



Agency Information Guide

2023-2024

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

parkes.nsw.gov.au

Controlled Document Information

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Parkes
Shire Council

Parkes Shire Council

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Acknowledgement of Country

Parkes Shire is the land of the Bogan River people, part of the Wiradjuri nation – the largest Aboriginal territory at the time of European settlement, encompassing the Central West slopes and plains.

Wiradjuri Country extends from Coonabarabran in the north, straddling the Great Dividing Range down to the Murray River and out to western NSW, encompassing around one fifth of NSW. The people of Wiradjuri Country are known as 'people of three rivers', due to the three rivers that border their lands: the Wambool (Macquarie River), Kalari (Lachlan River) and Murrumbidjeri (Murrumbidgee River).

In the spirit of reconciliation, Parkes Shire Council acknowledges the Wiradjuri people as the traditional custodians of the land and pays respect to Elders past, present and future and we extend our respect to all Indigenous Australians in Parkes Shire.

We recognise and respect their cultural heritage, beliefs and continuing connection with the land and rivers. We also recognise the resilience, strength and pride of the Wiradjuri community.



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What is the Agency Information Guide?

This Information Guide has been produced by Parkes Shire Council in accordance with section 20 of the Government Information (Public Access) Act 2009 (“GIPA Act”) to facilitate open information to the public.

The purpose of this Information Guide is to provide members of the public and Council staff with information concerning:

- The structure and functions of Parkes Shire Council.
- The way in which the functions, including decision-making functions, of Council affect the public.
- The avenues available to the public to participate in policy development and the exercise of Parkes Shire Council’s functions.
- The kinds of information held by Council and how this information is made available to the public; and
- How members of the public and Council staff may access and seek amendment to records relating to their personal affairs if they are incomplete, incorrect, out of date, or misleading.

01

Structure and Functions of Council

- 1.1 About Parkes Shire Council
- 1.2 Basis of Constitution
- 1.3 Governing Body
- 1.4 Role of Governing Body
- 1.5 Role of the Councillors
- 1.6 Role of the Mayor
- 1.7 Role of General Manager
- 1.8 Organisation Structure and Resources
- 1.9 Functions of Council
 - 1.9.1 Functions under Local Government Act 1993
 - 1.9.2 Functions under Other Legislation
- 1.10 Principle Activities



1.1 About Parkes Shire Council

The Parkes Shire Council was established in 1981 following the amalgamation of the Parkes Municipal Council and the Goobang Shire Council. The Shire sits at the heart of Central West NSW, strategically located on the Newell Highway – Australia’s major inland touring route - and within five hours of Sydney and three hours of Canberra ACT.

Covering an area of 5,919 square kilometres and taking in some of the richest and most productive farming and grazing land in NSW, Parkes Shire is renowned for our stunning natural beauty and friendly and welcoming community.

Just over 14,453 people call Parkes Shire home, with more than two-thirds of our population living in the town of Parkes, which services as the administrative, commercial and services hub of the local government area. Villages are located at Peak Hill, Trundle, Tullamore, Alectown, Bogan Gate and Cookamidgera.

Just over 13 per cent of the Parkes Shire’s population identify as Aboriginal or Torres Strait Islander, significantly higher than the respective state and national averages of 3.4 per and 3.2 per cent. Parkes Shire is located on the lands of the Bogan River people of the Wiradjuri nation – the largest Aboriginal territory at the time of European settlement – and continues to be the home of many Wiradjuri people, as well as those from other nations.

Parkes Shire also supports the surrounding region with health and education services through Lachlan Health Service, Western TAFE, and Country Universities Centre. Including as well various public and private schools, preschools, and family day care services. Parkes Shire has modern health services, with a recently redeveloped hospital and strong network of local General Practitioners and is located within an hour’s drive of other major hospital and health service providers at Dubbo and Orange.

Parkes Shire boasts a strong, diverse economy, with a Gross Regional Product (“GRP”) of \$858 million in 2021. Our economy is underpinned by the agriculture and mining industries and strengthened by the transport and logistics industries also including retail and public administration sectors. Just over 1,400 local business operate in Parkes Shire, with 6,526* residents – around 57 per cent of our population – in the workforce.

The development of the Parkes Special Activation Precinct (“SAP”) – the first SAP in regional NSW – will support continued business development and employment growth in the Central West. Taking advantage of Parkes’ location on the Inland Rail and the Main Rail line, the Parkes SAP presents opportunities for value-add industries in the agricultural technology sector.

The Parkes Regional Airport is a major gateway to the Central West region, transporting 35,000 passengers annually through daily flights to Sydney. The development of the Parkes Airport Business Park provides potential for growth to support our strong, diverse economy through leveraging Parkes’ well-established national transport hub.

1.2 Basis of Constitution

Parkes Shire Council is a statutory corporation constituted under the *Local Government Act 1993*.

1.3 Governing Body

Parkes Shire Council's governing body comprises 10 Councillors, all of whom are popularly elected by eligible residents and ratepayers at Local Government elections held every four years. All Councillors are elected to represent the entire Parkes Shire local government area, rather than individual wards.

The Mayor and Deputy Mayor are chosen by the Councillors and elected for a two-year term.

The Councillors, meeting as the Council, are responsible for directing and controlling the affairs of Council in accordance with the Act.

Councillors make decisions on all key matters at Council meetings, which are open to the public. Members of the public can also apply to address Council meetings.

Council's current governing body was elected at the 2021 NSW Local Government elections, which were conducted by the NSW Electoral Commission. The next elections are scheduled to be held in September 2024.

1.4 Role of Governing Body

Together, the Mayor and Councillors comprise the governing body of Council.

Section 223 of the Local Government Act 1993 prescribes the collective role of Council's governing body as follows:

- To direct and control the affairs of the Council in accordance with the *Local Government Act 1993*,
- To provide effective civic leadership to the local community,
- To ensure as far as possible the financial sustainability of the Council,
- To ensure as far as possible that the Council acts in accordance with the principles for local government (as described above) and the plans, programs, strategies and policies of the Council,
- To develop and endorse the Community Strategic Plan, Delivery Program and other strategic plans, programs, strategies, and policies of the Council,
- To determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the Council's resources to implement the strategic plans (including the Community Strategic Plan) of the Council and for the benefit of the local area,
- To keep under review the performance of the Council, including service delivery,
- To make decisions necessary for the proper exercise of the Council's regulatory functions,
- To determine the process for appointment of the General Manager by the Council and to monitor the General Manager's performance,
- To determine the senior staff positions within the organisation structure of the Council,
- To consult regularly with community organisations and other key stakeholders and keep them informed of the Council's decisions and activities, and
- To be responsible for ensuring that the Council acts honestly, efficiently, and appropriately.

1.5 Role of the Councillors

Section 232 of the Local Government Act prescribes the role of individual Councillors as follows:

- 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; and
- To make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

1.6 Role of the Mayor

Section 226 of the Local Government Act confers the following additional responsibilities upon the Mayor:

- Be the leader of the Council and a leader in the local community.
- Advance community cohesion and promote civic awareness.
- Be the principal member and spokesperson of the governing body, including representing the views of the Council as to its local priorities.
- Exercise, in cases of necessity, the policymaking functions of the governing body of the council between meetings of the Council.
- Preside at meetings of the Council.
- Ensure that meetings of the Council are conducted efficiently, effectively and in accordance with the Local Government Act.
- Ensure the timely development and adoption of the strategic plans, programs, and policies of the Council.
- Promote the effective and consistent implementation of the strategic plans, programs, and policies of the Council.
- Promote partnerships between the Council and key stakeholders.
- 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, ensure adequate opportunities and mechanisms for engagement between the Council and the local community.
- Carry out the civic and ceremonial functions of the mayoral office.
- 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; and
- Exercise any other functions of the Council that the Council determines.

1.7 Role of General Manager

The General Manager is responsible for the efficient and effective operation of Parkes Shire Council and for implementing, without undue delay, decisions of the Council.

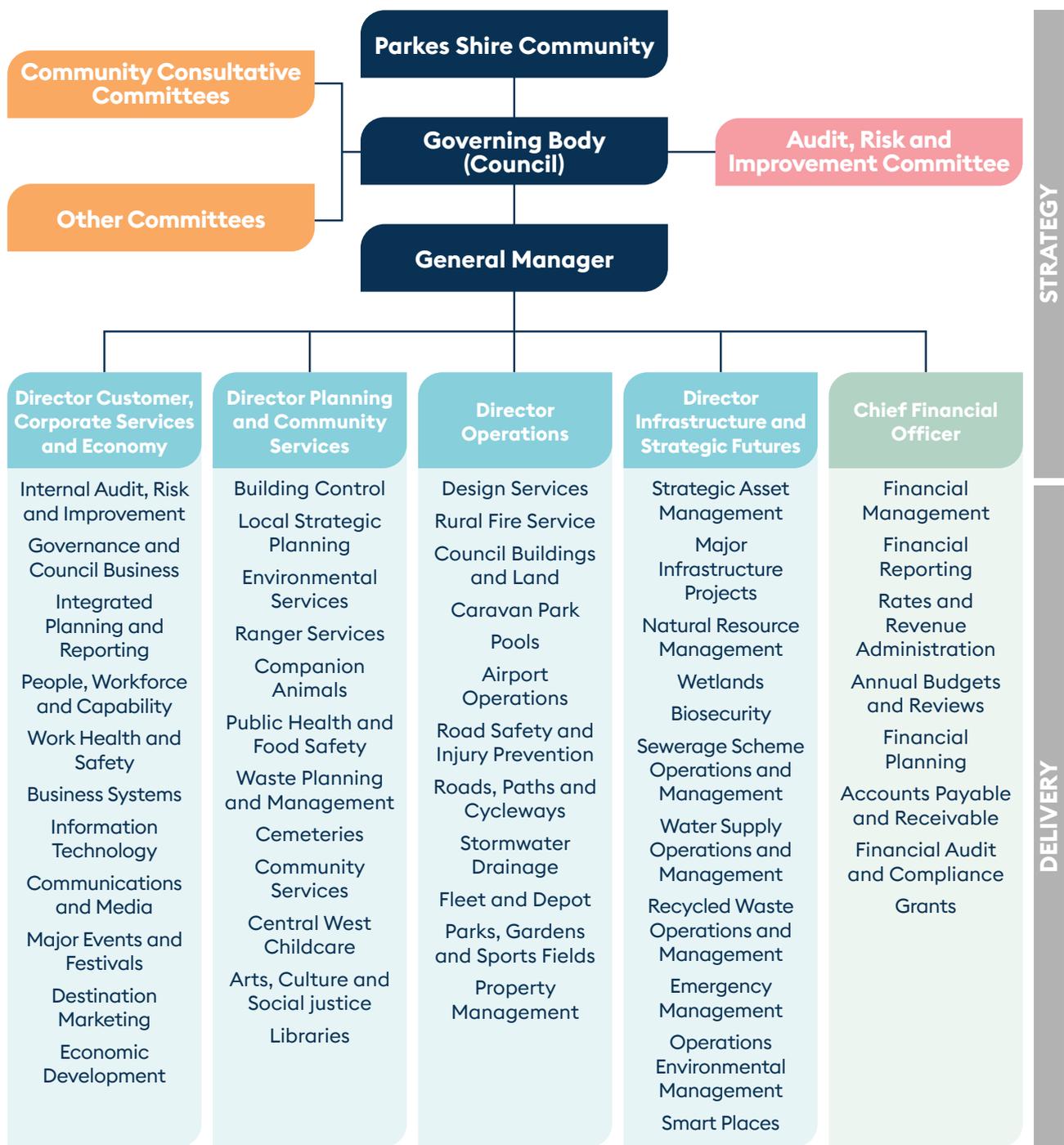
As the most senior employee of Council, the General Manager is the only member of staff selected and appointed by Councillors. The General Manager is appointed on a renewable, fixed-term, performance-based contract for a maximum period of five (5) years.

Section 335 of the Local Government Act confers the following functions on the General Manager:

- To conduct the day-to-day management of Council in accordance with the strategic plans, programs, strategies, and policies of Council.
- To implement, without undue delay, lawful decisions of Council.
- To advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of 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 Council and other matters related to Council.
- To prepare, in consultation with the Mayor and the governing body, 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 Council that are delegated by Council to the Chief Executive Officer.
- To appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by Council.
- To direct and dismiss staff.
- To implement Council's workforce management strategy.
- Any other functions that are conferred or imposed on the Chief Executive Officer by or under the Local Government Act 1993 or any other Act.

1.8 Organisation Structure

The General Manager has organised Council’s structure to conduct the day-to-day management of Council in accord with the various strategic plans, programs, strategies, and policies of Council, as outlined in the diagram below.



1.9 Functions of Council

1.9.1 Functions under Local Government Act 1993

Section 21 of the Local Government Act 1993 confers or imposes a wide range of functions on Council, which can be grouped into the following categories as detailed in the table below:

Functional Category	Function
SERVICE FUNCTIONS (Chapter 6)	<ul style="list-style-type: none">• Provision of community health, recreation, education, and information services• Environmental protection• Waste removal and disposal• Land and property, industry and tourism development and assistance• Civil infrastructure planning• Civil infrastructure maintenance and construction
REGULATORY FUNCTIONS (Chapter 7)	<ul style="list-style-type: none">• Approvals• Orders• Building certificates
ANCILLARY FUNCTIONS (Chapter 8)	<ul style="list-style-type: none">• Resumption of land• Powers of entry and inspection
REVENUE FUNCTIONS (Chapter 15)	<ul style="list-style-type: none">• Rates• Fees and charges• Borrowings• Investments
ADMINISTRATIVE FUNCTIONS (Chapters 11, 12 and 13)	<ul style="list-style-type: none">• Employment of staff• Community and corporate planning• Financial reporting• Annual reporting
ENFORCEMENT FUNCTIONS (Chapters 16 and 17)	<ul style="list-style-type: none">• Proceedings for breaches of the Local Government Act 1993 and other legislation• Prosecution of offences• Recovery of rates and charges

1.9.2 Functions under Other Legislation

In addition, Council has functions conferred or imposed on it by or under other Acts of Parliament, which include those listed in the following table:

A to D	Biodiversity Conservation Act 2016 Biosecurity Act 2015 Building Professionals Act 2005 Civil Liability Act 2002 Community Land Development Act 1989 Companion Animals Act 1998	Contaminated Land Management Act 1997 Conveyancing Act 1919 Crown Land Management Act 2016 Crown Lands Act 1989 Dividing Fences Act 1991 Contaminated Land Management Act 1997
E to H	Environmental Planning and Assessment Act 1979 Fines Act 1996 Firearms Act 1996 Fire Brigades Act 1989 Fluoridation of Public Water Supplies Act 1957	Food Act 2003 Geographical Names Act 1966 Government Information (Public Access) Act 2009 Graffiti Control Act 2008 Heritage Act 1977
I to M	Impounding Act 1993 Enclosed Lands Protection Act 1902 Land Acquisition (Just Terms Compensation) Act 1991 Land and Environment Court Act 1979	Library Act 1939 Liquor Act 2007 Local Land Services Act 2013 Major Events Act 2009 National Parks and Wildlife Act 1974
N to R	Ombudsman's Act 1974 Pesticides Act 1999 Pipelines Act 1967 Plumbing and Drainage Act 2011 Privacy and 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 Road Transport Act 2013 Roads Act 1993 Road Transport Act 2013 Rural Fires Act 1997
S to W	Smoke Free Environment Act 2000 State Emergency Rescue Management Act 1989 State Emergency Service Act 1989 State Records Act 1998 Strata Schemes Development) Act 2015 Strata Schemes Management Act 1996 Surveying and Spatial Information Act 2002 Swimming Pools Act 1992	Threatened Species Conservation Act 1995 Transport Administration Act 1988 Unclaimed Money Act 1995 Valuation of Land Act 1916 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

1.10 Principle Activities

The principal activities under each functional area for Parkes Shire Council are shown in the table below.

Functional Area	Principal Activity Undertaken
Commercial enterprise	<ul style="list-style-type: none">• Central West Childcare Services• Caravan Parks• Rental and Leasing• Land Development and Sales
Council and corporate	<ul style="list-style-type: none">• Information Communication and Technology• Governance and Strategy• Civic• People, Safety and Culture• Finance• Fleet• Council Land and Buildings• Council Environmental Management• Customer Service• Community Services and Wellbeing• Communication and Engagement
Economy and activation	<ul style="list-style-type: none">• Economic Development• Grants• Events and Festivals• Tourism and Destination Marketing
Emergency services	<ul style="list-style-type: none">• Emergency Services Support
Library, arts and culture	<ul style="list-style-type: none">• Library Services• Arts and Culture• Social Justice
Open space and recreation	<ul style="list-style-type: none">• Parks and Gardens• Sports Fields• Open Space Facilities, Amenities and Public Toilets• Cemeteries• Swimming Pools• Wetlands Restoration

Functional Area	Principal Activity Undertaken
Planning, certification and compliance	<ul style="list-style-type: none"> Local Strategic Land Use Planning Development Assessment Building Certification Environmental Health and Ranger Services Noxious Weed Management
Sewerage	<ul style="list-style-type: none"> Sewerage System
Transport and drainage	<ul style="list-style-type: none"> Sealed Roads Unsealed Roads Regional Roads Other Transport and Overheads Urban Stormwater Regional Airport Road Maintenance Council Contract Road Safety
Water supply	<ul style="list-style-type: none"> Water Supply Water Security Project Recycled Water Extension Project
Waste management	<ul style="list-style-type: none"> Domestic Waste Management Commercial Waste Waste Education and Sustainability

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Impact of Council Functions on the Public



As a service organisation, most of the activities of undertaken by Parkes Shire Council have an impact on the public. The following is an outline of how the broad functions of Council affect the public:

Functional Area	Principal Activity Undertaken
Services	<p>Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as:</p> <ul style="list-style-type: none"> • Childcare services and libraries. • Halls and community centres. • Recreation facilities • Infrastructure; and • The removal of garbage.
Regulatory	<p>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.</p>
Ancillary	<p>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.</p>
Revenue	<p>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.</p>
Administrative	<p>Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.</p>
Enforcement	<p>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.</p>
Community planning and development	<p>Community planning and development functions affect areas such as cultural development, social planning and community profile and involves:</p> <ul style="list-style-type: none"> • 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 Plan. • 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 events such as Australia Day celebrations, Youth Week, Seniors Festival, art, and cultural activities, as well as promoting events of organised by others.

03

Public participation in Local Government

- 
- 3.1 Representation
 - 3.1.1 Current Councillors
 - 3.2 Personal Participation
 - 3.3 Council Meetings
 - 3.4 Public Forum
 - 3.5 Council Committees
 - 3.6 Public Submissions
 - 3.7 Community Consultative Committee
 - 3.8 Community Engagement
 - 3.9 Contact, Feedback and Complaints

Parkes Shire Council offers several methods for members of the public to participate in the formulation of Council's policies and implementation of its functions.

3.1 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, local government elections are held every four years.

The next election for Parkes was scheduled to be held in September 2020. However, legislation to postpone NSW council elections for at least a year was passed in the NSW Parliament on 24 March 2020 to address the risks posed by the COVID-19 virus. The next election will take place on 4 September 2021, the postponement will not change the future schedule of council elections, and the subsequent election will still proceed in September 2024.

At each election, voters elect ten Councillors for a four-year term, all of whom are popularly elected by eligible residents and ratepayers at Local Government elections held every four years. The Mayor and Deputy Mayor are chosen by the Councillors and elected for a two-year term.

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 can 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.

3.1.1 Current Councillors

The current list of Councillors and their contact details are available on Council's website.

→ [Our Councillors Parkes Shire Council \(nsw.gov.au\)](https://www.parkes.nsw.gov.au/our-councillors)

3.2 Personal Participation

Ratepayers, residents, and business are encouraged to have a say in what Council does.

Community participation in Council is a major focus of the Local Government Act 1993. The Act encourages councils to be open and accountable to the community. This is achieved by people having appropriate access to information, voting in polls and referendums, making submissions to Council and by Council meetings being open to the public.

Members of the public can participate in policy development and general activities of Council in various ways including:

- Addressing the Council at Council meetings (refer below)
- Responding to policies and plans placed on public exhibition (refer below)
- Making representations to Councillors
- Discussing issues with Council Officers
- Use of Council's 'Your Say' web portal via Council's website
- Participating on certain Council Committees/Working Parties (refer below)
- Through surveys or forums

Council's website at www.parkes.nsw.gov.au is regularly updated with notifications and information on Council's activities, meeting agendas and business papers. The website also publishes notices and exhibitions, tenders, news items, events and many Council documents and reports. The website is reviewed and updated on a regular basis to ensure information is accurate and timely.

Council also provides information and connects with the community on Council activities, decisions, and programs on our social media platforms. See the Community Engagement section on page 23.

3.3 Council Meetings

Councillors make decisions on behalf of the Parkes community at Council meetings. A meeting agenda is made publicly available prior to each meeting. Shortly after each meeting, the minutes and any other relevant documentation are published on the website.

With the easing of COVID restrictions, Councillors, staff, and members of the public can attend Council meetings in person. Members of the public can attend Council meetings held in the Council Chambers. To support open, accessible, and transparent government, the Council meetings of Parkes Shire Council are streamed live on Council's Facebook page.

→ [Like us on Facebook](#)

This service allows greater access to Council proceedings, decisions and debate and eliminates barriers that prevent some people from attending our meetings. Any part of the meeting that is held in closed session will not be streamed. The public can access live webcasts of Council meetings, view archived meetings and view agendas and minutes on Council's website at Council meetings.

Meetings are run in accordance with Council's Code of Meeting Practice.

3.4 Public Forum

Members of the public may apply to address Council at a public forum, which are held prior to Committee and Council meetings. This allows members of our community to voice their opinion on a matter at Council. The address is to be no longer than four minutes, and Councillors may question the speaker following completion of the address with speaker slots limited to 10 minutes in total per speaker. You may address Council once per matter.

More information is available on Council's website.

→ [Public forum Parkes Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/parkes-shire-council/public-forum)

3.5 Council Committees

Council committees are a way for the community to provide input on a range of issues relevant to our work. There are avenues for members of the public to personally participate in the policy development and the functions of the Council.

Council Committees with active community representation are listed on its website.

→ [Committees and groups Parkes Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/parkes-shire-council/committees-groups)

3.6 Public Submissions

All significant plans, strategies and policies of Parkes Shire Council are placed on exhibition in draft form so that interested members of the public may view them and make comments. Exhibition documents are available on Council's website.

Submissions should be addressed to:

The General Manager
Parkes Shire Council
Po Box 337, Parkes NSW 2870
Via email: council@parkes.nsw.gov.au

Copies of comments/submissions received by Council may be released upon a request without the need for an application under the Government Information (Public Access) Act 2009.

3.7 Community Consultative Committees

Council supports and recognises several community-based committees and regularly consults with those committees when required. They include:

- Alectown Hall Committee
- Bogan Gate Memorial Hall Committee Inc.
- Trundle and District Progress Association
- Tullamore Community Consultative Committee
- Peak Hill Community Consultative Committee
- Cookamidgera Hall Committee

Please contact Council if you do not know who to contact to become involved in any of these community groups.

3.8 Community Engagement

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

Community members can also stay up to date on news and media by accessing the following websites and social media accounts utilised by Council:

- [Like us on Facebook](#)
- [Connect with us on LinkedIn](#)
- [Follow us on Twitter](#)
- [Watch our YouTube Channel](#)

Community members can also subscribe to Council's newsletter by completing the form on Council's website.

- [Join our newsletter](#)

3.9 Contact, Feedback and Complaints

Council welcomes constructive feedback about the exercise of its functions and its delivery of services to the community.

Feedback and complaints can be provided verbally or in writing using any of the contact methods listed on its website or by using the electronic contact form which is also available on the website.

- [Contact us Parkes Shire Council \(nsw.gov.au\)](#)
- [Compliments, complaints, and feedback Parkes Shire Council \(nsw.gov.au\)](#)

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Access to Government Information

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4.1 Introduction

Parkes Shire 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, available on Council's website. The object of this policy is to inform the public that they have lawful rights to access Council information and to describe the procedures for gaining access.

The Government Information (Public Access) Act 2009 ("GIPA") replaced the Freedom of Information Act 1989 and Section 12 of the Local Government Act. The GIPA Act is designed to promote a more open, accountable, fair, and effective government and provides the public with an enforceable right to access Council information.

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.

Council is not required to make government information available in any way that would constitute a breach of copyright.

Parkes Shire Council holds various types of information concerning a wide range of Council functions and issues relating to the Parkes Local Government Area. Council information is primarily created, stored, and accessed digitally with some older physical records maintained in off-site storage.

→ [Access to information \(GIPA\) Parkes Shire Council \(nsw.gov.au\)](https://www.parkes.nsw.gov.au/gipa)

Not all the above information is available on Council's website, however, Council is working at making more "Open Access Information" (as defined below) available in this way, unless there is an overriding public interest against disclosure of the information as outlined in Section 14 of the GIPA Act. However, information from these files may be made available either by informal release (by completing an Informal Request for Information Form) or via a Formal Access Application in accordance with Section 7-9 of the GIPA Act.

4.2 Mandatory Release

The following documents are defined as “Open Access Information” under Section 18 of the GIPA Act and will be released without the need for a Formal Access Application under the GIPA Act (most available on Council’s website):

- Council’s Agency Information Guide
- Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament.
- Council’s policy documents.
- Council’s Disclosure Log of Formal Access Applications.
- Council’s Register of Government Contracts.
- Council’s record of the open access information (if any) that it does not make publicly available based on an overriding public interest against disclosure.
- Such other government information as may be prescribed by the GIPA Regulations as open access information.

Schedule 1 of the GIPA Regulations also stipulates that the following additional documents are to be provided as open access information by Council, divided into the following four sections:

OPEN ACCESS INFORMATION - Schedule 1 GIPA Regulations	Information About Council	<ul style="list-style-type: none"> • Annual Financial Reports • Annual Report • Annual Reports of bodies exercising functions delegated by Council • Agendas and Business Papers for any meeting of Council or any Committee of Council • Codes referred to in the Local Government Act 1993 (LGA), including: <ul style="list-style-type: none"> – The model code prescribed under Section 440(l) of the LGA – Council’ adopted Code of Conduct – Code of Meeting Practice • Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan • Departmental representative reports presented at a meeting of Council • EEO Management Plan • Land Register • Minutes of any meeting of Council or any Committee of Council • Policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors • Register of current Declarations of Disclosures of Political donations • Register of Delegations • Register of Graffiti removal works • Register of Investments • Register of Voting on Planning Matters • Returns of the interests of Councillors, designated persons, and delegates
	Plans and Policies	<ul style="list-style-type: none"> • Local Policies adopted by Council concerning approvals and orders • Plans of Management of Community Land • Environmental Planning Instruments, Development Control Plans and Contribution Plans

Information about DAs

- Development Applications and any associated documents received in relation to a proposed development including:
 - Acoustic Consultant Reports
 - Construction Certificates
 - Heritage Consultant Reports
 - Home Warranty Insurance documents
 - Land Contamination Consultant Reports
 - Occupation Certificates
 - Records of decisions on Development Applications including decisions on appeals
 - Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information
 - Structural certification documents
 - Submissions received on Development Applications
 - Town Planner Reports
 - Tree Inspections Consultant Report
- The above does not apply to so much of the information referred to above as consists of:
 - The plans and specifications for any residential part 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 likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.
 - Development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application

Approvals, Orders and Other Documents

- Applications for approvals under Part 1 Chapter 7 of the Local Government Act 1993
- Applications for approvals under any other Act and any associated documents received
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land. Performance improvement orders issued to Council under Part 6 of Chapter 13 of the Local Government Act 1993
- 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
- Plans of land proposed to be compulsorily acquired by Council
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decision made on appeals concerning approvals.
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979

4.3 Proactive Release

In addition to open access information, Council makes other information publicly available unless there is an overriding public interest against disclosure. The information will be free of charge or made available at the lowest reasonable cost. Such information may include information frequently requested or information of public interest that has been released because of other requests.

4.4 Informal release

Access to information that is not available as Mandatory Release or Authorised Proactive Release may be provided through Informal Release. The GIPA Act provides for members of the public to apply for the informal release of government information, subject to any reasonable conditions that Council deems fit to impose, or in instances where there is an overriding public interest against disclosure.

Application should be made to Council by submitting an Informal Request for Information application form, available on Council's website.

→ [Access to information \(GIPA\) Parkes Shire Council \(nsw.gov.au\)](https://www.parkes.nsw.gov.au/gipa)

In instances where informal access requests involve personal or sensitive information or the need to consult with a third party, it is likely that Council will require the submission of a Formal Access application. Council has the right to decide by what means information is to be released in response to an informal access request and may redact content from the information released if there is an overriding public interest against disclosure. Please note that the GIPA Act does not stipulate a timeframe by which informal access requests are to be decided. Formal Access applications take priority as they are required to be completed under strict legislative timeframes.

4.5 Formal release

Prior to lodging a formal access application, a person seeking information from Council should check if the information being sought is already available on Council's website or could easily be made available through an informal request.

The GIPA Act provides for members of the public to apply for access to information formally in instances where:

- The information is not available for release through Proactive or Informal Release.
- An Informal Access request involves a large volume of information; requires extensive research or is stored in archives thereby constituting an unreasonable amount of time and resources to produce.
- Personal or confidential information about a third party is requested; or
- The information requested is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure.

If one or more of the above criteria is met, Council requires a Formal Access to Information Application to be submitted.

Applications should be made to Council by submitting a Formal Access Application available on Council's website. The prescribed GIPA application fee of \$30 must be paid at the time of lodgement.

→ [Access to information \(GIPA\) Parkes Shire Council \(nsw.gov.au\)](https://www.parkes.nsw.gov.au)

Please note, an application will be invalid if it seeks access to excluded information of Council or does not meet the requirements for a Formal Access application.

An application must:

- be in writing.
- specify it is made under the GIPA Act
- state the name of the applicant and postal or email address.
- be accompanied by the \$30.00 fee.
- provide sufficient detail to enable Council to identify the information that is being requested.

Council must acknowledge the receipt of a valid application by responding to applicants within five working days.

Decisions made regarding Formal Access may be appealed internally at Council or externally through the NSW Information Commissioner or the NSW Civil or Administrative Tribunal (NCAT). The internal review fee is \$40. Please note that when information of potential interest to other members of the public is released to an applicant under formal access, Council may provide details of the information through a disclosure log on its website, available for public inspection.

4.6 Fees and Charges

The Government Information (Public Access) Regulation requires that Open Access information held by Council, is to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) and 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 as set out in Council's Schedule of Fees and Charges.

Formal Access Applications require payment of \$30.00 application fee and \$30.00 hourly processing charges may apply. The following table summarises the fees and charges for access to information.

Nature of Application	Application Fee	Processing Charge	Photocopying
Mandatory Release	No charge	No charge	As per Council's adopted fees and charges
Proactive Release	No charge	No charge	As per Council's adopted fees and charges
Informal Release	No charge	No charge	As per Council's adopted fees and charges
Formal Application	\$30.00	\$30.00 per hour after the first hour	No charge

4.7 Interaction with Copyright Legislation

Copyright issues may arise when requests are made for copies of documents held by Council.

The Commonwealth Copyright Act 1968 takes precedence over State legislation. Therefore, the right to copy documents under the GIPA Act does not override the Copyright Act. Nothing in the GIPA Act or Regulations permits Council to make government information available in any way that would constitute an infringement of copyright.

Access to copyrighted documents will be granted by way of inspection only, copyright owner's written consent is provided, unless 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.

Copyright material includes, but not limited to, plans/drawings, consultant reports and survey reports.

4.8 Interaction with Privacy Legislation

Access to certain information may be limited in accordance with the Privacy and Personal Information Protection Act 1998 (PPIP Act) and the Health Records and Information Privacy Act 2002 (HRIP Act). The PPIP Act and HRIP Act provide for the protection of personal and health information and for the protection of the privacy of individuals generally.

In accordance with the PPIP Act and the HRIP Act, Council has adopted a Privacy Management Plan (available on Council's website) which outlines Council's practice for dealing with privacy and personal information in accordance with Information Protection Principles contained within the PPIP Act and the Health Protection Principles contained within the HRIP Act.

4.9 Public Interest Test

Under the GIPA Act, when deciding whether to release information, government agencies must consider whether there is an overriding public interest against releasing the information.

Referred to as the “public interest test”, this requires government agencies to consider balancing factors for and against disclosure of each piece of government information. That balancing must be undertaken within the context of the GIPA Act.

In deciding what information to release, Council will apply the public interest test which will involve:

- identification of the relevant public interest considerations for disclosure.
- identification of any relevant public interests against disclosure.
- the GIPA Act (section 14) provides an exhaustive list of public interest considerations against disclosure. These are the only considerations against disclosure that decision makers can consider in applying the public interest test.
- 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 specifically provided in legislation.
- Exempt documents under interstate Freedom of Information legislation.

4.10 Access and Amendment to Council documents

As far as practicable, Government information held by Council will be accessible by members of the public from Council's Administration office during office hours, i.e., between the hours of 9:00 am and 5:00 pm, Monday to Friday (except public holidays).

For further enquiries about any document, a Customer Services Officer should be contacted in the first instance.

Any amendment of records held by Council will be undertaken pursuant to the provisions of the Privacy and Personal Information Protection Act 1998 (PPIP Act).

4.11 Public Officer

Each Council must appoint a Public Officer as directed by the Local Government Act 1993. The Public Officer:

- May deal with requests from the public concerning the Council's affairs.
- Has the responsibility of assisting people to gain access to public documents.
- May receive submission made to Council.
- May accept service of documents on behalf of Council.
- May represent Council in any legal or other proceedings.
- Carries out other functions as directed by the Chief Executive Officer of Council or by or under the Local Government Act 1993.

The Public Officer can assist members of the public who have difficulty in obtaining access to Council information, and to those wishing to amend Council information that they feel is incorrect.

The Information and Privacy Commission oversees the GIPA Act. The IPC provides information about the right to access information and can be contacted via their website.

→ [Information and Privacy Commission New South Wales \(nsw.gov.au\)](https://www.ipc.nsw.gov.au)

Council's Public Officer is the Director Customer, Corporate Services and Economy

05

Principles of Local Government

- 5.1** Guiding Principles for Exercise of Functions
- 2.2** Guiding Principles for Decision-Making
- 5.3** Guiding Principles for Community Participation
- 5.4** Principles of Sound financial management
- 5.5** Integrated Planning and Reporting Principles that apply to councils.



Section 8 of the Local Government Act 1993 (“the Local Government Act”) comprises a series of a principles that provide guidance to councils in carrying out their functions in a way that facilitates local communities that are strong, healthy, and prosperous.

5.1 Guiding Principles for Exercise of Functions

The following general principles apply to the exercise of functions by councils:

- Councils should provide strong and effective representation, leadership, planning and decision-making.
- Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- Councils should apply the integrated planning and reporting framework in carrying out their functions to achieve desired outcomes and continuous improvements.
- Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- Councils should work with others to secure appropriate services for local community needs.
- Councils should act fairly, ethically and without bias in the interests of the local community.
- Councils should be responsible employers and provide a consultative and supportive working environment for staff.

5.2 Guiding Principles for Decision-Making

The following principles apply to decision-making by councils (subject to any other applicable law):

- Councils should recognise diverse local community needs and interests.
- Councils should consider social justice principles.
- Councils should consider the long term and cumulative effects of actions on future generations.
- Councils should consider the principles of ecologically sustainable development.
- Council decision-making should be transparent, and decision-makers are to be accountable for decisions and omissions.

5.3 Guiding Principles for Community Participation

Councils should actively engage with their local communities, using the Integrated Planning and Reporting Framework and other measures.

5.4 Principles of Sound financial management

The following principles of sound financial management apply to councils:

- Council spending should be responsible and sustainable, aligning general revenue and expenses.
- Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- Councils should have effective financial and asset management, including sound policies and processes for the following:
 - performance management and reporting,
 - asset maintenance and enhancement,
 - funding decisions, iv. risk management practices.
- Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - policy decisions are made after considering their financial effects on future generations.
 - the current generation funds the cost of its services.

5.5 Integrated Planning and Reporting Principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- Councils should identify strategic goals to meet those needs and aspirations.
- Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- Councils should regularly review and evaluate progress towards achieving strategic goals.
- Councils should maintain an integrated approach to planning, delivering, monitoring, and reporting on strategic goals.
- Councils should collaborate with others to maximise achievement of strategic goals.
- Councils should manage risks to the local community or area or to the council effectively and proactively.
- Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.

Parke's Shire Council
strives to deliver
progress and value
to our community





