

ACCESS TO INFORMATION POLICY

AUTHORISATION

POLICY TYPE: <i>(Council or Operational)</i>	Council
POLICY LOCATION: <i>(eg. Corporate, Engineering, etc.)</i>	Governance and Risk
RESPONSIBLE OFFICER: <i>(by position title)</i>	Director Corporate and Community Services
AUTHORISED BY: <i>(GM or Director Title)</i>	Manex
DATE ADOPTED:	6 September 2021
ADOPTED BY: <i>(Manex or Council)</i>	Council – endorsed for consultation 20 July 2021
MINUTE NO: <i>(If required)</i>	
REVIEW DUE DATE: <i>(Four years unless statutorily required sooner)</i>	July 2025
REVISION NUMBER:	3

DOCUMENT HISTORY

VERSION NO.	DATE	DESCRIPTION OF AMENDMENTS <i>Include names of former policies that this policy will replace if applicable</i>	AMENDED BY <i>(Where required)</i>
3	June 2021	Reformat and updated information	Governance & IP&R Officer
2	18.08.2020		
1	24.08.2010		
Original	16.09.2008		

REVIEW OF THIS POLICY

This Policy will be reviewed within four (4) years from the date of adoption or as required in the event of legislative changes. The Policy may also be changed as a result of other amendment that are to the advantage that Council and in the spirit of this Policy. Any amendment to the Policy must be by way of a Council Resolution or the approval of the General Manager.

1. Purpose:

The purpose of this policy is to describe Council's principles regarding public access to information and to facilitate the processing of requests for such access to information as governed by Government Information (Public Access) Act 2009.

This policy is to be read in conjunction with Council's Information Guide.

2. Scope:

This Policy applies to all staff, Councillors and contractors of Bland Shire Council.

3. Outcomes:

Bland Shire Council is committed to the following principles regarding public access to documents and information:

- Open and transparent government
- Consideration of the overriding public interest in relation to access requests
- Proactive disclosure and dissemination of information
- Respect for the privacy of individuals.

Council publishes specific open access information on our website, free of charge unless to do so would impose unreasonable additional costs to Council. Council will facilitate public access through this and other appropriate mediums. Council also publishes for inspection documents listed under Schedule 1 of the Government Information (Public Access) Regulation 2009 held by it, unless there is an overriding public interest not to do so.

Council will keep a record of all open access information that is not published because of an overriding public interest against disclosure.

Council also makes as much other information as possible publicly available in an appropriate manner, including on the internet. Such information is also available free of charge or at the lowest reasonable cost.

The Information Guide document identifies the documents and types of information that are available for public access and any restrictions that may apply.

Some documents may require a formal access application in accordance with the *Government Information (Public Access) Act 2009 (GIPA)*. Council will assess all requests for access to documents and information in a timely manner and in accordance with the Information Guide and relevant legislation.

Depending on the nature of the request and the form of access requested, charges may be applied in accordance with Council's Schedule of Fees and Charges and relevant legislation.

Council will assess requests for access to information with reference to:

- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- State Records Act 1998
- Local Government Act 1993
- Environmental Planning and Assessment (EPA) Act 1979
- Companion Animals Act 1998
- And any other relevant legislation and guidelines as applicable.

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests or from performing other Council functions, may be refused on the grounds that such a diversion of

resources is contrary to the public interest. Council will endeavour to assist in defining the request to a more manageable one.

Council also endeavours to release other information in response to an informal request, subject to any reasonable conditions Council may impose, having regard to the circumstance of the case.

Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council will provide details of the information in a disclosure log for inspection by the public and available on Council's website.

4. Roles and Responsibilities:

This policy applies to members of the public wishing to access Council information and all Council officials.

Principle Officer – General Manager

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 and information of the Council.

Right to Information Officer – Director Corporate and Community Services

The Director Corporate and Community Services has been appointed as the 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 a written application to the Principal Officer in the first instance.

5. Definitions:

Representation/Representative – More commonly known as Councillors. These are the people who are elected by the community to act and make decisions on its behalf.

Information – Information relates to data, specifics, details, images, film, correspondence and files held by Bland Shire Council which can be obtained through the making of Access Applications.

Public Interest Considerations – An assessment process which measures the right of the community to have information against the requirements to maintain confidentiality.

Access Application – This is the process of applying for the release of information to an individual or organisation.

6. Legislation and Supporting Documents:

Government Information (Public Access) Act 2009

Commonwealth Copyright Act 1968

Local Government Act 1993

Local Government (General) Regulation

Bland Shire Council Information Guide

7. Relationship to Community Strategic Plan:

This Policy supports Council's Strategic Objective 11 – *Provide opportunities for all stakeholders to contribute to Council's decision making* and Delivery Program Strategy 4.3 - *Actively engage with the community and promote open communication.*

8. Attachments:

Appendix 1 – Application for Access to Information Form

Appendix 2 – Access to Information Matrix



Application for Access to Information

Please complete this form to apply for access to government information under the *Government Information (Public Access) Act 2009* (GIPA Act). If you need help in filling out this form, please contact the Right to Information Officer on (02) 6972 2266 or visit our website at www.blandshire.nsw.gov.au
Please note – requests can take up to 20 working days to be assessed depending on the complexity of the request and the volume of requests Council has received.

1 Your details

Title: Mr/Mrs/Ms **Surname:**

Other names:

Postal address: **Postcode:**

Day-time telephone: **Facsimile:**.....

Email:

The questions below are optional and the information will only be used for the purposes of providing better service.

Place of birth: **Main language spoken:**

Aboriginal or Torres Strait Islander: Yes / No (circle one)

Do you have special needs for assistance with this application: Yes / No (circle one)

Please provide details.....

I agree to receive correspondence at the above email address.

2 Proof of identity (Required when applicant is requesting information on their own behalf)

Are you seeking personal information? **Yes / No** (circle one)

When seeking access to personal information, an applicant must provide proof of identity in the form of a certified copy of any one of the following documents:

- Australian driver’s licence with photograph, signature and current address
- Current Australian passport
- Other proof of signature and current address details

If you are not seeking personal information, do you have approval of the information owner to receive copies of the information? Eg. Owners Consent for Residential Floor Plans or Copyright holder/Architect’s Consent for copying plans. **Yes / No** (circle one)

NB: Please attach copy of signed approval or letter of authority.

3 Documents Requested (Please tick the applicable box)

<input type="checkbox"/>	BUILDING AND PROPERTY INFORMATION (access to files, development history to a maximum of 50 photocopied A4/A3 documents) \$150 Application Fee. However, additional charges apply for more than 50 - photocopies and copies of larger documents.
<input type="checkbox"/>	FORMAL REQUEST under GIPA (access to files) \$30 Application Fee and \$30/hr processing charge. First hour’s processing request is included in the Application Fee. Photocopying charges in addition to the above fees also apply.
<input type="checkbox"/>	INFORMAL ACCESS under GIPA – request for specific document/s \$0 Application Fee. Photocopying charges apply. NB. Informal Access applications will be processed in accordance with staff resourcing provisions.

4 Application Details

Site Address:

Lot/Section/DP:

Subject Matter of Request

5 Form of access

How do you wish to access the information?

Inspect the document(s) A printed copy of the document(s)

Access in another way (please specify)
.....
.....

6 Application Fee (FORMAL APPLICATIONS ONLY)

I provide payment of the **\$30 application fee** by cash / cheque / money order / EFT (circle one).
(Note: please do NOT send cash by post)

7 Disclosure log

If the information sought is released to you and would be of interest to other members of the public, details about your application may be recorded in the agency's 'disclosure log'. This is published on the agency's website. Do you object to this? **Yes / No** (circle one)

8 Discount in processing charges

You may be asked to pay a charge for processing the application (\$30 / hour). Some applicants may be entitled to a 50% reduction in their processing charges. If you wish to apply for a discount, please indicate the reason:

Financial hardship – please attach supporting documentation (eg a pension or Centrelink card). **AND / OR**

Special benefit to the public – please specify why below:
.....
.....

Applicant's signature:

Date:

Please post this form with your payment or lodge it at:				
Bland Shire Council PO Box 21 West Wyalong NSW 2671	OR	Bland Shire Council 6 Shire Street West Wyalong	OR	Email to: council@blandshire.nsw.gov.au NB – emailed applications should include payment reference information.
NB – applications requiring copying fees to be paid will receive a quotation of costs prior to processing.				

Access to Information Matrix

Information Type	Available on Council's website, free of charge	Application Required	Details of Access	Is a copy available to be given, subject to photocopying charges	Available to view at Council's Office, free of charge
General Information					
Information Guide	Yes	No	Full access can be given	Yes	Yes
Disclosure Log	Yes	No	Full access can be given	Yes	Yes
Register of Contracts	Yes	No	Full access can be given	Yes	Yes
Corporate Information					
Model Code of Conduct	Yes	No	Full access can be given	Yes	Yes
Council's Adopted Code of Conduct	Yes	No	Full access can be given	Yes	Yes
Code of Meeting Practice	Yes	No	Full access can be given	Yes	Yes
Annual Report	Yes	No	Full access can be given	Yes	Yes
Annual Financial Reports incorporating Auditors Report	Yes	No	Full access can be given	Yes	Yes
Management Plan	Yes	No	Full access can be given	Yes	Yes
Equal Employment Opportunity Management Plan	Yes	No	Full access can be given	Yes	Yes
Payment of expenses and provision of facilities to Councillors Policy	Yes	No	Full access can be given	Yes	Yes
Annual Reports of bodies exercising functions delegated by Council eg. S355 Committees	No	Yes – document available to view on request	Full access can be given	Yes	Yes
Pecuniary Interest Register	No	Yes – document available to view on request	Full access can be given, Councillors and designated persons have a right to ask that certain information is removed from the returns before they are made publicly available.	Yes	Yes

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Corporate Information					
Agendas, business papers and minutes of any meeting of Council	Yes	No	All business papers and minutes with the exception of no access to those matters considered when part of a meeting is closed to the public.	Yes – free of charge	Yes
Agendas, business papers and minutes of any committee of Council	No	Yes – Document available on request	All business papers and minutes with the exception of no access to those matters considered when part of a meeting is closed to the public.	Yes – free of charge	Yes
Departmental representative reports presented at a meeting of the Council in accordance with Sect 433 of the LGS.	Yes	No	Full access can be given	Yes	Yes
Land Register – Council owned property	Yes	No	Full access can be given	Yes	Yes
Register of Investments	Yes	No	Full access can be given	Yes	Yes
Register of Delegations	Yes	No	Full access can be given	Yes	Yes
Register of graffiti removal work	No	Yes- Document available on request	Full access can be given	Yes	Yes
Register of current declarations of disclosures of political donations	Yes	No	Full access can be given	Yes	Yes
Register of voting on planning matters	Yes	No	Full access can be given	Yes	Yes
Council Policies	Yes	No	Full access can be given	Yes	Yes
Fees and Charges	Yes	No	Full access can be given	Yes	Yes
Local Disaster Plan	Yes	No	Full access can be given	Yes	Yes

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Personal Information					
Complainant Details	No	Yes – Formal Application Required	Complainant details can only be released in the following circumstances: 1. Where the complainant has no objection to the disclosure of the document; 2. Where the complaint has not been made in good faith. However in most instances a copy of the complaint with the information identifying the complainant omitted can be given to the applicant.	Yes	No
Personal information about yourself	No	Yes – Formal Application Required	There is no fee for the first 20 hours of processing time for each application.	Yes	No
Personal information of others	No	Yes – Formal Application Required	Some information may be restricted for privacy reasons.	Some information may be restricted for privacy reasons	No
Sensitive information from community services	No	Yes – Formal Application Required	Some information may be restricted for privacy reasons.	Some information may be restricted for privacy reasons	No

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Environmental and Development Plans and Policies					
Adopted policies concerning approvals and orders	Yes	No	Full access can be given	Yes	Yes
Plans of management for community land	No	Yes – Document available on request		Yes	Yes
Environmental planning instruments – Local Environmental Plan	Yes	No	Full access can be given	Yes	Yes
Development control plans	Yes	No	Full access can be given	Yes	Yes
Contribution Plans	No	Yes – Information available on request	Full access can be given	Yes	Yes
Social Planning (Social Plan, Community Profile, Cultural Plan)	Yes	No	Full access can be given	Yes	Yes

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Development Applications, Approvals and Orders					
Development Application files and documents contained within whilst application is under consideration by Council	No	Yes – Information available on request	Documents no available for public inspection are: 1. Notice to adjoining owners, mail merge list; 2. Internal layout or design plans of a residential building; 3. Commercial information if the information is likely to prejudice the commercial position of a person who supplied it or give away a trade secret.	Yes a fee is payable. Documents provided for information purposes only. Copyright owners consent must be obtained if the document is to be used for any other purpose.	Yes
Development Application files and documents contained within after application has been determined by Council	No	Yes – information available on request	Documents no available for public inspection are: 1. Notice to adjoining owners, mail merge list; 2. Internal layout or design plans of a residential building; 3. Commercial information if the information is likely to prejudice the commercial position of a person who supplied it or give away a trade secret.	Yes a fee is payable. Documents provided for information purposes only. Copyright owners consent must be obtained if the document is to be used for any other purpose.	Yes

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Development Applications, Approvals and Orders					
Applications for approval – Section 68 LGA including sewer, onsite management, rural address etc.	No	Yes – Information available on request	Full access can be given	Yes	Yes
Applications for approvals under other Acts.	No	Yes – Information available on request	Full access can be given	Yes	Yes
Orders given under any Act, (e.g. water, building, vegetation, weeds, rangers)	No	Yes – Information available on request	Full access can be given	Yes	Yes
Records of building certificates under the Environmental Planning and Assessment Act.	No	Yes – Information available on request	Full access can be given	Yes	Yes
Plans of land proposed to be compulsorily acquired	No	Yes – Information available on request	Full access can be given	Yes	Yes
Compulsory acquisition notices	No	Yes – Information available on request	Full access can be given	Yes	Yes
Leases and licences for use of public land classified as community land	No	Yes – Information available on request	Full access can be given	Yes	Yes