

# **Warrumbungle Shire Council - Annual Report**

## **Under Section 125 of the Government Information (Public Access) Act 2009**

Under Section 125 of the Government Information (Public Access) Act 2009 (GIPA Act), Councils are required to prepare an annual report on its GIPA obligations. This document forms Warrumbungle Shire Council's Annual Report for the period 2010-2011.

Right to information laws changed on 1 July 2010. All New South Wales state and local government agencies have implemented important reforms that change the way government-held information is provided to members of the public.

The Government Information (Public Access) Act 2009 (**GIPA Act**) came into effect on 1 July 2010. It replaced previous access to information legislation, namely Freedom of Information (FOI) laws and Section 12 of the Local Government Act. The new right to information system requires councils and other government agencies to proactively release documents to improve openness, transparency and accountability in government.

Members of the public have rights to access, in accordance with the Government Information (Public Access) Act 2009 (GIPA Act), certain information held by council. Council is under a mandatory obligation to publish 'open access information' unless there is an overriding public interest against disclosure.

Council information is anything held in a record by council, on behalf of council by a contractor, or by the State Records Authority. A record means any document or other source of information compiled, recorded or stored in written or electronic form.

Warrumbungle Shire Council is committed to providing the community with as much access as possible to information held by Council, consistent with the following principles:

- 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's Publication Guide describes the organisation of Council's activities as they relate to public access to information and opportunities for involvement in local government.

Schedule 5 of the Government Information (Public Access) Act requires that certain documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

In most instances, access will be provided to information that is available to members of the public without the need to apply in writing, under the Government Information

(Public Access) Act. Access can be obtained by contacting enquiry staff from the relevant division at either Council Chambers.

Enquiries relating to matters of a confidential nature, court proceedings, private affairs or of a legal professional privilege, will be referred to the General Manager as Principal Officer. It may then be necessary to lodge an application under the Government Information (Public Access) Act and the necessary forms will be provided to you.

It should be noted however that 'personal information' relating to individuals may be protected under the Privacy and Personal Information Protection Act, 1998 and may not be able to be made available without the consent of the person concerned.

An initial application fee of \$30.00 is required and dependent on processing time involved, extra charges may also be payable. The application fee covers the first hour of processing time. A further processing charge of \$30.00 per hour may be applicable. If the application is refused, reasons will be given and information provided on how to appeal the decision.

### **Structure and Functions**

Warrumbungle Shire Council was formed by Proclamation on 25<sup>th</sup> August 2004 following an amalgamation of the former Coolah and Coonabarabran Shire Councils. Warrumbungle Shire Council is located in North Western NSW and is the gateway to the Warrumbungle Mountains, Siding Spring Observatory and Coolah Tops.

The Shire has a population of 9,808 and the Council provides services covering an area of 12,380 square kilometres.

Coonabarabran is the administration centre within the Council area, with council chambers also located at Coolah. Services are provided to the districts of Baradine, Binnaway, Coolah, Coonabarabran, Dunedoo and Mendooran.

### **Structure**

Warrumbungle Shire Council is governed by a nine member Council. The elected members comprise the Mayor, Deputy Mayor and seven Councillors. The senior Management team consists of the General Manager and four divisional heads: the Director Technical Services, Director Environmental Services, Director Corporate Services and Community Services Director.

The current elected members (elected September 2008) are:

#### **Mayor**

Councillor Peter **Shinton**  
Telephone: (02) 6842 2055

#### **Deputy Mayor**

Councillor Murray **Coe**  
Telephone: (02) 6375 0265

#### **Councillors**

Councillor Kerry **Campbell**  
Telephone: (02) 6843 1145

Councillor Tilak **Dissanayake**  
Telephone: (02) 6377 1002

Councillor Ray **Lewis**  
Telephone: (02) 6886 3517

Councillor Mark **Powell**  
Telephone: (02) 6377 4575

Councillor Victor **Schmidt**  
Telephone: (02) 6842 1500  
Councillor Ron **Sullivan**  
Telephone: (02) 68 428 226

Councillor Denis **Todd**  
Telephone: (02) 68 431 831

Council's current senior staff are:

Mr Steve Loane	General Manager
Mr John McHugh	Acting Director of Corporate Services
Mr Kevin Tighe	Director of Technical Services
Mr Tony Meppem	Acting Director of Environmental Services
Mrs Rebecca Ryan	Director of Community Services

With the introduction and commencement of the Government Information (Public Access) Act 2009 (GIPA), Council adopted a Publication Guide on 16 December 2010.

The publication guide is a summary of what an agency does, how it does it and the type of information it holds and generates through the exercise of its functions, with a particular focus on how those functions affect members of the public.

The Publication Guide is required to:

- describe the structure and functions of Council;
- describe the way in which the functions (including the decision making functions) of Council affect members of the public;
- specifies any arrangements that exist to enable members of the public to participate in the formulation of policy and the exercise of Council's various functions;
- identifies the various kinds of information which Council holds;
- identifies the kinds of information held by the agency that the agency makes (or will make) publicly available;
- specifies the manner in which the agency makes (or will make) information publicly available
- identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

A copy of Council's Publication Guide can be accessed on Council's website [www.warrumbungle.nsw.gov.au](http://www.warrumbungle.nsw.gov.au) or by contacting the Shire Offices.

# List of Council's Principal Activities

<b>PROGRAMME</b>	<b>PRINCIPAL ACTIVITIES</b>
<b>1 EXECUTIVE SERVICES</b>	Governance General Manager Human Resources Services Economic Development and Tourism
<b>2 TECHNICAL SERVICES</b>	Technical Services Management Asset and Design Services Road Operations Urban Services Fleet Services Road Contracts Warrumbungle Waste Water Services
<b>3 ENVIRONMENTAL SERVICES</b>	Environmental Management Planning Services Environmental Health Building Control Regulatory Services
<b>4 CORPORATE SERVICES</b>	Corporate Services Management Financial Services Administration Services IT Support Supply Services Bush Fire
<b>5 COMMUNITY SERVICES</b>	Community Services Management Emergency Services Social Services Children's Services Family Day Care Connect Five Yuluwirri Kids Libraries Road Safety Aerodromes Ovals/Sport & Recreation Community Development

Council is required to include in its Annual Report, statistics in relation to applications received for access to its records under the GIPA Act. In the period 1 July 2010 to 30 June 2011, eight (8) applications for information were received.

The following tables provide statistical information regarding those applications.

The Annual Report must include statistical information about access applications as detailed in Schedule 2. The following information is provided:

<b>Table A: Number of applications by type of applicant and outcome*</b>								
	<b>Access granted in full</b>	<b>Access granted in part</b>	<b>Access refused in full</b>	<b>Information not held</b>	<b>Information already available</b>	<b>Refuse to deal with application</b>	<b>Refuse to confirm/deny whether information is held</b>	<b>Application Withdrawn</b>
Media								
Members of Parliament								
Private sector business								
Not for profit organisations or community groups								
Members of the public (application by legal representative)								
Members of the public (other)	2	5	1					

\*More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

<b>Table B: Number of applications by type of application and outcome*</b>								
	<b>Access granted in full</b>	<b>Access granted in part</b>	<b>Access refused in full</b>	<b>Information not held</b>	<b>Information already available</b>	<b>Refuse to deal with application</b>	<b>Refuse to confirm/deny whether information is held</b>	<b>Application Withdrawn</b>
Personal information applications*	1							
Access applications (other than personal information applications)		1	1					
Access applications that are partly personal information applications and partly other	1	4						

\*A **personal information application** is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

<b>Table C: Invalid applications</b>	
<b>Reason for invalidity</b>	<b>No. of applications</b>
Application does not comply with formal requirements (section 41 of the Act)	0
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restrain order (section 110 of the Act)F	0
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

<b>Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act</b>	
	<b>Number of times consideration used*</b>
Overriding secrecy laws	
Cabinet information	
Executive Council information	
Contempt	
Legal professional privilege	1
Excluded information	
Documents affecting law enforcement and public safety	
Transport safety	
Adoption	
Care and protection of children	
Ministerial code of conduct	
Aboriginal and environmental heritage	

\* More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

**Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of Act**

	Number of occasions when application not successful
Responsible and effective government	1
Law enforcement and security	
Individual rights, judicial processes and natural justice	
Business interests of agencies and other persons	1
Environment, culture, economy and general matters	
Secrecy provisions	
Exempt documents under interstate Freedom of Information legislation	

**Table F: Timeliness**

	Number of application
Decided within the statutory timeframe (20 days plus any extensions)	8
Decided after 35 days (by agreement with applicant)	
Not decided within time (deemed refusal)	
<b>Total</b>	8

**Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)**

	Decision varied	Decision upheld	Total
Internal review		1	1
Review by Information Commissioner*		6	6
Internal review following recommendation under section 93 of Act			
Review by ADT		2	2
<b>Total</b>		9	9

\*The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.



<b>Table H: Applications for review under Part 5 of the Act (by type of applicant)</b>	
	<b>Number of applications for review</b>
Applications by access applicants	8
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	

In reviewing its program for the release of government information, Council is committed to providing the community with as much access as possible to information held by Council. Currently, limited resources in Council's Information Technology and Communications area have prevented full utilisation of Council's website for publication of information however administrative staff are regularly updating the website with as much new information as possible. If information is not available on the website and can be released, copies of documents are available by contacting the administration offices.

## **Contacting Council**

### **Public Officer – Right to Information Officer**

The Director Community Services has been appointed as the Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council.

The Public Officer is also Council's Right to Information Officer and, as such, is responsible for determining applications for access to documents or for the amendment of records. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer. Also if you would like to amend a document of Council which you feel is incorrect it is necessary to you to make written application to the Public Officer in the first instance.

Enquiries should be directed to:

The General Manager  
Warrumbungle Shire Council  
20-22 John Street  
COONABARABRAN NSW 2357

Postal Address: P O Box 191  
COONABARABRAN NSW 2357

Telephone: 02 68 49 2000

Facsimile: 02 68 42 1337

Email: [info@warrumbungle.nsw.gov.au](mailto:info@warrumbungle.nsw.gov.au)

Council's website: [www.warrumbungle.nsw.gov.au](http://www.warrumbungle.nsw.gov.au)

Office hours for public access: 8.30 am to 4.30 pm Monday to Friday  
(Excluding public holidays)

Switchboard operates: 8.15 am to 4.30 pm Monday to Friday  
(Excluding public holidays).

**Office of the Information Commissioner:**

If you require any other advice or assistance about access to information you may contact the Office of the Information Commissioner by telephone on 1800 463 626 (free call) or by email at [oiinfo@oic.nsw.gov.au](mailto:oiinfo@oic.nsw.gov.au)

Postal address: GPO Box 7011 Sydney 2001  
or visit the office at Level 11, 1 Castlereagh Street Sydney.