

DUNGOG SHIRE COUNCIL



AGENCY

INFORMATION GUIDE

Version VI

TABLE OF CONTENTS

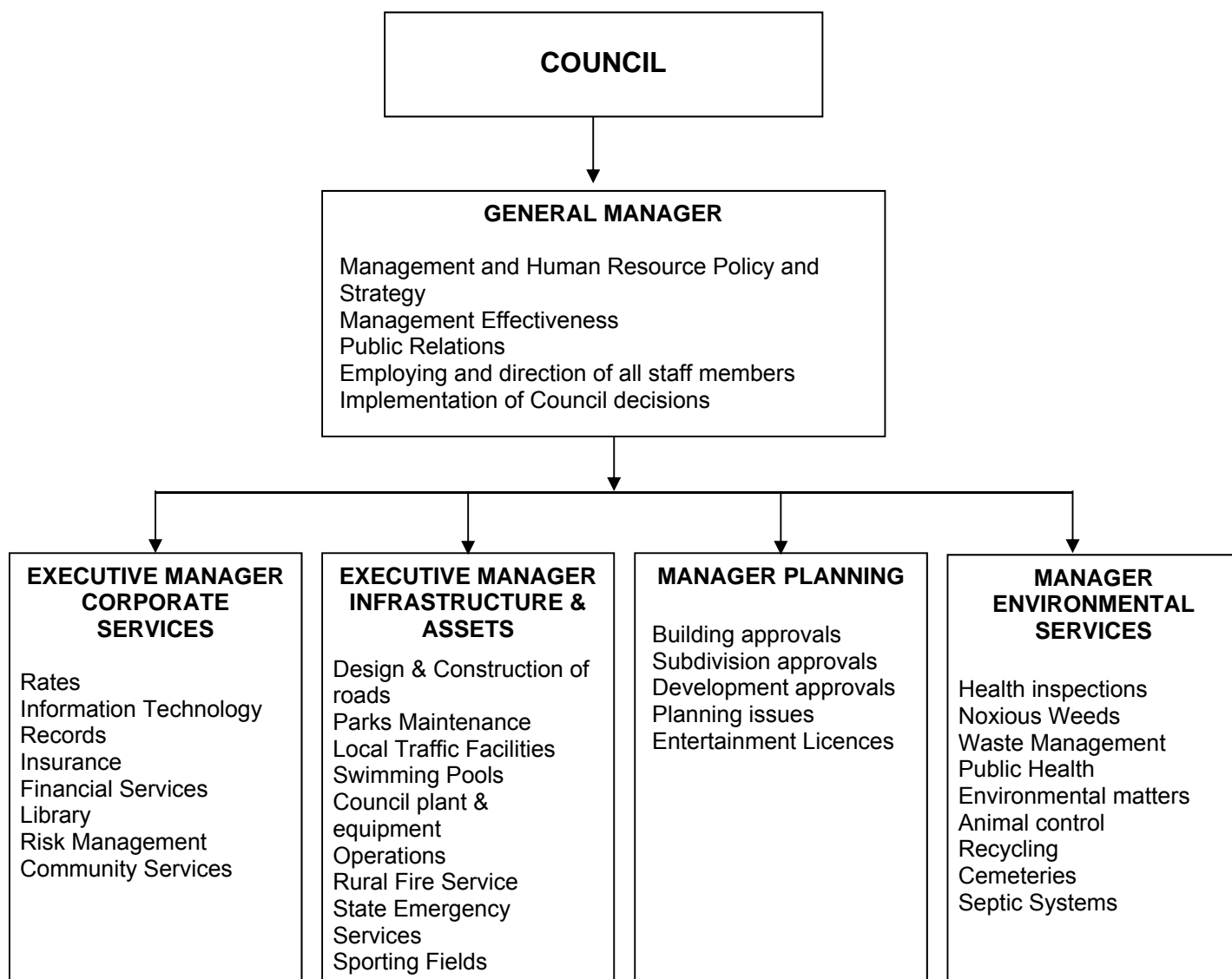
Introduction.....	3
Structure and Functions	3
<i>Organisation Structure</i>	3
<i>Functions</i>	5
<i>Functions Under the Local Government Act 1993</i>	5
Effect of Decision Making on Members of the Public	6
How the Public May Participate in Council Policy Development.....	6
Kinds of Government Information Held by Council.....	7
<i>Open Access Information</i>	7
<i>Authorised Proactive Release</i>	8
<i>Informal Release</i>	8
<i>Formal Applications</i>	9
<i>Right to Information Officer</i>	9
<i>Information and Privacy Commission</i>	9

INTRODUCTION

The Government Information (Public Access) Act 2009 replaced the Freedom of Information Act 1982 on 1 July 2010 and under Section 20 of the GIPA Act all agencies are required to publish an information guide that is reviewed annually containing details of the agency's structure and functions, the kinds of information it holds and the ways in which it makes that information available to the public.

STRUCTURE AND FUNCTIONS

Organisation Structure



Dungog Shire Council has two main parts. Firstly, the elected Council, comprising nine Councillors, three from each of Council's three Wards. Each year, generally in September, Councillors elect a Mayor.

The Elected Council

Councillors have two aspects to their role. As members of the Council, they have to:

- direct and control the affairs of council
- participate in the optimum allocation of the council's resources for the benefit of Dungog local government area
- play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions and
- review the performance of the council and its delivery of services, and the management plans and revenue policies of the council.

As individual Councillors, their role is to:

- represent the interests of the residents and ratepayers
- provide leadership and guidance to the community and facilitate communication between the community and the council

The role of the Mayor is to:

- exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- preside at meetings of the Council
- carry out the civic and ceremonial function of the mayoral office
- exercise such other functions of the council as the council determines

Secondly, the administration, which is led by the General Manager.

The Administration

The General Manager leads the administrative arm of Council. The General Manager is responsible for the efficient and effective operation of the Council's organisation and for ensuring that the decisions of the Council are implemented without undue delay.

In particular, the General Manager has the following particular functions:

- the day to day management of the Council
- to appoint staff in accordance with an organisation structure and resources approved by the Council
- to direct and dismiss staff
- to implement the Council's equal employment opportunity management plan and to exercise the functions delegated to the General Manager by the Council

Functions

Dungog Shire Council is constituted as a body politic of the State under section 220 of the Local Government Act 1993. Section 8 of the LGA states that a Council's charter is to:

- provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- exercise community leadership
- exercise functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- promote and to provide and plan for the needs of children
- properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- have regard to the long term and cumulative effects of its decisions
- bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and coordination of local government
- raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate by borrowings and grants
- keep the local community and the State Government (and through it, the wider community) informed about its activities
- ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- be a responsible employer.

Functions Under The Local Government Act 1993

The LGA, 1993, classifies certain of Council's functions as services, ie:

- Non-regulatory functions
- Regulatory functions
- Ancillary functions

Ancillary functions are those functions that assist the carrying out of a Council's service and the regulatory functions.

A Council also has revenue functions, administrative functions and functions relating to the enforcement of this Act.

The functions of Dungog Shire Council are administered through Council's Operational Plan that sets the direction of the Council so that the community's needs and expectations are met in a planned, coordinated and cost effective manner.

EFFECT OF DECISION MAKING ON MEMBERS OF THE PUBLIC

Nearly all of the functions of Council have an effect on members of 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 extensive Community Services, halls and community centres, recreation facilities and the removal of excess garbage.

Regulatory functions place restrictions on development and buildings to ensure that they meet certain requirements and will not endanger the lives and safety of any person. Members of the public must be aware of and must 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. For example, Council has developed a Management Plan that outlines the strategies of the Council over a short term and long term period.

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.

HOW THE PUBLIC MAY PARTICIPATE IN COUNCIL POLICY DEVELOPMENT

Council is required, and actively encourages, under the provisions of Section 10(1) of the LGA, 1993, to open its full Council (Ordinary and Extra Ordinary) meetings and meetings of its Committees to the press and general public.

Similarly, Council is required to give notice to the public of the times and places of its meetings and those of its Committees. Copies of the business papers for all meetings are available to the general public on Council's website, at the Administration Building and the various locations from the Thursday prior to the meeting.

Whilst Dungog Shire Council is committed to, and has fostered, the practice of open local government, some matters are of a sensitive nature and for that reason are dealt with in closed committee.

Following the receipt by Council of a Speakers Request Form from a member of the public the Order of Council business may be suspended during the Ordinary Meeting to allow members of the public to address Council.

Council usually holds its Ordinary Meetings on the third Tuesday of each month (except January) and these meetings are held in the Council Chambers Brown Street, Dungog and are scheduled to commence at 6.00 pm.

KINDS OF GOVERNMENT INFORMATION HELD BY COUNCIL

Open Access Information

The information listed in this document is accessible to the public. This information can be obtained by contacting Council's Administration Centre, Dowling Street, Dungog during office hours or by contacting Council's Public Officer on 02 4995 7777. A large proportion of these documents are also available from Council's website on www.dungog.nsw.gov.au

Council Code of Conduct – *(available on Council's website or by attending Council during business hours)*

Code of Meeting Practice - *(available on Council's website or by attending Council during business hours)*

Annual Reports - *(current and previous available on Council's website or by attending Council during business hours)*

Annual Financial Reports - *(available on Council's website or by attending Council during business hours)*

Auditors Reports - *(available on Council's website or by attending Council during business hours)*

Management Plan - *(previous available on Council's website or by attending Council during business hours)*

Financial Management Plan - *(current and previous available on Council's website or by attending Council during business hours)*

EEO Management Plan - *(Can be viewed by attending council during business hours)*

Councillors - Payment of Expenses and Provision of Facilities Policy - *(available on Council's website or by attending Council during business hours)*

Returns of the interests of Councillors, designated persons and delegates *(Can be viewed by attending council during business hours)*

Council Meeting Business Papers *(available on Council's website or by attending Council during business hours excluding Closed Meetings)*

Council Meeting Minutes *(available on Council's website or by attending Council during business hours but restricted in the case of Closed Meetings to the resolutions of the meeting)*

Land Register *(information available from Customer Service)*

Register of Investments *(reported to Council on a monthly basis – see business papers)*

Register of Delegations *(information available from Customer Service)*

Register of Graffiti Removal *(Section 13 Graffiti Control Act 2008) (information available from Customer Service)*

Register of Current Declarations of Disclosures of Political Donations to Councillors *(kept in accordance with sections 328A of the LGA)*

Register of Voting on Planning Matters *(kept in accordance with Section 375A of the LGA)*

Building Certificate Records - *(Can be viewed by attending council during business hours)*

Building Application/Approval Records - *(Can be viewed by attending council during business hours)*

Construction Certificate Application/Approval Records - *(Can be viewed by attending council during business hours)*

Development Application/Approval Records - *(Can be viewed by attending council during business hours)*

Plans of Land proposed to be Compulsorily Acquired by Council - *(Can be viewed by attending council during business hours)*

Property Transfer Register - *(Can be viewed by attending council during business hours)*

Comprehensive State of the Environment Report 2009 - *(available on Council's website or by attending Council during business hours)*

Community Strategic Plan - *(available on Council's website or by attending Council during business hours)*

Delivery Program - *(current and previous available on Council's website or by attending Council during business hours)*

Operational Plan - *(current and previous available on Council's website or by attending Council during business hours)*

Resourcing Strategy - *(available by attending Council during business hours)*

Plans and Policies

Local Approvals Policies - *(available on Council's website or by attending Council during business hours)*

Plans of Management Community Land - *(Can be viewed by attending council during business hours)*

Parks

Sportsgrounds

General Community Use Land

Pilchers Reserve

Council Approved Policies - *(available on Council's website or by attending Council during business hours)*

Dungog Shire Local Environmental Plans - *(current and previous available on Council's website or by attending Council during business hours)*

Shire Wide Development Control Plan No. 1 - *(available on Council's website or by attending Council during business hours)*

Section 94 Contributions Plan 2001 - *(available by attending Council during business hours)*

Shire-wide Section 94 Contributions Plan No. 1 2004 - *(available on Council's website or by attending Council during business hours)*

Dungog Shire Rural Strategy 2003 - *(available on Council's website or by attending Council during business hours)*

Dungog Land Use Strategy 2010 - *(available on Council's website or by attending Council during business hours)*

Dungog Situation Analysis - *(available on Council's website or by attending Council during business hours)*

Local Disaster Plan - *(Can be viewed by attending council during business hours)*

Privacy Management Plan - *(Can be viewed by attending council during business hours)*

Tourism Development Strategy - *(available on Council's website or by attending Council during business hours)*

Roadside Environment Management Plan - *(available on Council's website or by attending Council during business hours)*

Access Routes Development Study - *(available on Council's website or by attending Council during business hours)*

Clarence Town Local Catchment & Williams River Floodplain Flood Risk Management Plan & Study. *(available on Council's website or by attending Council during business hours)*

Register of Councillor Voting on Planning Matters - *(Can be viewed by attending council during business hours)*

Register of Government Contracts - *(available on Council's website or by attending Council during business hours)*

GIPAA Disclosure Log - *(available on Council's website or by attending Council during business hours)*

Authorised proactive release

Council is authorised to make any government information held by Council available unless there is an overriding public interest against disclosure. This a discretionary power to release information in any manner considered, free of charge or at the lowest reasonable cost.

Where we wish to release information but part of it is subject to an overriding public interest against disclosure, we may delete that matter from the copy of the information to be released.

This information may be obtained by contacting Customer Service.

Informal release

Council may release information in response to an informal request, unless there is an overriding public interest against disclosure. Information released in this way may be subject to conditions. Council may delete (redact) from a copy of the information requested, any part that is subject to an overriding public interest consideration against disclosure.

An informal request should be made in writing to:

Dungog Shire Council
PO Box 95
Dungog NSW 2420

Or Email

shirecouncil@dungog.nsw.gov.au

Council will advise you regarding the release of the information informally. You are still entitled to make a formal access application no matter what the outcome of the informal request.

Formal Applications

Prior to making a formal application it is suggested that contact be made with the Right to Information Officer, as most information may be provided as part of a free service.

Application for access to other information under the Government Information (Public Access) Act 2009 should be made by written application using the Access Application, accompanied by an application fee of \$30.00.

Right to Information Officer

Council has appointed the Executive Manager Corporate Services, Mr Shaun Chandler, as it's Right to Information Officer. Amongst other duties, the Right to Information Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to information of the Council.

If you have any difficulty in obtaining access to Council information, you may wish to refer your enquiry to the Right to Information Officer.

Also, 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 Right to Information Officer in the first instance.

Requests for access to and / or for the purchase of information held by Council should be directed to:

Mr Shaun Chandler
Right to Information Officer
Dungog Shire Council
PO Box 95
DUNGOG NSW 2420

Telephone 02 4995 7777
Fax 02 4995 7750
Email shirecouncil@dungog.nsw.gov.au

Office Hours 8.45am - 4.30pm (Monday - Friday)

Information and Privacy Commission

For further advice on the GIPA Act, contact the Information and Privacy Commission (IPC)

You can visit the website www.ipc.nsw.gov.au

Send an email to: ipcinfo@ipc.nsw.gov.au

Phone: 1800 472 679

Post: GPO Box 7011, Sydney NSW 2001