

ITEM 9 REVIEW OF CORPORATE SERVICES POLICIES

A review of Corporate Services policies has been undertaken resulting in several Council policies being recommended for revocation or reclassification as Management policies under the Council Policy Framework.

RECOMMENDATION

- 1 The Public Access to Documents and Information held by Council Policy be revoked
- 2 The following Council policies be reclassified as Management policies under the Policy Framework
 - a Recruitment of External Members to Committees Policy
 - b Public Liability and Professional Indemnity Insurance Coverage for Council Delegates Policy

REPORT AUTHORISATIONS

Report of: Todd Hopwood, Manager Governance + Customer Service
Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

- 1 Public Liability and Professional Indemnity Insurance Coverage for Council Delegates Council Policy
- 2 Recruitment of External Members to Committees Council Policy
- 3 Public Access to Documents and Information held by Council Council Policy

BACKGROUND

Council's Policy Framework was implemented to provide guidance on the development of appropriate policy and procedure documents and for the appropriate categorisation of all Council documents below the level of legislated strategy documents and consist of a hierarchy of four main types of documents:

- Council Policies
- Management Policies
- Procedures
- Work Instructions

Additionally, at times it may be appropriate for Council to develop guideline documents that provide additional information for the public on complex legislative, policy or procedural matters.

It is common for the policy registers of public authorities to grow overtime due to the inclusion of documents that should be more appropriately categorised as procedure or guideline documents. The implementation of the framework provides an opportunity to reduce the number of policies in Council's policy register by identifying genuine policy position documents as opposed to those that are more procedural by nature. There are also opportunities to merge policies that cover similar topics.

The larger a fleet of policies adopted by Council the more burdensome the administrative requirements for review, updating and adopting become.

Several Council policies were drafted and adopted prior to the recent implementation of a Policy Framework. As a result, all policy documents relating to the Corporate Services directorate of Council have been reviewed for appropriate categorisation under the framework. Similar reviews will occur across the entire suite of Council policies in all directorates as each policy falls due for review.

The review of Corporate Services policies has previously identified two Council policies for revocation

- **Councillor Access to Council Information and Staff Policy**

This policy was revoked at the Council Meeting on 21 February 2022 as relevant provisions were incorporated into the Code of Conduct

- **Payment of Lord Mayoral fee to Deputy Lord Mayor Policy**

This policy was revoked at the Council Meeting on 27 June 2022 as relevant provisions were incorporated into the Councillors' Expenses and Facilities Policy

PROPOSAL

Several additional policies under the administration of the Corporate Services Directorate are now recommended for revocation or reclassification as Management Policies. The details of these policies, recommended actions, and supporting reasoning are provided below.

Policy	Action	Reason
Public Access to Documents and Information held by Council	Recommended for revocation	All information in this policy is contained in Council's Agency Information Guide required to be published on the Council website in accordance with the GIPA Act.
Recruitment of External Members to Committees	Recommend reclassification as a Management Policy	This policy provides procedural and administrative guidance on the recruitment of external committee members. Whilst Council will retain the authority in terms of establishing Committees and adopting charters, it is considered more appropriate that this policy and process for recruiting members be managed under the authorisation of the General Manager and the Executive Management Committee
Public Liability and Professional Indemnity Insurance Coverage for Council Delegates	Recommend reclassification as a Management Policy	This issue of insurance coverage for Council Delegates is an operational issue, with significant guidance from, and requirements of, Council's Insurers. It is considered more appropriate that this policy be managed under the authorisation of the General Manager and the Executive Management Committee

All policies classified as Management Policies under the framework continue to be reviewed every 2 years, similar to Council level policies. It is not proposed to change the content nor the policy direction of these policies as part of this process.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 4. It specifically delivers on the following:

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
4.7 Demonstrate responsible decision-making based on our values, collaboration, and transparent and accountable leadership	Governance and Administration

RISK MANAGEMENT

A policy is only effective if it is read and understood by those staff who are required to be involved in a process directed by that policy. There is a risk that having too many policies on the Council Policy register makes it difficult for staff to obtain clear and easy direction on the policy position of council as well as any associated procedures for the implementation of our policies.

Policies are only be recommended for removal from the Policy Register if they do not answer a genuine policy question or appropriate provisions have been incorporated into another policy or suitable council document.

FINANCIAL IMPLICATIONS

There are no direct financial implications from this report however there are administrative efficiencies that can be achieved by the reduction of number of Policies adopted by Council.

CONCLUSION

The implementation of a policy framework, and subsequent review of the Policy Register allows Council, where appropriate, to reduce the size of the register, reducing the administrative burden in maintaining, reviewing, and updating the policies.



ADOPTED BY COUNCIL: 26 JUNE 2017

BACKGROUND

Council regularly engages persons and entities (Other Parties) to undertake activities on behalf of Council which, through limitations on Council resources or expertise, Council itself is unable to fulfil. These Other Parties are required to secure their own Public and Products Liability and Professional Indemnity Insurance coverage in order to help protect Council from exposure to financial liabilities. In cases where Other Parties cannot reasonably secure their own Public and Products Liability and Professional Indemnity Insurance coverage, Council may consider extending its Public and Products Liability and Professional Indemnity Insurance policy to cover Other Parties for the activities they are undertaking on behalf of Council.

OBJECTIVE

The main objectives of this policy are to:

- extend Council's Public and Products Liability and Professional Indemnity Insurance coverage to Other Parties which exercise Council's functions on behalf of Council in circumstances where contractual arrangements or volunteer management are not appropriate and where the Other Parties are unable to reasonably secure their own Public and Products Liability and Professional Indemnity insurance coverage; and
- ensure risks associated with the delegated functions are adequately identified consistent with Council's Enterprise-wide Risk Management policy and properly managed in order to minimise Council's exposure to financial liabilities consistent with Council's civil liability obligations and insurance arrangements.

POLICY STATEMENT

- 1 Council may delegate (or the General Manager may sub-delegate) certain functions in accordance with section 355(e) of the *Local Government Act*, 1993, to Other Parties on behalf of Council.
- 2 Where those Other Parties are, after reasonable efforts, unable to secure their own Public and Products Liability and Professional Indemnity Insurance coverage in accordance with Council's requirements, the action of delegation of specific Council functions by the General Manager (or sub-delegate) to those Other Parties may also extend Council's Public and Products Liability and Professional Indemnity Insurance coverage to those Other Parties to the extent of the delegation.
- 3 Delegation AA32 provides authority to "*Authorise a letter of sub-delegation of Council functions to a volunteer to undertake functions of Council*".

PUBLIC LIABILITY AND PROFESSIONAL INDEMNITY INSURANCE COVERAGE FOR COUNCIL DELEGATES

COUNCIL POLICY

STATEMENT OF PROCEDURES

Engagement

- 1 The Council officer undertaking the engagement of the Other Party must determine the most appropriate method of engaging the Other Party, whether by way of contractual arrangements, volunteer management or delegation of certain functions. Contractual arrangements or volunteer management should take precedence over delegation of certain functions.
- 2 Where the Council Officer determines that delegation of certain functions is the most appropriate method of engagement, the Other Party is required to make reasonable efforts to secure Public and Products Liability and Professional Indemnity Insurance coverage at their expense and in accordance with Council's requirements.

Council considers that Other Parties such as businesses, commercial entities and incorporated associations are generally capable of securing their own Public and Products Liability and Professional Indemnity Insurance coverage. Individuals and unincorporated associations can seek to secure Public and Products Liability and Professional Indemnity Insurance coverage through existing personal insurances which they may hold.

Insurance

- 3 Where a Divisional Manager considers that the Other Party for which they are intending to undertake functions on behalf of Council is incapable of securing sufficient Public Liability and Professional Indemnity Insurance coverage in its own capacity, then the delegating of certain functions to the Other Party can, where considered appropriate, be extended to include Council's Public and Products Liability and Professional Indemnity Insurance coverage.

Risk Assessment

- 4 Where it is proposed to extend a delegation to include Council's Public and Products Liability and Professional Indemnity Insurance coverage, **a risk assessment must be completed** and the responsible Divisional Manager must be satisfied that the activity will be undertaken in a manner consistent with Council's Enterprise-wide Risk Management policy and properly managed in order to minimise Council's exposure to financial liabilities consistent with Council's civil liability obligations and insurance arrangements.

The Risk Assessment template is available on Council's Hub – *Support/ Corporate Governance/ Legal Services/ Templates (Category 8: Delegations – 02 Council Risk Assessment)*.

Review

- 5 In order to assess the appropriateness of extending a delegation to include Council's Public and Products Liability and Professional Indemnity Insurance coverage, the Divisional Manager must submit a request to the Risk and Insurance Team who will:
 - Verify that reasonable attempts have been made by the Other Party to secure their own insurance;
 - Confirm that Council's Public and Products Liability and Professional Indemnity Insurance coverage is sufficient for the proposed delegated functions;
 - Review the adequacy of the risk assessment; and
 - Ensure that appropriate declarations are submitted to Council's insurer.
- 6 Delegation of Council functions can occur by the:
 - Council adopting, by resolution, a formal recommendation to delegate Council functions to a person (including the General Manager but excluding all other employees of Council) or entity; or
 - General Manager, where exercising powers which have been delegated to him by Council, sub-delegating Council functions to any person or entity.

Supervision

- 7 The Council division whose officers liaise with persons or entities who undertake functions of Council, is the division responsible for ensuring formal sub-delegation of Council's functions to a person or entity occurs. This will ensure that persons or entities are provided with an actual delegation of Council's liability insurance coverage for the functions they undertake on behalf of Council in accordance with the functions of Council which have been sub-delegated.

PUBLIC LIABILITY AND PROFESSIONAL INDEMNITY INSURANCE COVERAGE FOR COUNCIL DELEGATES

COUNCIL POLICY

Letter of Sub-delegation

8 Council employees who wish to arrange for functions of Council to be sub-delegated must prepare a letter of sub-delegation of Council authority from the General Manager (or sub-delegate). The letter provides for functions of Council to be sub-delegated and for the conditions which are applicable to the sub-delegated functions to be nominated. The letter nominally provides for the term of sub-delegation to be limited to three months but this term can be varied by the General Manager (or sub-delegate) as appropriate:

- **For volunteers only**, letters of sub-delegation of Council functions are to be submitted to the Manager Governance and Information for authorisation; and
- **All other letters of sub-delegation** of council functions are to be submitted to the General Manager for authorisation.

The letter templates are available on Council's Hub – *Support/ Corporate Governance/ Legal Services/ Templates – Category 8*.

9 Where the delegation is to be extended to include Council's Public and Products Liability and Professional Indemnity Insurance coverage, the letter to be submitted for signature by the General Manager (or sub-delegate) **must be accompanied by a copy of the risk assessment** duly noting consultation with the Risk and Insurance Team.

10 In addition to submission of the General Manager's (or sub-delegate's) letter of grant of sub-delegation to the delegate(s), each division is responsible for formally advising delegates with whom its officers liaise on the nature and extent of Council's delegations to them and the corresponding delegation of Council's insurance coverage.

Records Management

11 Once a formal delegation has been made, each division is responsible for scanning and recording the delegation in:

- The relevant divisional Trim Container; and
- Alternate Trim Container GI-50.02.007 (*GI - Corporate Support Compliance – Registers - Sub-Delegations to Volunteers and External Parties - From 2012 - Master File*);

using the following Title format: "Sub-Delegation - <insert name of delegate> - <insert name of location or activity> - Expires <insert expiry date>".

It is necessary to record the delegation in this manner for the purpose of assembling information for compiling Council's Annual Report on entities that exercised delegated functions of Council (section 428(o) of the *Local Government Act*).

Review Following Election

12 Delegations made to persons or entities must be reviewed during the first 12 months after each general local government election (section 380 of the Act).

**PUBLIC LIABILITY AND PROFESSIONAL INDEMNITY
INSURANCE COVERAGE FOR COUNCIL DELEGATES****COUNCIL POLICY****SUMMARY SHEET**

Responsible Division	Governance and Information
Date adopted by Council	26 June 2017
Date of previous adoptions	18 February 2014 (EMC), 9 September 2013, 6 November 2002, 19 June 1995
Date of next review	February 2020
Prepared by	Risk and Insurance Team Leader
Authorised by	Manager Governance and Information



ADOPTED BY COUNCIL: 20 NOVEMBER 2017

BACKGROUND

This policy has been developed in order to set out the procedures concerning appointments of external or community representatives to Council's committees or external bodies such as the Joint Regional Planning Panel, that require a nomination, application or expression of interest to be lodged as part of a merit based recruitment process and, where appropriate, Council approval.

OBJECTIVE

The objective of this policy is to inform staff, Councillors, community and external bodies of the procedures that are followed during a recruitment process for the appointment of external or community members to committees, or external bodies.

Compliance with the procedures outlined in this policy will ensure consistency in the manner in which appointments are made based on the needs of individual committees and ensure Councillors are provided with the relevant information required to undertake their decision making processes.

POLICY STATEMENT

Council is committed to:

- connecting and engaging with its community by encouraging participation on committees and
- good governance of the Council, to ensure the people of Wollongong receive the services that they need in an effective and efficient manner, delivered with honesty and integrity
- maintaining integrity and earning the trust of its community
- ensuring recommendations for appointments to committees, and external bodies will be made from eligible applicants based on merit, according to the relevant needs and established selection criteria
- regular review of appointments to its committees to ensure membership retains adequate experience and knowledge.

Wherever reference is made in this policy to "committees" it can be taken to include reference groups.

POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.

RECRUITMENT OF EXTERNAL MEMBERS TO COMMITTEES

COUNCIL POLICY

STATEMENT OF PROCEDURES

Purpose

The procedure covers the need to develop criteria, advertising, membership of assessment panel, reporting to Council and the provision of information on candidates to Councillors, to enable an informed decision making process.

Scope

The procedure applies to staff, Councillors, committee members and external bodies requiring Council representation.

Responsibilities

Divisional Managers are responsible and accountable to ensure that this procedure is implemented in their areas of responsibility.

Middle Management / Coordinators / Supervisors will ensure that this procedure is implemented and communicated to staff responsible for conducting the recruitment and appointment process.

PROCEDURE

Appointment Process

When starting a recruitment process for appointments, the following must be considered:

- **Tenure** The length of the appointment.
- **Urgency** How soon the position needs to be filled.
- **Selection Criteria** The level of knowledge, skills and experience required of members and which of these are these essential and which are desirable.
- **Expressions of Interest** The rules and guidelines are applicable to members and if there are any specific expectations required of applicants such as completion of an Expression of Interest form.
- **Appointment** The requirements for ratification of the appointment under the committee or external body's charter. For example whether appointments are approved by the General Manager, committee members, staff or are ratified by Council.

Criteria

It is essential that relevant selection criteria is developed, meeting the requirements of each committee.

The criteria should cover the knowledge, skills set and experience required of appointments. If appointing more than one position, consideration is to be given to whether the knowledge, skill set and experience of members should be the same or if a combination of these factors is required or preferred.

Advertising

Consideration is to be given as to where advertising is to be placed. If local applicants only are required then only local advertising is required. If local applicant location is not required as a criterion, advertising should also be placed in a Sydney metropolitan publication and/or other suitable online publications.

The procedure for placing any advertisement is to be undertaken according to procedures consistent with Council's *Placement of Newspaper Advertisements on Behalf of Council Policy*.

Transparency and accountability

Transparency and accountability throughout the recruitment process for all merit-based appointments, whether remunerated or not, is fundamental to good governance and adequate records must be maintained by assessment panel members. This contributes to building the community's trust and confidence in Council.

Panel members are accountable for their conduct and performance throughout the recruitment process and compliance with applicable Council policies and procedures will be monitored. Council staff and panel members must make and keep full and accurate records of any official recruitment activities. Good record keeping assists in

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COUNCIL POLICY

improving accountability and provides for transparent decision-making. Records and notes made throughout the process are maintained as evidence of this compliance.

All recruitment processes are to be carried out lawfully, fairly, reasonably and professionally.

Assessment panels

Assessment Panels should consist of at least three members, being:

- Current chair of the committee (or other Independent Member where the Chair is not able to participate or it is not appropriate for the chair to participate)
- Councillor delegates to committee
- Director, senior manager and/or other staff member from relevant division/s

Where appropriate, an external independent person may be requested to participate on a selection panel.

The final determination for the composition of the assessment panel lies with the relevant division manager. Where it is considered that less than three panel members are required, the division manager's approval must be obtained.

Conflict of interests

Panel members must sign a declaration stating they have no actual, perceived or potential conflict of interests in the assessment process prior to the initial assessment of applications, wherever possible.

Where a conflict of interests arises with a panel member at any stage in the process, they must declare the conflict and withdraw from the assessment process or declare the conflict, state how it will be managed and have this approved by their division manager or the public officer in the case of a committee member declaring the conflict.

Panel members must decline any invitation to act as a referee for any applicant.

Confidentiality

Information received from applicants during a recruitment process will be treated as confidential and will be maintained in accordance with Council's *Privacy Management Plan*. Information received from applicants is for use during the recruitment process for the purpose of assessing applications. Intended recipients of the information are assessment panel members, relevant Council staff and Councillors.

Assessment of applications

Where an assessment of applications is required, all assessment panel members should meet together to conduct the initial assessment of the applications received. Panel members must keep adequate evidence of the assessment process, either by scoring of candidates against the selection criteria and/or by recording reasons applications were either considered suitable or not suitable, for example where obvious conflict of interests exist to exclude an applicant. Notes of the reasons candidates were considered not suitable are to be made and kept as an official Council record of the process, for example if they did not meet criteria, details of conflict of interests, received low scores against criteria or other reasons.

Based on the assessment of applications and the requirements of the committee's Charter, assessment panel members may:

- Approve the appointment of independent members to the committee; or
- Conduct interviews of shortlisted applicants, where appropriate and appoint; or
- Make a recommendation on preferred applicant/s for appointment, with or without conducting interviews, to be ratified by Council.

Interviews

Where it is determined that interviews are to be held, the panel should also determine weightings for the selection criteria and develop interview questions against those criteria when they meet to conduct the initial assessment.

Adequate notes of responses made by applicants to each question must be made by panel members during interviews.

After interviews have been completed and the preferred applicant determined, the interview rating sheet is to be completed and signed by all panel members. The interview rating sheet must also nominate and rank the suitability

RECRUITMENT OF EXTERNAL MEMBERS TO COMMITTEES

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of applicants, as the recruitment process can be used if required to appoint the next most suitable applicant if a vacancy occurs on a committee within a period of 12 months from the recruitment closing date.

Referee checks

Where required as part of the assessment process, referee checks are generally to be conducted by the independent member (usually the committee chair) of the panel.

Where a formal qualification is required as part of the selection process, the assessment panel members must verify the qualification is held.

Feedback provided to applicants

Where feedback is requested by applicants, the assessment panel member/s providing feedback should make notes of what was asked and what information was given to the applicant. This forms part of the official Council record and should be entered into the appropriate records container.

Feedback received from applicants

Any feedback received from applicants forms part of the official Council record and should be entered into the appropriate container in TRIM.

Reporting recommendations for appointment to Council

Where the committee's charter requires appointments to be ratified by Council, reports are to be prepared for the consideration of the Council.

Panel members should prepare a confidential information note to Councillors to accompany the report, summarising and scoring each application against the selection criteria for each applicant. A full summary of the application of the recommended applicant/s, showing their suitability for the role, including any qualifications, experience or other (non-personal) information should be included with the confidential information note to Councillors. Where it is considered appropriate, a councillor briefing may be requested. Such information on the successful applicant remains confidential until such time as an appointment is made by Council.

Where applicants do not meet the essential criteria or the panel members believe a conflict of interests exists that would exclude the applicant from consideration, these should be listed in the confidential note with a summary of why the application did not meet the selection criteria or provide details of the conflict of interests.

The Panel's preferred applicant/s should be listed in the 'Recommendation' section of the report to Council, however the final decision on any appointment/s is at the discretion of Councillors at a meeting of the Council.

Casual vacancies

Casual vacancies may be filled by the General Manager in consultation with the chair and councillor members of the committee and advice be provided to Council.

Induction of Successful Applicant/s

The induction of new appointees to Council's Committees should include, as a minimum, copies of:

- Code of Conduct
- Conflict of Interests policy
- Organisational chart
- Key contact details
- Use of Confidential Information policy
- Relevant committee charter
- Meeting timetable/next business paper (where available)
- Annual Report
- Wollongong 2022 Community Strategic Plan
- Pecuniary Interest Declaration Primary Return (where appropriate) – to be lodged within three months from appointment

RECRUITMENT OF EXTERNAL MEMBERS TO COMMITTEES

COUNCIL POLICY

Planning and Policy Impact

This policy contributes to the Wollongong 2022 Objective '*our local Council has the trust of the community*' under the Community Goal '*we are a connected and engaged community*'.

Associated Policies

- Codes of Conduct
- Conflict of Interests
- Privacy Management Plan
- Placement of Newspaper Advertisements on Behalf of Council Policy

RECRUITMENT OF EXTERNAL MEMBERS TO COMMITTEES

COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	Governance and Information
Date adopted by Council	20 November 2017
Date of previous adoptions	27 May 2013, 15 December 2014
Date of next review	March 2021
Responsible Manager	Manager Governance and Information
Authorised by	Director Corporate Services



ADOPTED BY COUNCIL: 11 DECEMBER 2017

BACKGROUND

Wollongong City Council is committed to be an open and accessible organisation. The *Government Information (Public Access) Act 2009* (GIPA):

- authorises and encourages the proactive public release of information held by Council;
- gives members of the public an enforceable right to access information held by Council, and
- provides that access to information held by Council is restricted only when there is an overriding public interest against disclosure.

The GIPA is prescriptive in relation to the making of applications for access to information, matters to be considered prior to the release of information, exempt information, timeframes for determination of applications and rights of appeal. In particular, the GIPA:

- provides access to Council information in four ways:
 - mandatory proactive release via Council's website (open access information)
 - authorised proactive release via Council's website
 - informal release subject to an informal access application
 - release subject to a formal access application
- prescribes an application fee and processing charges in relation to particular types of applications (refer to *Council's Fees and Charges*)
- requires a determination of a formal access application within 20 working days of receipt
- requires a written determination of a formal access application to address specific matters
- prescribes an internal review process
- prescribes an external review process to either the Administrative Decisions Tribunal or the Information Commissioner.

OBJECTIVE

This policy seeks to:

- provide the public with a straightforward and fully transparent process to access information held by Council at minimal cost and/or delay;
- provide access to information wherever possible via Council's website, Customer Service Centre and Council's Central and Branch Libraries;
- define information which may be restricted from public access;
- ensure customers are promptly advised of the information they are entitled to access and with clearly documented reasons if access to information is refused; and
- advise customers of their rights of review if access to information is refused.

POLICY STATEMENT

Public access to information held by Council is facilitated by GIPA subject to certain restrictions as set out in the Act and summarised in this policy.

Council is also required to comply with the Information Protection Principles prescribed by the *Privacy and Personal Information Protection Act, 1998* relating to the management of personal information held by Council.

This policy must therefore be read in conjunction with Council's *Privacy Management Plan* and the *Privacy Code of Practice for Local Government* which are available for inspection on Council's website.

POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.

PUBLIC ACCESS TO DOCUMENTS AND INFORMATION HELD BY COUNCIL

COUNCIL POLICY

STATEMENT OF PROCEDURES

1 Information available to be accessed under this Policy

GIPA facilitates access to Government Information. In relation to Council, Government Information is defined as information contained in a record and held by Council and includes any record of information stored in Council's paper document archive facilities or Electronic Document Management Systems including documents, files, file notes, emails, maps, plans, drawings and photographs.

There is a right of access under the GIPA to information held by Council unless there is an overriding public interest against disclosure. While any application will be considered on its merits, Council may refuse to deal with an application for access where dealing with the application would require an unreasonable and substantial diversion of Council's resources or where the information sought has been the subject of a subpoena or court order and is available to the applicant as a result of having been produced in compliance with the subpoena or court order.

Council is required to publish open access information on its website unless there is an overriding public interest against disclosure or to do so would impose an unreasonable additional cost to Council. This open access information includes:

- Council policies
- a publication guide with information about Council structure and functions, listing the type of information that is publicly available
- a disclosure log of formal access applications where in Council's opinion the information released may be of interest to other members of the public
- a register of contracts having a value of more than \$150,000 that Council has with private sector bodies
- a register of open access information that Council does not make publicly available on the basis of an overriding public interest against disclosure.

In addition, Government Information (Public Access) Regulation 2009 requires that certain other information held by Council is to be made publicly available for inspection, free of charge. The public is entitled to inspect this information, as listed in Schedule 1, either on Council's website (unless there is an unreasonable additional cost to Council to publish this information 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 versions of information of this type may be inspected by the public free of charge. Depending on the information sought, an appointment may be required.

Any application will be processed in accordance with the requirements of the GIPA and a determination made to release information, or refuse access, on the basis of provisions in the Act. Application fees and processing charges are in accordance with those set out in the Act.

Copies of documents provided by Council are for information purposes only and are provided by Council to meet its requirements under relevant legislation. Copyright law still applies to each document. The copyright owner's consent is required if any part of the document is used for any other purpose. Fees and charges may apply to the copying of documents in accordance with Council's Fees and Charges.

2 Information not available for Public Inspection

The GIPA provides for public access to most of Council's information however, there are some categories of information which are specifically exempt from access. This information includes information where there is an overriding public interest against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

The GIPA provides that there is an overriding public interest against disclosure of information as set out in section 14 and Schedule 1 of the Act in the following categories:

- 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
- legal professional privilege
- aboriginal and environmental heritage

PUBLIC ACCESS TO DOCUMENTS AND INFORMATION HELD BY COUNCIL



3 Commonly requested Documents

The following table sets out Council’s position in relation to particular categories of documents to which public access is most commonly sought:

<i>Information about Development Applications</i>	These files are classified as “open access information” and Council relies upon the indemnity provided by the applicant pursuant to the Environmental Planning and Assessment Act 1979 to publish development applications and associated information to its website during the notification period. Residential floor plans are only published with the consent of the applicant For access to these files outside of the notification period an informal access application is required.
<i>Development Consents</i>	Consents are ‘open access information’ - those determined post 1 August 2013 are available on Councils website. Consents determined prior to this date are available via Customer Service staff or by online request.
<i>Submissions</i>	Copies of submissions, including details as to the author, can be made available upon lodgement of an informal access application, particularly where Council’s notification letters to affected property owners and public advertisements include advice that Council will permit public inspection of such submissions. Council’s notification letters and advertisements are specifically worded accordingly.
<i>Letters of Complaint</i>	In accordance with decisions of the Administrative Decisions Tribunal, Council will not reveal the identity of complainants. However, the substance of the complaint may be released in accordance with the principles of natural justice.
<i>Building Certificates</i>	View only access is available. Section 149G of the <i>Environmental Planning and Assessment Act, 1979</i> requires the consent of the owner of the building prior to a copy being given to a member of the public. Fees Apply
<i>Development Applications lodged with the Department of Planning and Environment</i>	Applicants should apply direct to the Department of Planning and Environment for inspection of these DAs. GIPA Schedule 4 S12 defines Government Information and prescribes that even though the agency* has access to a record the information is not to be regarded as government information held by the agency if the public generally has access to the record (eg on the internet).

• Agency is defined in GIPA as:” A government department, a Minister, a public authority, a public office, a local authority, a court a person or entity that is an agency pursuant to regulations under clause 5 of schedule 4 .”

Authorised Council officers have strictly limited access to Roads and Maritime Service motor vehicle ownership records and the Office of Local Government’s Companion Animals Register of animal ownership. Inquiries in relation to these and other government records should be directed to the relevant government agency.

4 Application Procedure

All customers are required to complete the appropriate application form when requesting access to information held by Council that has not been made available through proactive release (open access). There are two methods of seeking access to information under the GIPA: informal and formal applications.

Council retains the discretion to require a formal release application in appropriate circumstances, for example:

- searching for and retrieving the information sought would require a significant diversion of resources;
- the material contains information about a third party that cannot easily be deleted or without rendering the information useless, and consultation would need to occur;
- the material is sensitive in nature and requires public interest test considerations.

Online application forms for both informal and formal applications are available on the Council website and printed forms are available in public contact areas of Council or mailed out on request. Council will determine which cases require a formal application.

PUBLIC ACCESS TO DOCUMENTS AND INFORMATION HELD BY COUNCIL

COUNCIL POLICY

Council is required to acknowledge formal applications within 5 working days and make their Decision within 20 working days of receipt of the formal application. This period can be extended by up to 15 working days if consultation is required or records are required to be retrieved from archive.

Council will advise the applicant in writing of the information being made available and if any information is exempt from public access, reasons will be given for the exemption. Applicants will be advised how access will be granted; in most cases an electronic copy of the information will be provided. In some cases access may only be granted by inspection of the record. Paper files will only be made available for inspection under the supervision of a staff member. Council's Fees and Charges include relevant charges for copying of information.

In accordance with GIPA Part 4 Division 2 Council may transfer an application to another agency where the other agency is known to hold the information and the information relates more closely to the functions of that agency or where Council does not hold the information and the other agency is known to hold it.

Appeal rights will also be included in the letter of determination.

There is no legislated timeframe for the processing of informal applications; however Council has an internal performance indicator to process all applications within 30 working days. Complex requests may take longer and in these cases Council will contact the applicant and advise an expected timeframe.

5 Internal Review

If a person is dissatisfied with a determination made by Council in relation to a Formal Access application, they may apply for an internal review of the determination. An application for internal review must be made within 20 working days after the notice of the determination is given and must be accompanied by a fee of \$40.00. The internal review must be undertaken by a staff member more senior than the person who made the original determination.

PUBLIC ACCESS TO DOCUMENTS AND INFORMATION HELD BY COUNCIL

COUNCIL POLICY

SCHEDULE 1

Information which is available to the public in accordance with the GIPA Regulations 2009.

1 Information about Council

- The model Code of Conduct prescribed under section 440(1) of the Local Government Act
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Policy concerning the Payment of Expenses and Provision of Facilities to the Mayor and Councillors
- Annual Reports of Bodies Exercising Functions Delegated by Council (eg Section 355/377 Committees)
- Any Codes referred to in the Local Government Act
- Agendas, Business Papers and Minutes of Council/Committee meetings (except meetings that are closed to the public)
- Office of Local Government, NSW Department of Premier and Cabinet Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti Removal Works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters

2 Plans and Policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

3 Information about Development Applications

Development Applications and associated documents received in relation to a proposed development, eg:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Heritage Consultant Reports
- Tree Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing the general nature of documents that Council decides to exclude from public view after application of public interest test considerations

4 Approvals and Other Documents

- Applications for approvals under part 7 of the Local Government Act
- Applications for approvals under any other act and any associated documents received
- Records of approvals granted or refused, any variation from Council policies with reasons for the variation, and decisions made on appeals concerning approvals
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licences for use of Public Land classified as Community Land

PUBLIC ACCESS TO DOCUMENTS AND INFORMATION HELD BY COUNCIL

COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	Governance and Information
Date adopted by Council	11 December 2017
Date of previous adoptions	28 October 2013, 27 July 2010, 27 May 2008
Date of next review	October 2020
Responsible Manager	Customer Service Manager
Authorised by	Manager Governance and Information