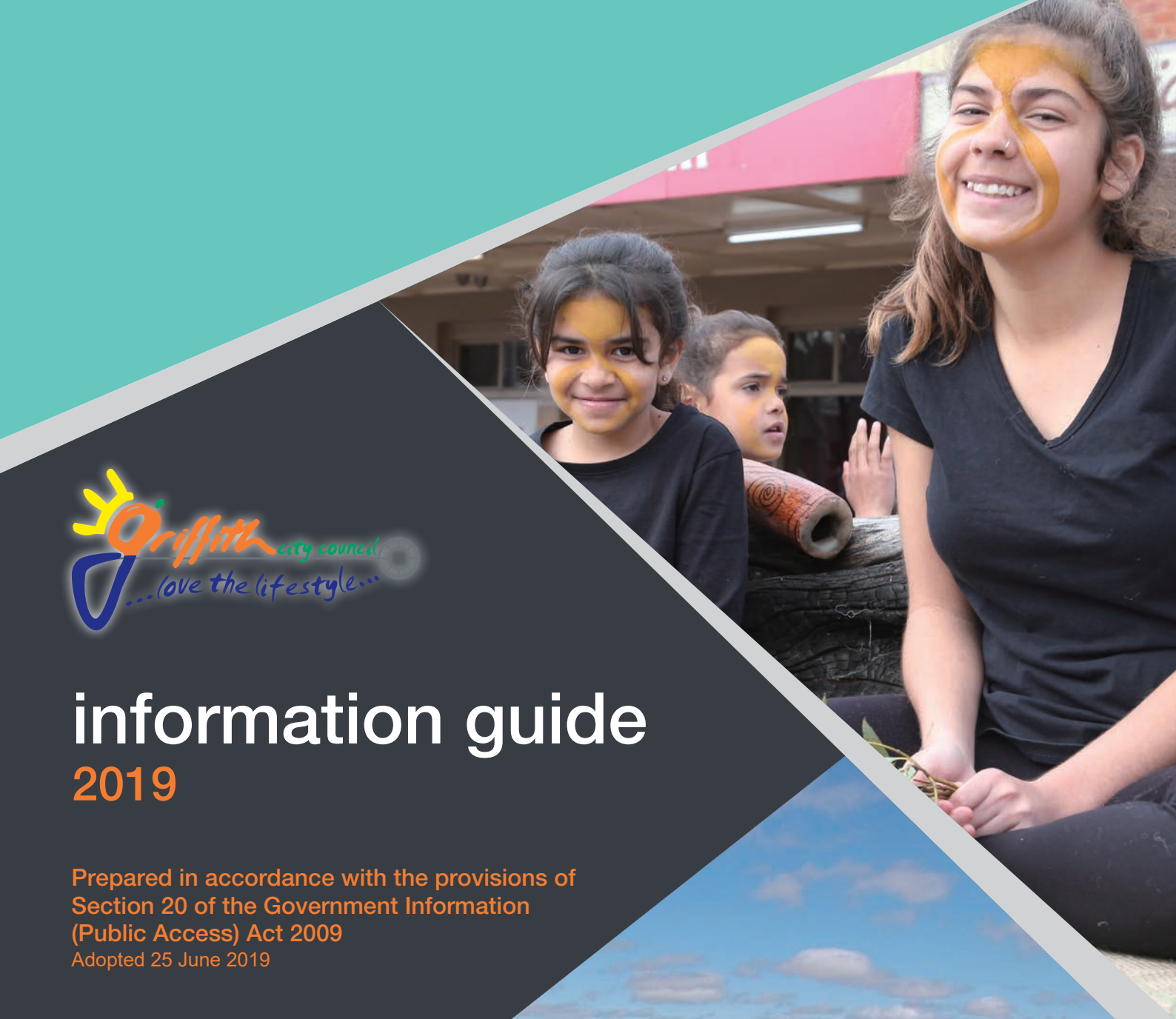


Griffith city council
...love the lifestyle...

information guide
2019

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

Adopted 25 June 2019



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1. INTRODUCTION

Griffith City Council has prepared this Agency Information Guide (Information Guide) in accordance with section 20 of the *Government Information (Public Access) Act 2009* (GIPA Act).

In order to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, Council is committed to upholding the following objectives of the GIPA Act:

- authorising and encouraging the proactive public release of government information, and
- giving members of the public an enforceable right to access government information, and
- restricting access to government information only when there is an overriding public interest against disclosure.

The guiding principle of the GIPA Act is public interest. It is generally presumed that all government agencies will disclose or release information, unless there is an overriding public interest against doing so. Under the GIPA Act it is compulsory for agencies to provide information about their structure, functions and policies, and agencies are encouraged to proactively and informally release as much other information as possible.

By describing Council's functions, responsibilities and organisational structure, the Information Guide aims to promote a better understanding of Council's work in the community and inform members of the public about the ways in which the community can participate in Council's decision –making processes. It also details the various types of information held by Council and how that information can be accessed.

Griffith City Council is committed to openness with regard to access to government information. Council information can be accessed on the website *www.griffith.nsw.gov.au* by telephoning Council's Customer Service Centre, 1 Benerembah Street, Griffith during business hours on 02 6962 8100, or by emailing admin@griffith.nsw.gov.au.

2. STRUCTURE AND FUNCTIONS OF COUNCIL

2.1 About Griffith City Council

Griffith was proclaimed in 1916 being named after Arthur Griffith, the New South Wales Minister for Public Works during the period of 1910-1915.

Griffith Shire Council was constituted in 1928, and was known as Wade Shire Council. On the 1 January 1982 it became Griffith Shire Council until 1 July 1987 when the Shire was declared a City Council.

Griffith City Council local government area is bounded by Carrathool Shire in the north, west and south-west, Narrandera Shire and Leeton Shire in the east, and Murrumbidgee Council in the south. The Council covers an area of 1,600 square kilometres.

Council's vision for the community, as outlined in the Community Strategic Plan, is "Griffith is a thriving and innovative regional capital with a vibrant lifestyle and diverse economy. We embrace our community, heritage, culture and environment."

2.2 Basis for Constitution

The Council is constituted under the *Local Government Act 1993*.

2.3 Organisational Structure and Resources

The Council is an undivided area (not divided by wards), and is governed by a body of twelve (12) Councillors (including the Mayor) who are elected by the residents and ratepayers of Griffith and surrounding villages.

2.3.1 Role of Councillors and Mayor

The role of a Councillor is:

- to be an active and contributing member of the governing body,
- to make considered and well informed decisions as a member of the governing body,
- to participate in the development of the integrated planning and reporting framework,
- to represent the collective interests of residents, ratepayers and the local community,
- to facilitate communication between the local community and the governing body,
- to uphold and represent accurately the policies and decisions of the governing body,
- to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

A councillor is accountable to the local community for the performance of the council.

Commencing 8 September 2012 the Mayor is popularly elected. The Mayor is elected for a four (4) year term.

The role of the mayor is as follows:

- to be the leader of the council and a leader in the local community,
- to advance community cohesion and promote civic awareness,
- to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- to preside at meetings of the council,
- to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- to promote partnerships between the council and key stakeholders,
- to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- to carry out the civic and ceremonial functions of the mayoral office,
- to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,

- in consultation with the councillors, to lead performance appraisals of the general manager,
- to exercise any other functions of the council that the council determines.

2.3.2 Role of General Manager

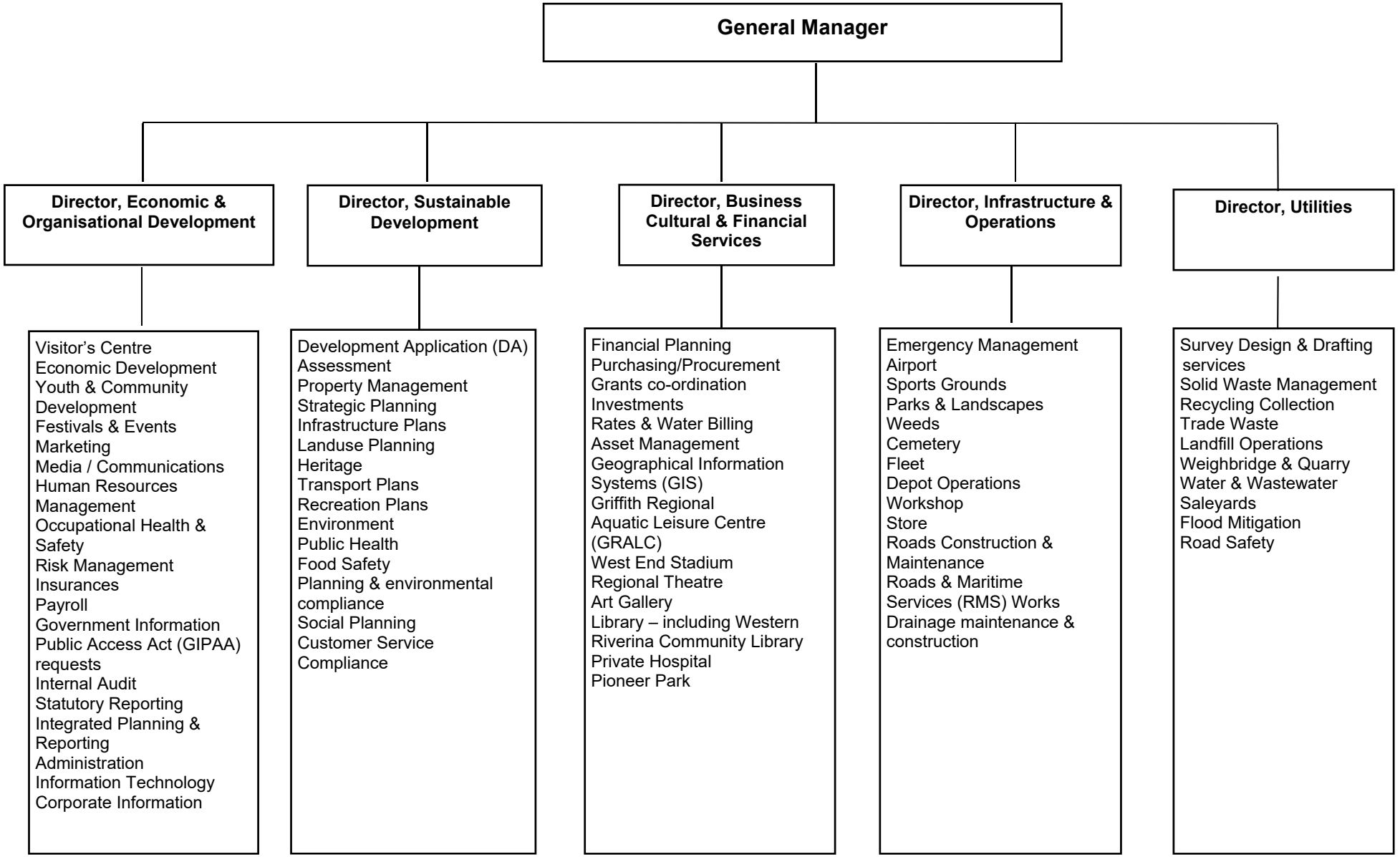
The General Manager is responsible for the efficient and effective operation of Council as an organisation and for ensuring the implementation of Council decisions. The General Manager has the following functions:

- to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- to implement, without undue delay, lawful decisions of the council,
- to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- to exercise any of the functions of the council that are delegated by the council to the general manager,
- to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- to direct and dismiss staff,
- to implement the council's workforce management strategy,
- any other functions that are conferred or imposed on the general manager by or under this or any other Act.

To assist the General Manager in the exercise of these functions there are five directorates of Council each headed by a Director. The directorates are:

1. Economic & Organisational Development
2. Sustainable Development
3. Business Cultural & Financial Services
4. Infrastructure & Operations
5. Utilities

Griffith City Council Organisational Structure



2.4 Functions of Griffith City Council

Councils exercise functions under the *Local Government Act 1993.* Under the Act Griffith City Council's functions can be grouped into the following categories:

Service Functions	• Provision of community health, recreation, cultural, education & information services • Environmental protection • Waste removal and disposal • Land & property, industry and tourism development & assistance • Civil infrastructure planning • Civil infrastructure maintenance and construction • Water and wastewater services • Airport • Landfill • Cemeteries
Regulatory Functions	• Building and development approval and control • Building Certificates • Development of Codes and Policies • Leases and licences of public reserves • Land management
Ancillary Functions	• Resumption of land • Powers of entry and inspection • Power to sell land for overdue rates • Power to order the demolition of unsafe or unapproved structures
Revenue Functions	• Levying of Rates • Levying of fees and charges • Authority to borrow funds • Authority to make investments • Authority to grant subsidies • Grant Management
Administrative Functions	• Employment of staff • Management Plans • Financial Management and Reporting • Annual Reports • Codes of Conduct and practice • Policy development • Governance Services • Information Management • Access to accurate and timely information • Customer Service
Enforcement Functions	• Proceedings for breaches of the *Local Government Act 1993* and Regulations, and other Acts and Regulations • Prosecution of offences • Recovery rates and charges

As well as the *Local Government Act 1993*, Council has powers and/or responsibilities under a number of other Acts including:

- *Airports Act 1996*
- *Biodiversity Conservation Act 2016*
- *Biosecurity Act 2015*
- *Building Professionals Act 2015*
- *Companion Animals Act 1998*
- *Community Land Development Act 1989*
- *Contaminated Land Management Act 1997*
- *Conveyancing Act 1919*
- *Crown Land Management Act 2016*
- *Crown Lands Act 1989*
- *Dividing Fences Act 1991*
- *Environmental Operations Act 1997*
- *Environmental Planning and Assessment Amendment Act 2008*
- *Environmental Planning and Assessment Act 1979*
- *Firearms Act 1996*
- *Fire Brigades Act 1989*
- *Fluoridation of Public Water Supplies Act 1957*
- *Food Act 2003*
- *Government Information (Public Access) Act 2009*
- *Health Records & Information Privacy Act 2002*
- *Heritage Act 1977*
- *Impounding Act 1993*
- *Library Act 1939*
- *Local Land Service Amendment Act 2016*
- *Privacy & Personal Information Protection Act 1998*
- *Protection of the Environment Operations Act 1997*
- *Public Health Act 2010*
- *Public Interest Disclosures Act 1994*
- *Recreation Vehicles Act 1983*
- *Roads Act 1993*
- *State Emergency & Rescue Management Act 1989*
- *State Emergency Service Act 1989*
- *State Records Act 1998*
- *Strata Schemes Development Act 2015*
- *Strata Schemes Management Act 2016*
- *Swimming Pools Act 1992*
- *Unclaimed Money Act 1995*
- *Waste Avoidance and Resource Recovery Act 2001*
- *Water Management Act 2000*
- *Work Health and Safety act 2011*
- *Workplace Injury management and Workers Compensation Act 1998*

3. HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

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

Service functions - the provision of a wide range of property and people services that affect the public. Service functions affect the public as Council provides services and facilities to ~~the public~~ members of the community. These include provision of human services such as library services, halls and community centres, recreation facilities, infrastructure and the removal of waste.

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 - functions that aid the carrying out of other functions of Councils particularly service and regulatory functions. 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 - the ability of Council to raise income through collection of rates and charges. 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 - how Council carries out its functions and makes decisions and how it is accountable for its actions. 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 - the prosecution of offences under relevant legislations which only affects those members of the public who are in breach of that legislation. Enforcement functions only affect those members of the public who are in breach of certain legislation that Council enforces. This includes matters such as the non-payment of rates and charges, companion animals and impounding, weeds, public health 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 Strategic Plan (known as *guiding griffith 2040*).

- 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 as well as promoting events of others organisations.

4. HOW THE PUBLIC CAN PARTICIPATE IN COUNCIL'S POLICY DEVELOPMENT AND THE EXERCISING OF FUNCTIONS

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

4.1 Representation

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their local council to make decisions on their behalf. In New South Wales, (under the Local Government Act) local government elections are held on the second Saturday of September every four years. The next elections are to be held in 2020. At each election, eligible voters elect twelve Councillors for a four year term (as from September 2008, this included the election of Mayor). 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. Click *here* to view Councillor contact details.

4.2 Personal Participation

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council.

4.2.1 Council Meetings

Councillors meet regularly at Ordinary Council meetings to discuss local issues and make decisions on behalf of the community. All meetings of Council are open to the public and residents are welcome to attend. Further details about Council meetings can be accessed at *Council Meetings.*

Council Meetings are generally held on the second and fourth Tuesday of each month in the Council Chambers, 1 Benerembah Street, Griffith commencing at 7 pm.

Residents may address Council on a matter on the agenda. This can be done by contacting Council prior to the Ordinary Meeting of Council and requesting permission to address Council in relation to the matter. Notice of this must be given by 12 noon the day of the meeting.

4.2.2 Council Committees

There are several *Committees* which support the exercise of Council's functions:

- Audit, Risk & Improvement Committee
- Business Development & Major Projects Committee
- Communities Committee
- Griffith Community Centre Committee

- Cultural Facilities Committee
- Disability Inclusion & Access Committee
- Floodplain Management Committee
- General Facilities Committee
- Griffith Private Community Hospital Committee
- Lake Wyangan & Catchment Management Committee
- Tourism & Events Committee
- Traffic Committee
- Transport Committee

Council also has the following Working Groups:

- Australia Day
- Build More Dams
- CBD Upgrade
- Cemetery
- Christmas Lights
- Spring Fest
- Griffith Pound & Rehoming Centre
- Pioneer Park Museum
- Rose Garden
- Senior Citizens
- Western Riverina Country Universities Board Inc

4.2.3 Public Submissions

Public exhibitions are a key way for the community to participate in local government. Members of the public are able to provide submissions on draft policies, strategies, projects, development and plans that Council is considering. These are advertised in the local newspaper and on Council's website at *On Exhibition* and can be inspected at the Griffith Library and Council Administration Building. It is important for community members to be aware that information provided to Council in correspondence, submissions or requests including personal information such as names and contact details may be made publicly available in accordance with the GIPA Act.

Residents can write to *Council* on any matter. If it is outside the delegations or policies by which staff or the General Manager can make a decision, the matter will be referred to the next available relevant Committee or Council Meeting. All matters to be addressed by Council through staff reports, must be submitted at least fourteen days prior to the relevant meeting.

Community members can also sign up to *Council's e-newsletter* and stay up-to-date on news and media releases by accessing *Council's website* and *social media* accounts.

4.2.4 Consultation

Council has a *Community Engagement Strategy* which affirms Council's commitment to community engagement and guides how Council involves the community in decision-making processes.

Community engagement is tailored to the project, proposal or plan and can include surveys, community workshops, online forums and other participation tools.

5. INFORMATION HELD BY GRIFFITH CITY COUNCIL

Griffith City Council is committed to the principle of open and transparent government. To facilitate public access to Council information, Council has adopted an *Access to Information Policy*.

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

Griffith City Council holds documents (hard copy and/or electronic form) that relate to a number of different issues concerning the Griffith City Council area. These documents are grouped into four categories:

(a) Electronic Documents
(b) Physical Files
(c) Policy Documents
(d) General Documents

Documents listed in '(d) General Documents' in this Information Guide may be made available to the public on request unless there is an overriding public interest not to do so.

Some documents may require a formal access application in accordance with the *Government Information (Public Access) Act.*

5.1 Electronic and Physical Files

Council's Electronic Document Management System (EDMS) was introduced in November 2004, when hard copy, physical files were dispensed with (except for development/building/construction applications). In October 2013 a new integrated electronic document and records management system (TRIM) was introduced to replace EDMS. In November 2017 this was upgraded to HPE Content Manager.

Prior to November 2004, the main types of 'physical' files held by Council included general subject files, development and building files and property files.

Council's files are not available on the website however this information may be made available either through an *informal request* or through a *formal application* under the *Government Information (Public Access) Act 2009*. Information is made available to the public, unless for specific information, there is an overriding public interest against disclosure of the information.

5.2 Policy Documents

Council's policies are available on Council's website or alternatively can be inspected at Council's office during normal office hours, 8.15 am to 4.00 pm, Monday to Friday (except for public holidays).

5.3 General Documents

The following list of general documents held by Council has been divided into four sections as outlined by Schedule 1 of the *Government Information (Public Access) Regulation 2009*:

(1) Information about local authority (Griffith City Council);
(2) Plans and Policies;
(3) Information about Development Applications;
(4) Approvals, Orders and other Documents.

Schedule 1 of the *Government Information (Public Access) Regulation 2009* requires that these documents held by Council, are to be made publicly available for inspection, free of charge.

It should be noted that Open Access Information is subject to being partially or fully withheld under the provisions of Section 6 of the Government Information (Public Access) Act. Any open access information which is withheld must be recorded indicating the general nature of the information concerned.

The public is entitled to inspect these documents either on Council's website *www.griffith.nsw.gov.au*; (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the Council office during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges, in accordance with Council's adopted Revenue Policy which can be viewed on Council's website www.griffith.nsw.gov.au.

The general documents held by Council are:

5.3.1 Information about Griffith City Council

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

- the model code prescribed under section 440 (1) of the Local Government Act 1993 and the code of conduct adopted under section 440 (3) of the Act,
- code of meeting practice,
- annual report,
- annual financial reports,
- auditor's report,
- integrated planning and reporting documents: 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 the local authority,
- any codes referred to in the Local Government Act 1993.

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

- returns of the interests of councillors, designated persons and delegates,
- agendas and business papers for any meeting of Council or any committee of the Council (but not including business papers for matters considered when part of a meeting is closed to the public),
- minutes of Council and Committee Meetings, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting,
- Departmental representative reports presented at a meeting of Council in accordance with section 433 of the Local Government Act 1993.

(3) Information contained in the current version of the following records is prescribed as open access information:

- land register,
- register of investments,
- register of delegations,
- register of graffiti removal work
- register of current declarations of disclosures of political donations
- the register of voting on planning matters

5.3.2 Plans and policies

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

- local policies adopted by Council concerning approvals and orders,
- plans of management for community land,
- environmental planning instruments, development control plans and contributions plans

5.3.3 Information about development applications

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

- development applications and any associated documents received in relation to a proposed development including the following:
    - home warranty insurance documents,
    - construction certificates,
    - occupation certificates,
    - structural certification documents,
    - town planner reports,
    - submissions received on development applications,
    - heritage consultant reports,
    - tree inspection consultant reports,
    - acoustics consultant reports,

- land contamination consultant reports,

- records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal),
- a record that describes the general nature of the documents that the local authority decides are not to be made publicly available on the basis of the following exception:

(2) This does not apply to so much of the information about development applications as consists of:

- the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
- commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret, or
- development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.

(3) Council must keep the record that describes the general nature of the documents that Council decides are not to be made publicly available on the basis of the above exception.

5.3.4 Approvals, orders and other documents

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

- 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,
- records of approvals granted or refused, any variation from Council's Local 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 1993, and any reasons given under section 136 of the Local Government Act 1993,
- 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 licences for use of public land classified as community land,
- performance improvement orders issued to Council

There is a range of public information available that is not included on the Griffith City Council website. Much of this information is contained in large documents and is available by request. There is no application fee to access this information however Council may charge a fee for photocopying as per Council's schedule of Fees and Charges.

6. HOW COUNCIL MAKES INFORMATION AVAILABLE

Griffith City Council is subject to NSW legislation that requires it to be open and accountable in the exercise of its functions, and to handle personal and health information in a fair and reasonable manner. Council will seek to ensure that legitimate requests for access to information are handled promptly and that members of the public are able to access information, subject to the need to protect the privacy of other, commercially sensitive information and information the disclosure of which would not be in the public interest.

The GIPA Act establishes four pathways for accessing information.

6.1 Mandatory disclosure of open access information

Council must make its 'open access information' publicly available unless there is an overriding public interest against disclosure of the information. Open access information is required to be published on Council's website free of charge unless to do so would impose an unreasonable additional cost on Council. Any copies of information which are requested may incur a copying charge per Council's *Fees & Charges.*

6.2 Authorised proactive release

The GIPA Act authorises Council to go beyond the minimum requirements for mandatory disclosure of information and make any information it holds publicly available unless there is an overriding public interest against disclosure of the information. This is a discretionary authority to release information in any manner considered appropriate, free of charge or at the lowest reasonable cost.

Council reviews its authorised proactive release program regularly by identifying the kinds of information it holds that should be made publicly available and that does not impose unreasonable additional costs on Council. Council encourages members of the public to contact Council with suggestions for information which can be considered for authorised proactive release.

Visit the *Information Held by Council* webpage to access a range of information that is openly available on Council's website.

6.3 Informal release

Access to information which is not made available via mandatory proactive release (open access) or authorised proactive release may be provided through informal release. As with the proactive release of information, Council is authorised to release information uncles there is an overriding public interest against disclosure. Application should be made to Council by submitting and *Access to Information* form.

6.4 Formal access application

Council requires a formal access application to be submitted if the information being sought:

- is not available via proactive or informal release, and
- 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 which may require consultation, or
- may involve a substantial amount of time and resources to produce.

To make a formal request for access to information a *Access to Information – Formal GIPA Application* form should be completed (available on Council's website or by request at Council's Customer Service Centre). There is a fee associated with a formal application (currently $30). Additional processing charges may be applicable.

A formal application must:

- be in writing
- specify it is made under the GIPA Act
- state the name of the applicant and a postal or email address
- be accompanied by the $30 fee
- provide sufficient detail to enable Council to identify the information requested.

Council's Disclosure Log lists information released in response to a formal access application under the GIPA Act that is considered to be of interest to the wider public. Applicants can object to the inclusion of information in Council's disclosure log.

7. PUBLIC INTEREST TEST

In deciding which information to release, Council will apply the public interest test having regard to their obligation to promote the objects of the Act and to any relevant guidelines issued by the Information Commissioner.

When a person makes a *formal Access Application,* Council must decide whether there are any public interest considerations against disclosure of the requested information. If so, Council needs to determine the weight of the public interest consideration in favour of and against disclosure and where the balance between those interests lies. This is called the 'public interest test'.

The public interest test involves three steps:

1. Identifying the relevant public interest considerations for disclosure;
2. Identifying any relevant public interests against disclosure;
3. Assessing whether the public interest against disclosure outweighs the public interest in favour.

The *GIPA Act* provides an exhaustive list of public interest considerations against disclosure. These are the only considerations against disclosure that Council will consider in applying the public interest test.

Considerations are grouped under the following headings:

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes and natural justice
- Business interests of agencies and other persons

- Environment, culture, economy and general matters
- Secrecy provisions (in legislation other than those listed in Schedule 1)
- Exempt documents under interstate Freedom of Information Legislation

Council will consider any submissions made by an application in relation to public interest considerations, as well as any factors personal to the applicant.

Council may refuse a request for information if searching for the requested information would require unreasonable and substantial diversion of Council's resources.

8. CONSULTATION

When a person requests information from Council, that information often contains details about other individuals, businesses, or agencies. Council may need to consult with those third parties before deciding whether or not to release that information to the applicant.

Consultation with third parties is important in balancing information access rights, and the rights of individuals to protect and control the privacy of information about themselves.

9. COPYRIGHT

Nothing in the regulations requires or permits Council to make open access information available in any way that would constitute an infringement of copyright (Section 6.6 GIPA Act).

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

10. RIGHTS OF REVIEW

Where a member of the public is refused access under formal application under the GIPA Act, staff will provide details of the reason for refusal to the member of the public in writing. An applicant who has been refused access by Council to information requested under a formal request for access to information under the GIPA Act has three options of review available.

10.1 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. An internal review is not to be done by the person who made the original decision and is not to be done by a person who is less senior than the person who made the original decision.

10.2 Review by the Information Commissioner

If an applicant is not satisfied with the internal review, or does not want one, they can ask for a review by the Information Commissioner. An application for review of a decision by the Information Commissioner must be made within 40 working days after notice of the decision to which the review relates is given to the applicant.

10.3 External Review (NCAT Administrative Review)

If an applicant is not satisfied with the decision of the Information Commissioner or the Internal Reviewer or if they don't want to take these options they can apply to the NSW Civil & Administrative Tribunal (NCAT). If the applicant has already had a review by the Information Commissioner they have 20 working days from notification of the decision to make this application. If they haven't had a review by the Information Commissioner they have 40 working days from notification of the decision to make this application.

11. FEES AND CHARGES

11.1 Application Fee

Informal application - there is no application fee for an informal application however Council may charge a fee for photocopying as per Council's Revenue Policy, available of Council's website www.griffith.nsw.gov.au.

Formal application - an application fee of $30 is payable by an applicant to Council when lodging a formal access application for government information under the *Government Information (Public Access) Act 2009 (section 41(1)(c)).* The application must be in writing (the application form is available on Council's website) and is invalid until this fee is paid. The $30 application fee counts towards any processing charge payable by the applicant (section 64(3)).

11.2 Processing Charges

Under the *Government Information (Public Access) Act 2009* Council may impose a charge for processing an application that they receive, or have transferred to them at the rate of $30 per hour *(section 64 of the GIPA Act).* The $30 application fee also counts as a payment towards any processing charge payable by the applicant *(section 64(3)).* The processing time for an application, as set out in *section 64(2*), is the total amount of time that is necessary to be spent by any officer of the Council in:

(a) dealing efficiently with the application (including consideration of the application, searching for records, consultation, decision-making and any other function exercised in connection with deciding the application), or

(b) providing access in response to the application (based on the lowest reasonable estimate of the time that will need to be spent in providing that access).

Under certain circumstances an applicant may be entitled to a 50% reduction in the processing charge (not the application fee).

A 50% discount in the processing charge imposed will apply if Council is satisfied that the applicant is suffering financial hardship or is satisfied that the information applied for is of special benefit to the public generally.

The discount applies only to the processing charge, not the application fee. If a 50% reduction in processing charge applies, the application fee will pay for the first 2 hours of processing time (not just the first hour) *(sections 65 & 66).*

If the information applied for was not publicly available at the time the application was received but Council makes the information publicly available either before or within 3 working days after providing access to the applicant, the applicant is entitled to a full waiver of the processing charge imposed by Council (*section 66 (2)).*

If an access application is made for personal information about the applicant (the applicant being an individual), Council cannot impose any processing charge for the first 20 hours of processing time for the application *(section 67)*.

All charges in relation to the *Government Information (Public Access) Act 2009* are listed in Council's Revenue Policy, available on Council's website. All charges for applications can also be obtained from the Office of the Information and Privacy Commission at www.ipc.nsw.gov.au.

12. HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS CONCERNING THEIR PERSONAL AFFAIRS

Council's *Privacy Policy (Handling of Personal Information)* (GC-CP-602) sets out its policies and practices for dealing with privacy and personal information. The policy is accessible on Council's web page and at Council's office.

A person's right of access under the privacy legislation is quite separate from his or her right under the GIPA Act but is limited to "personal information" as defined in the privacy legislation. A person has a right to access any information held by Council which relates to his or her personal affairs. This information will be made available to the individual free of charge and wherever possible without the need for a formal access application. A person may request to amend his or her personal information held by Council.

Persons who wish to seek an amendment to the Council's records concerning their personal affairs, should contact:

Griffith City Council Customer Service Counter
1 Benerembah Street, Griffith NSW 2680
Operating Hours 8.15am - 4pm Monday to Friday

Griffith City Council Customer Service Call Centre
Operating Hours 8.15am - 5pm Monday to Friday
P: 02 6962 8100
F: 02 6962 7161
E: admin@griffith.nsw.gov.au

If you experience any difficulty in obtaining documents or information, you should contact Council's Right to Information Officer or the Principal Officer on 02 6962 8100.

13. RIGHT TO INFORMATION OFFICER

The Right to Information Officer is responsible for determining applications for access to information or for the amendment of records. If you have any difficulty in obtaining access to Council information, you may wish to refer your enquiry to the Principal Officer. If you would like to amend a document

of Council which you feel is incorrect it is necessary for you to make written application to the Principal Officer in the first instance.

The Manager Governance has been appointed as the Right to Information Officer.

Enquiries should be addressed as follows:

General Manager
Griffith City Council
PO Box 485
GRIFFITH NSW 2680

Telephone: (02) 6962 8100
Email: admin@griffith.nsw.gov.au

14. PRINCIPAL OFFICER

The General Manager has been appointed the Principal Officer.

Amongst other duties the Principal 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 / information of the Council.

15. PUBLIC OFFICER

It should be noted that the Manager Governance has been appointed as the Public Officer.

Under the *Local Government Act* each Council must appoint a Public Officer. Amongst other duties, Council's Public Officer may deal with requests from the public concerning Council's affairs, has the responsibility of assisting people to gain access to public documents of Council and may receive submissions or accept service of documents on behalf of Council. The Public Officer may also determine applications for access to documents under the GIPA Act or for the amendment of records.

The functions of the Public Officer can be found under *section 343 of the Local Government Act 1993.*

16. OFFICE OF THE INFORMATION AND PRIVACY COMMISSION NSW

The Office of the Information and Privacy Commission NSW has been established to oversee the *GIPA Act.*

Questions concerning the GIPA Act or access to government information can be directed to the Office of the Information and Privacy Commission who can be contacted on:

Telephone:	1800 472 679 (free call) Monday to Friday, 9.00 am to 5.00 pm (excluding public holidays)
Fax:	(02) 8114 3756
Email:	ipcinfo@ipc.nsw.gov.au
Mail:	GPO Box 7011, Sydney NSW 2001
In person:	Sydney Office, Level 17, 201 Elizabeth Street, Sydney between 9.00 am to 5.00 pm, Monday to Friday (excluding public holidays)

17. FURTHER INFORMATION ABOUT ACCESSING GOVERNMENT DATA

Data.NSW is an overarching program providing policy, platforms and practice for NSW data that supports better customer service, policy development, responsiveness and innovation. It is a collaboration between different data functions, including Spatial Services, Digital Government Policy and Innovation, Data Analytics Centre and Behavioural Insights. Visit the Data NSW website for more information.

More information on how to access NSW government information is available on the website of the Office of the Information and Privacy Commission at *www.ipc.nsw.gov.au*

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