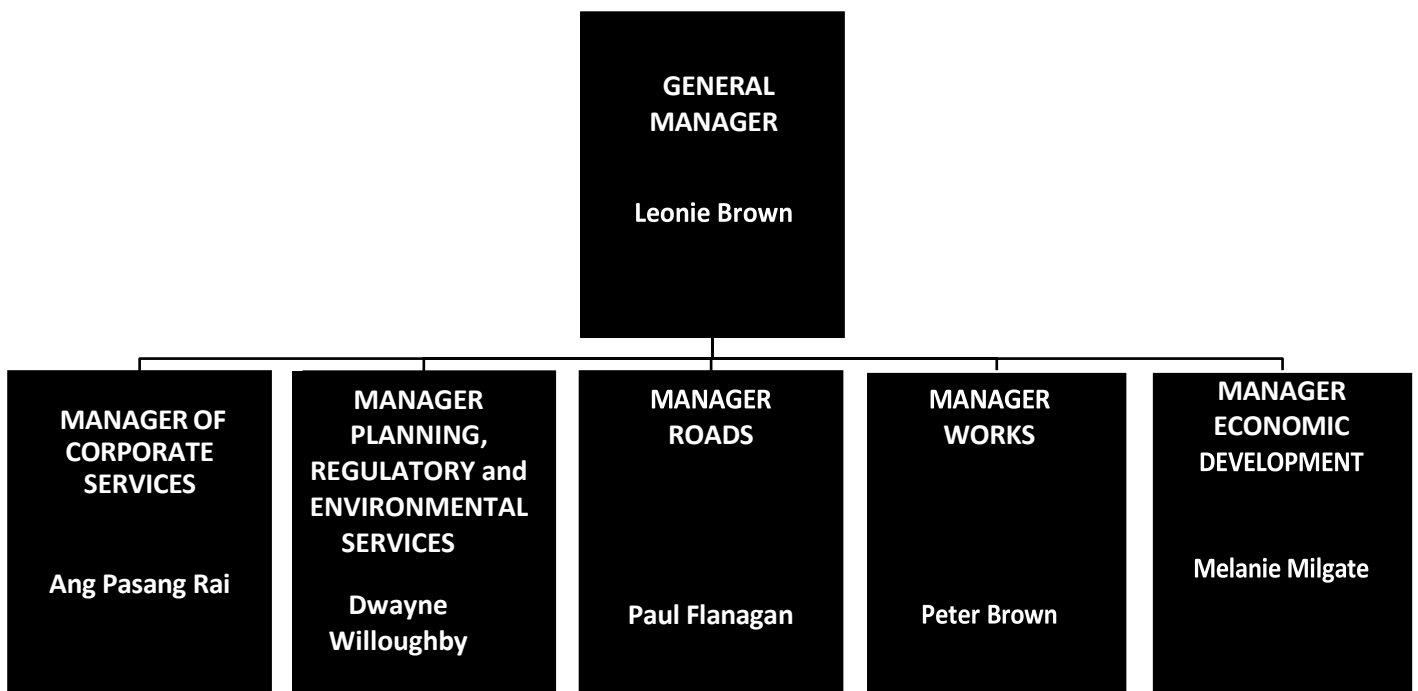
The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in of necessity, the decision-making functions of the governing body, between its meetings and performs any other functions that the Council determines. The Mayor also ensures the timely development and adoption of strategic plans, programs and policies of Council, promotes partnerships and provides strategic direction to the General Manager.

The Principal Officer of the Council is the General Manager. The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General

Manager is also responsible for the day-to-day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff; as well as the implementation of Council's Workforce Management Strategy, exercise functions delegated by Council and provide advice to the Mayor and Councillors regarding Council's Strategic Plans, Programs, Strategies and Policies.

## 1.2 Organisational Structure

The functional structure of the organisation is set out below:



### 1.3 Council Functions

Council has functions conferred or imposed on it by the Local Government Act 1993. These functions are outlined below:

- Service Functions

Council provides services and facilities to the public. These include Community health, recreation, education and information services.

- Regulatory Functions

Council regulates developments and buildings to ensure they meet certain requirements affecting community amenity and safety. This includes issuing development and construction or demolition approvals, orders and building certificates.

- Ancillary Functions

Council undertakes various ancillary functions. These include the resumption of Land and Powers of entry & inspection.

- Revenue Functions

Councils Revenue functions include revenue sourced from rates and other charges paid by the public. These funds help fund the services and facilities the Council provides for the community. These functions include levying rates, charges and fees as well as borrowings and investments.

- Administrative Functions

Council's administrative functions include employing staff, developing management plans and financial and performance reporting (eg Annual Report).

- Enforcement Functions

Enforcement functions include matters such as the pursuit of the non-payment of rates and charges, environmental planning or companion animal offences, The Council may issue penalty notices or initiate legal proceedings.

As well as the Local Government Act 1993, Council has powers under a number of other Acts including, but not limited to:

Biodiversity Conservation Act 2016  
Commons Management Act 1989  
Community Land Development Act 1989  
Companion Animals Act 1998  
Contaminated Land Management Act 1997  
Conveyancing Act 1919  
Crown Lands Act 1989  
Environmental Planning and Assessment Act 1979  
Fire Brigades Act 1989  
Fluoridation of Public Water Supplies Act 1957  
Food Act 2003  
Government Information (Public Access) Act 2009  
Heritage Act 1977  
Impounding Act 1993  
Library Act 1939  
Local Government (General) Regulation 2021  
Privacy and Personal Information Protection Act 1998  
Protection of the Environment Operations Act 1997  
Public Health Act 2010  
Recreation Vehicles Act 1983  
Roads Act 1993  
Rural Fires Act 1997  
State Emergency & Rescue Management Act 1989  
State Emergency Service Act 1989  
Strata Schemes Development Act 2015  
Strata Schemes Management Act 2015  
Swimming Pools Act 1992  
Unclaimed Money Act 1995

In order to undertake its functions, Council has identified the following Principal Activities and Functions:

Principal Activities	Functions
Administration	<ul style="list-style-type: none"> <li>• Governance</li> <li>• Management Accounting Services</li> <li>• Financial Accounting Services</li> <li>• Human Resource Services</li> <li>• Information Technology Services</li> <li>• Administrative Services</li> <li>• Technical Support Services</li> <li>• Rates and General Revenue</li> <li>• Customer Services</li> <li>• Commercial Activity</li> <li>• Risk Management</li> <li>• Asset Services</li> <li>• Strategic Activities</li> <li>• Community and Social Consultation</li> <li>• RTA Agency</li> <li>• Depot Services</li> <li>• Works Services</li> <li>• Fleet Management</li> </ul>
Economic Affairs	<ul style="list-style-type: none"> <li>• Land Development</li> <li>• Tourism and Area Promotion</li> <li>• Special Projects</li> <li>• Economic Development</li> <li>• Community Development</li> <li>• Back O' Bourke Exhibition Centre, PV Jandra, Crossley Engine</li> <li>• Saleyards and Markets</li> <li>• Industrial Development</li> </ul>
Public Order and Safety	<ul style="list-style-type: none"> <li>• Fire Protection</li> <li>• Animal Control</li> <li>• Emergency Services</li> <li>• Other Public Order and Safety</li> <li>• Abandoned Buildings</li> </ul>
Health	<ul style="list-style-type: none"> <li>• Environmental and Health Services</li> <li>• Environmental Support Services</li> <li>• Land use Services</li> <li>• Other Health</li> <li>• Noxious Plants</li> </ul>
Community Services	<ul style="list-style-type: none"> <li>• Aged and Disabled Services</li> <li>• Education</li> <li>• Youth Services</li> <li>• Other Community Services</li> </ul>
Housing and Community Amenities	<ul style="list-style-type: none"> <li>• Housing</li> <li>• Town Planning</li> </ul>

	<ul style="list-style-type: none"> <li>• Development Approval and Control</li> <li>• Domestic and Trade Waste Management Services</li> <li>• Street Cleaning</li> <li>• Urban Stormwater Drainage</li> <li>• Cemeteries</li> <li>• Community and Village Amenities</li> <li>• Environmental Protection</li> </ul>
Water Supplies	<ul style="list-style-type: none"> <li>• Bourke and Villages Water Supply</li> </ul>
Sewerage Services	<ul style="list-style-type: none"> <li>• Sewerage Services</li> </ul>
Recreation and Culture	<ul style="list-style-type: none"> <li>• Library Services</li> <li>• Community Centres</li> <li>• Public Halls</li> <li>• Sporting Grounds and Facilities</li> <li>• Other Cultural Services</li> </ul>
Public Facilities	<ul style="list-style-type: none"> <li>• Bourke Olympic Swimming Pool</li> </ul>
Recreational Services	<ul style="list-style-type: none"> <li>• Parks, Gardens and Reserves</li> </ul>
Mining, Manufacturing and Construction	<ul style="list-style-type: none"> <li>• Construction and Building</li> <li>• Quarries and Gravel Pits</li> </ul>
Transportation and Communication	<ul style="list-style-type: none"> <li>• Road Network</li> <li>• Town and Village Streets and Lanes</li> <li>• Aerodromes</li> <li>• Footpaths and Cycle ways</li> <li>• Traffic Management</li> <li>• Street Lighting</li> <li>• Kerbing and Guttering</li> <li>• Street Trees</li> </ul>



## **2. How Council functions affect members of the public**

As a service organisation, the majority of the activities of Bourke Shire Council have an impact on the public. The following is an outline of how the broad functions of Council 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 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 and unregistered dogs.

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 and information.
- 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, Seniors Week, as well as promoting events of others.

### **3. Council policy development & functions – public participation**

There are two (2) broad ways in which the public may participate in policy development and, indeed, the general activities of the Council. These are:

#### **3.1 Representation**

Councils in New South Wales are generally elected every four (4) years. The next general elections are scheduled to be held in September 2024. All residents of the area who are 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.

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. Councillors only have a decision-making role when they formally meet as a Council.

#### **3.2 Personal Participation**

Members of the public are able to attend Council meetings, with Bourke Shire Council meeting on the 4<sup>th</sup> Monday of each month. The exception to this is the December meeting, which is determined each year to coincide with Christmas, with no meeting being held in January.

Members of the public are able to make submissions for Council's consideration in relation to the development of its Community Strategic Plan, Operational Plan and Delivery Program as well as on proposals relating to development, subdivision and building applications. In addition, members of the public can present to a Public Forum session held prior to the monthly Council meeting.

### **4. Documents held by Council**

Council holds government information (hard copy and electronic form) that relate to a number of different issues concerning the Bourke shire Council area. These documents are grouped into three categories:

1. Electronic documents
2. Physical files
3. Policy documents

#### **4.1 Files – both “physical” and electronic**

Council's files are not available on the website however information from these files may be made available either by informal release or via an access application, unless there is an overriding public interest against disclosure of

the information. This is undertaken in accordance with the provisions of the Government Information (Public Access) Act 2009 (the GIPA Act).

Members of the public who require an informal release or an access application can do so by contacting Council.

## **4.2 Policy documents**

Council's policies are maintained in a policy register – required documents are available on the website.

## **5. How to access Council information**

There are four (4) ways in which Council information is made available to the public under the Government Information (Public Access) Act 2009 (GIPA Act):

### **5.1 Open access information**

This information is mandatorily available in accordance with the GIPA Act. The public is entitled to inspect these documents either on Council's website ([www.bourke.nsw.gov.au](http://www.bourke.nsw.gov.au)) (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous government information of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges, subject to copyright. The list of government information held by Council is set out below:

### **5.2 Information about Council**

- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational 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 Council
- Any Codes referred to in the LGA
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of Council
- Minutes of any meeting of Council or any Committee of Council
- Departmental Representative Reports presented at a meeting of Council

- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters

### **5.3 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 Contribution Plans

### **5.4 Information about Development Applications**

Development Applications and the following associated documents received in relation to a proposed development:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information.

### **5.5 Approvals, Orders and Other Documents**

- Applications for approvals under part 7 of the LG Act
- 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 7 of the Local Government Act, and any reasons given under section 136 of the LG Act
- 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
- Performance improvement orders issued under Section 6 of Chapter 13 of the LG Act

In addition to the above the following government information known as "open access information" is also publicly available:

- Council's current agency information guide,
- Information about the Council contained in any document tabled in Parliament by or on behalf of the Council, other than any document tabled by order of either House of Parliament,
- Council's policies
- Council's disclosure log or access applications
- Council's register of government contracts
- Council's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure,
- such other government information as may be prescribed by the regulations as open access information.

## **5.6 Proactive release**

Council is encouraged to make as much information of public interest as possible publicly available free of charge or at minimal cost, such as frequently requested information or information of special public interest. The information to be proactively released is decided at Council's discretion. It is published in an appropriate manner and either free of charge or available at a reasonable cost.

Council makes the following information of public interest available on its website:

- Council events information
- Council news updates
- Fees and Charges
- Government submissions
- Community Information Directories, Publications and Services
- Infrastructure Program Updates
- Major Projects Updates

## **5.7 Informal Release**

Council is authorised to release information in response to an informal request, unless there is an overriding public interest against disclosure of the information, such as if another person's personal information is included in the information. A written application is required to request information informally.

## **5.8 Formal Release**

You are also able to request access to Council information, including information not available as open access, proactive release or informal

release, by lodging a Formal Access to Information Request.

You will need to lodge a formal application if:-

- You are requesting another person's personal information (e.g. complainant's details)
- You are requesting information relating to an insurance claim
- Your request will involve retrieval of a large number of documents or files (five files or more)
- You are requesting information relating to companion animals

For an application to be considered valid, it must:-

- Be in writing
- Have the \$30 application fee paid upon lodgement
- Include a postal address within Australia
- Contain enough details to allow the required information to be identified.

The \$30 application fee will cover the first hour of processing. Subsequent time spent processing the application will incur a charge of \$30 per hour. You will be informed of the estimated total cost of your application within five days of the application being received.

## **6. How members of the public may access and amend Council Government Information concerning their personal affairs**

As mentioned previously, Council has a vast range of documents that can be accessed in varying ways. Most documents require an appointment to be accessed, in order to allow files to be retrieved from Council's off-site storage facility. Appointments can be made to view documents at Council's Administration Office, 29 Mitchell Street, Bourke, between the hours of 8.00am to 4.30pm, Monday to Friday (except public holidays); Telephone: 02 6830 8000.

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

### **6.1 Public Officer and Right to Information Officer**

Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer who is responsible for determining applications for access to documents.

If you believe that a Council record is incorrect, and you would like to have this amended it is necessary for you to make written application to the Public

Officer in the first instance.

Enquiries should be addressed as follows:

General Manager

Bourke Shire Council

PO Box 21

Bourke NSW 2840

Email: [bourkeshire@bourke.nsw.gov.au](mailto:bourkeshire@bourke.nsw.gov.au)

## 7. Further information

If you require any other advice or assistance about access to information you may contact the Information and Privacy Commission using the following details:-

Office of the Information and Privacy Commissioner NSW

Industrial Relations Commission Building

Level 3, 47 Bridge Street

Sydney NSW 2000

Phone: 1800 472 679

Fax: (02) 8114 3756

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

Website: <https://www.ipc.nsw.gov.au/information-access>

Data NSW

Email: [datansw@finance.nsw.gov.au](mailto:datansw@finance.nsw.gov.au)

Website: [data.nsw.gov.au](http://data.nsw.gov.au)

OpenGov NSW

Email: [opengov@records.nsw.gov.au](mailto:opengov@records.nsw.gov.au)

Website: [opengov.nsw.gov.au](http://opengov.nsw.gov.au)

## 8. Amendments

Version	Date Approved	Description of Changes
1.4.10 (v6)	27/09/2021	Minor revisions.
1.4.10 (v7)	23/10/2023	Minor revisions.