



Public Access to
Government Information
Publication Guide
2011

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GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT

Sweeping reforms to New South Wales' right to information system took effect on 1 July 2010 with the *Government Information (Public Access) Act 2009* (GIPA Act) replacing the *Freedom of Information Act 1989 (NSW)*.

The reforms are a direct response to the community's desire for more transparency in government.

The new right to information law encourages government agencies to release more information than ever before.

By encouraging agencies to proactively release information, the new law ensures a more open and accountable system of government in NSW.

The new system also makes it easier for individuals to access government and personal information from state and local agencies.

The GIPA Act applies to all NSW government agencies, including government departments, Ministers and their personal staff, public authorities, public offices, local authorities, courts and persons or entities deemed to be an agency under the regulations.

The NSW Office of the Information Commissioner (OIC) is an independent body that has been established to promote public awareness and understanding of the new system, and provide advice, assistance and training to government agencies and the public.

With a Joint Parliamentary Committee providing oversight functions, the Commissioner also monitors agencies' functions and may make proposals for legislative or administrative change. The Information Commissioner may also issue guidelines to assist agencies and the public on various matters, and has broad powers to investigate and conduct inquiries.

To assist the public and non-government organisations, the OIC has developed a range of tools and resources including frequently asked questions. You are also welcome to contact the OIC directly (contact details on page 10).

*Source: Office of the Information Commissioner
(http://www.oic.nsw.gov.au/oic_public_community.html)*

PUBLICATIONS GUIDE

This publications guide is produced in accordance with the requirement of the Government Information (Public Access) Act 2009.

The purpose of this document is to provide members of the public with information concerning the:

- structure of Oberon Council,
- way in which the functions of Oberon Council effect the public,
- avenues available to the public to participate in policy development,
- types of documents produced and available from Oberon Council,
- how members of the public may access records relating to their personal affairs to ensure they are not incomplete, incorrect, out of date or misleading.

OBERON AREA INFORMATION

Oberon Local Government area is located approximately 180 kilometres south west of Sydney and is situated on the western falls of the Great Dividing Range.

The Local Government area consists of a population of 5,390 and covers 3659.67 square kilometres. With an elevation of 1,100 metres, residents and visitors to Oberon enjoy four distinct seasons. In addition to the major centre of Oberon, the local government area also includes the three outlying villages of O'Connell (20km's to the north), Black Springs, (20km's South) and Burruga (50Km's South West).

Oberon has one of the lowest unemployment rates in Australia with the timber industry, agriculture, retail and government departments providing the majority of employment opportunities.

OBERON COUNCIL

The first meeting of the Oberon Shire was held on 8 December 1906 under the original Local Government Act (1906) and currently falls under the legislation of the Local Government Act 1993 (the Act).

The Oberon Shire became Oberon Council in 2004 during the NSW government structural reforms which resulted in a number of amalgamations. This restructure saw Oberon Council gain a significant area which was originally part of Evans Shire Council.

The elected Council consists of nine elected Councillors who are elected through the Local Government elections which are held every four years. The Mayor and Deputy Mayor are elected annually by the Councillors. (see page 4 for additional information). The elected Council meets on the third Tuesday of every month (unless otherwise specified).

The role of the Mayor is to preside over the Ordinary and Special meetings of Council, perform civic and ceremonial functions on behalf of Council and liaises closely with the General Manager on matters relating to the strategic direction of Council.

It is the role of the elected Council to determine the strategic direction for the Local Government area, adopt policies relevant to good governance and ensure that the activities of Oberon Council are carried out in accordance with the Local Government Act (1993) and other relevant legislation pertinent to the operations of Council. The elected Council also appoints the General Manager and provides delegations of authority to act on Council's behalf.

Oberon Council has a number of Committees which, under the guidelines of Section 355 of the Act, undertake to perform a variety of functions of Council. Each committee has an elected Councillor as a delegate (see page 4 for additional information).

Oberon Council employs 104 staff members who are employed in full-time, part-time and casual capacities across a large range of disciplines (see list on page 4 for additional information). The General Manager leads the organisation and is ultimately responsible for the appointment, direction and termination of all staff. Council is structured into three directorates: Corporate Services, Development and Engineering. (see page 4 for additional information.)

COUNCIL STRUCTURE

MAYOR and COUNCILORS



Keith Sullivan – Mayor



John McMahon – Deputy Mayor



Clive McCarthy



Bob O'Bernier



Don Fitzpatrick



Zsuzsanna Handelsmann



Ian Doney



Neil Francis



Kerry Gibbons

COUNCIL COMMITTEES

Care Car
Cemetery
Events
Library
Timber Heritage Walk
Hazelgrove Public School Reserve
Oberon Hazelgrove Rail Corridor Development
Oberon Promotions
Oberon Sports Complex
Local Emergency Management Committee

Finance Committee
Land Committee
Heritage

GENERAL MANAGER
Leanne Mash

Executive Support
Economic Development
Tourism and Promotion



DIRECTOR
Corporate Services
John Chapman

Administration and Finance
Governance
Information Services
Geographic Information System
Human Resources
Rates
Privacy and Access to
Government Information
Internal Audit
Integrated Planning and Reporting
Swimming Pool Complex
Library



DIRECTOR
Engineering
Leigh Robins

Water and Sewer
Waste and Recycling Collection
Parks and Gardens
Depot
Plant (Workshop)
Maintenance (roads, bridges, kerb
and guttering)
Contract Management
Design works
Disaster Planning
Asset Management
Project Management
Rural Works
Cemeteries
Private Works



DIRECTOR
Development
Ralph Tambasco

Building Control-Public and
Council
Health
Environmental Planning Control
Development Control and
Applications
Stock Impounding
Heritage and Conservations
Regulatory Functions
Companion Animal Control
State of Environment Reporting
Strategic Land use Planning
Plumbing and Drainage
Environmental Management
Contaminated Land Management

PUBLIC PARTICIPATION

Members of the public can participate in the policy development and governance of the Oberon local government area by two methods:

1. Representation – by voting for their chosen representative at the four yearly elections, and
2. Active Personal Participation – by becoming a member of Council's section 355 Committee's, and by lobbying local Councillors on pertinent issues.

DELEGATIONS OF FUNCTIONS

The elected Council has delegated authority to act on its behalf to the General Manager. The General Manager in turn, may sub-delegate these functions to a staff member.

In accordance with the Act, there are a number of functions which may not be delegated, but must be addressed by the elected Council.

These include:

- Appointment of General Manager
- Making of rate
- Determination under section 549 of the act
- Making of a charge
- Fixing of a fee
- Borrowing money
- Voting of money for expenditure on works, services or operations
- Compulsory acquisition, purchase, sale, exchange or surrender of land or other property(excluding sale of plant or equipment)
- Acceptance of tenders
- Adoption of management plan
- Adoption of financial statement included in annual financial report
- Decision to classify or reclassify public land
- Fixing of an amount or rate for the carrying out by the council or work on private land
- decision to carry out work on private land for an amount that is less than the amount or rate revised by Council for the carrying out of any such work
- Review of a determination made by Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under Section 82A of the Environmental Planning and Assessment Act, 1979.
- The power of Council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194 of the Local Government Act
- A decision under section 356 of the Local Government Act to contribute money or otherwise grant financial assistance to persons
- Making of an application, or the giving of a notice, to the Governor or Minister
- Power of delegation to the General Manager
- Any function under the Local Government Act or any other Act that is expressly required to be exercised by resolution of the Council.

Copies of Council's Delegations of Authority to the General Manager and sub-delegations to staff are available on Council's website, or by contacting Council directly.

COUNCIL FUNCTIONS and MEMBERS OF THE PUBLIC

The major role of Local Government in Australia is to provide community services and essential infrastructure to the local community. The decisions made by the elected Council and how these decisions are acted upon by Council staff all affect the members of the public. The following provides a general outline on the major functions provided by Council.

SERVICE FUNCTIONS

A fundamental function of Council is to provide services and facilities to the public to assist in the provision of general health and wellbeing and quality of life. Primary services provided by Oberon Council include:

- Roads
- Water and Waste Water infrastructure
- Waste removal and disposal
- Library
- Community Centre
- Community Technology Centre
- Visitor Information Centre
- Parks and Gardens
- Recreational and Sports Fields and Facilities
- Self-Care Units
- Community Transport
- Subsidised rental premises for the provision of Dental practice
- Caravan Park
- Cemeteries
- Public Toilets
- Swimming Pool

REGULATORY FUNCTIONS

Council monitors and enforces legislation and regulations surrounding health and environment, building and town planning and companion animals to ensure public compliance. This is to ensure that buildings and development, food outlets and industrial activities are conducted in a safe manner which won't negatively impact on the health and wellbeing of the community. Members of the public must be aware of and comply with such regulations.

ANCILLARY FUNCTIONS

Under the Act, Council also holds some Ancillary functions. These functions include the resumption of land or the power of Council to enter a person's land.

ENFORCEMENT FUNCTIONS

Council also has a function in enforcing relevant legislative and regulatory requirements. Council may issue infringement notices and/or penalties/fines to those members of the public who fail to comply. Examples of this includes, but is not limited to, failure to comply with:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Regulation Act 2000
- Food Act 2003
- Food Regulation 2010
- Local Government Act 2003
- Protection of the Environment Act 1997

- Companion Animals Act 1998
- Impounding Act 1993

COMMUNITY PLANNING

A significant function of Council is to provide social and community planning. Council actively participates in this through advocacy and building partnerships with key stakeholders including other state and federal government departments, community and not-for-profit organisations, and private industry representatives. Through Council's effective involvement in this process, the community benefits through providing strategic long-term plans for the local government area.

DOCUMENTS – OPEN ACCESS TO INFORMATION

The Government Information (Public Access) Act defines four types of documents which are required to be made publicly available for inspection:

1. Information about Council,
2. Plans and Policies
3. Information about Development Applications
4. Approvals, Orders and other documentation.

Oberon Council, where possible, has made the current, and immediately preceding, documents available on Council's website. Members of the public are also able to request copies of these documents directly from Council, or may be viewed at Council during normal business hours. If required, members of the public may request copies of these documents, some of which may require a small administrative fee.

Documents included in these categories include:

- Annual Report
- Management Plan
- Financial Plans and Budgets
- Social and Community Plan
- Policies
- Delegations
- Financial Statements and Audit Reports
- Fees and Charges Schedules
- Development, Building and Subdivision Codes and records
- Pecuniary Interest Returns
- Local Environment Plans, Development Control Plans
- Council Business Papers and Minutes

METHODS OF ACCESSING COUNCIL INFORMATION

There are a number of ways in which members of the public can access publicly available Council information.

1. Mandatory Release – where Council is required under legislation to make information available free of charge to the public.
2. Proactive Release – where Council is proactive in releasing documentation to the public by choice.
3. Informal Release – Council is encouraged to make available documentation, should a member of the public make an informal request, subject to the Public Interest Considerations and cost considerations.
4. Formal Release – members of the public may make a formal request to Council for the release of documentation. Applicants must pay an administrative fee of \$30 and submit the required documentation which is available on Council's website or from Council.

PUBLIC INTEREST CONSIDERATIONS

It is Council's obligation under the Government Information (Public Access) Act to release information, unless there is an overriding public interest against disclosure.

In applying the public interest test, Council must:

1. Identify the relevant public interest consideration **for** disclosure:
 - promoting open discussions of public affairs,
 - informing public about operations of agencies
 - ensuring effective oversight on the expenditure of public funds
 - information is the applicants personal information
 - revealing or substantiating that an agency has engaged in misconduct or negligent, improper or unlawful conduct
2. Identify relevant public interests **against** disclosure,
 - 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
 - Exempt documents under other legislation
3. Assess whether the public interest against disclosure outweighs the public interest in favour of disclosure, given appropriate weight to each consideration.
 - Nature and context of information
 - In the case of informal or formal request, any factors special to the applicant
 - Relative weight of public interest considerations for and against disclosure.

HOW TO ACCESS INFORMATION

Members of the public may access information through Council's website, emailing Council, or by contacting Council direct. Any such request will be dealt with in accordance with the Government Information (Public Access) Act, Privacy and Personal Information Protection Act and Council's Communication Policy.

COUNCIL'S PUBLIC OFFICER – RIGHT OF INFORMATION OFFICER

Council's Director of Corporate Services has been appointed the Public Officer and Right of Information Officer. It is their role to assist members of the public access Council's information, while ensuring compliance with relevant legislation. Should you feel it necessary, you may refer your enquiry to the Public Officer.

CONTACT INFORMATION

To request information direct from Council:

Office: 137-139 Oberon Street
OBERON NSW 2787

Post: General Manager
Oberon Council
PO Box 84
OBERON NSW 2787

Phone: 02 6329 8100

Facsimile: 02 6329 8142

Email: council@oberon.nsw.gov.au

Website: www.oberon.nsw.gov.au

For additional information on the Government Information (Public Access) Act contact the Office of the Information Commissioner:

Free call telephone: 1800 INFOCOM (1800 463 626)

Email: oiinfo@oic.nsw.gov.au

Postal address: GPO Box 7011 Sydney NSW 2001

Office: Level 11, 1 Castlereagh Street, Sydney.