



LITHGOW CITY COUNCIL

9: GOVERNANCE

Policy 9.17

ACCESS TO INFORMATION HELD

Version 1

Maintained by Department:	Internal Services	Approved by EMT:	10.01.11	Approved by CMT:	12.01.11
Reference:	Dataworks: Policy Register	Council Date:	28.03.11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Lithgow City Council: Publication Guide – Access to Information Held				

POLICY NUMBER 9.17: ACCESS TO INFORMATION POLICY

OBJECTIVE:

The objective of this policy is to outline principles regarding access to information held by Council and to facilitate the processing of requests for such access by the public and Councillors.

1. POLICY PURPOSE:

Council is committed to the following principles regarding access to documents and information:

- a) Open and transparent government
- b) Consideration of the overriding public interest in relation to access requests
- c) Proactive disclosure and dissemination of information
- d) Respect for the privacy of individuals

2. COMMUNITY & COUNCILLOR AWARENESS:

Council publishes specific open access information on our website which is free of charge unless to do so would impose unreasonable additional costs to Council. A list of documents listed under the Government Information (Public Access) Act 2009 (GIPA Act), Schedule 1: Regulations are also published unless there is an overriding public interest not to do so.

Other information may also be publicly available if sought in an appropriate manner, and this is listed on our website under the GIPS Act disclosure log. Such information will be provided free of charge or at the lowest reasonable cost if photocopying or Council resources are required.

Councillors also have a right to access council information that is reasonably necessary for exercising the function of their civic office, including communicating Council policy and decisions to the community, excising community leadership and representing the views of residents and ratepayers to Council.

3. BACKGROUND:

Applications for documents must be assessed in accordance with the Government Information (Public Access) Act 2009, in a timely manner and in accordance with the 'Access to Information Guidelines' and relevant legislation.

Maintained by Department:	Internal Services	Approved by EMT:	10/01/11	Approved by CMT:	12/01/11
Reference:	Dataworks: Policy Register	Council Date:	28/03/11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Lithgow City Council: Publication Guide – Access to Information Held				

Depending on the nature of a request, and the form of access requested, charges may apply in accordance with Council's Schedule of Fees and Charges and relevant legislation.

Council's Principal Officer has delegated authority to a Right to Information Officer who will assess requests concerning Council's information and will assist the public and Councillors to gain access to information held by Council, determine applications requested and / or amend records in accordance with legislation.

Council will assess requests for access to information with reference to relevant legislation including:

- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- State Records Act 1998
- Local Government Act 1993
- Environmental Planning and Assessment (EPA) Act 1979
- Companion Animals Act 1998

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from operational needs may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will pursue ways to assist in defining the request to become more manageable and Council will endeavour to release alternate information that may sufficiently respond to the informal request.

Where information is released to an applicant under a formal access application, and Council considers that it will be of interest to other members of the public, the information may be provided for future inspection by the public and Councillors, free of charge.

The GIPA Act 2009 promotes openness, accountability and transparency, It allows Council to be proactive in providing information to the public and Councillors.

1. Accessing Information

The Right to Information Officer will deal with requests to inspect documents in accordance with the Government Information (Public Access) Act 2009 (GIPA Act) free of charge but reasonable photocopying fees may apply under the Act.

Maintained by Department:	Internal Services	Approved by EMT:	10/01/11	Approved by CMT:	12/01/11
Reference:	Dataworks: Policy Register	Council Date:	28/03/11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Lithgow City Council: Publication Guide – Access to Information Held				

Council is governed by legislation that requires operations to be open and accountable, and to handle personal information in a fair and reasonable manner.

Council will ensure that legitimate requests for access to information are handled promptly and in a manner that enables members of the public and Councillors to access information which is in the public's interest. It is also recognised that privacy of others, legal and commercially sensitive information, will be handled in a responsible manner.

There is a right of access under the GIPA Act to certain documents held unless there is an overriding public interest not to do so. Any applications under GIPA Act will be processed in accordance with the Act's requirements and a determination made to release the documents or refuse access on the basis of relevant considerations under that Act. Charges for formal applications are in accordance with the fee determined by the GIPA Act.

Council will also provide access to information under the NSW Privacy and Personal Information Protection Act (PPIPA) 1998, and the NSW Health Records and Information Privacy Act (HRIPA) 2002.

An individual has the right to access and amend records held by Council which may contain their personal details, matters relating to their business affairs or their health.

If information held on individuals and is requested documents, files or systems should be made available. The GIPA Act provides for consultation with individuals or relevant third parties prior to the disclosure of information.

A Councillor may have an entitlement to information expressly included in the Model Code of Conduct for Local Councils in NSW (s 440 Local Government Act 1993). Clause 10 of the Model Code provides guidance on the requirement for an officer to provide information to Councillors. It states that Councillor must be provided with sufficient information to carry out their functions. As for an application under the GIPA Act the request must be in writing and determined in an appropriate timeframe as detailed in 5.

2. Open Access Information

Council publishes open access and mandatory releases information on its website unless there is an overriding public interest against disclosure or do so would impose an unreasonable additional cost on Council. Should costs be deemed unreasonable Council will make the information available to the

Maintained by Department:	Internal Services	Approved by EMT:	10/01/11	Approved by CMT:	12/01/11
Reference:	Dataworks: Policy Register	Council Date:	28/03/11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Lithgow City Council: Publication Guide – Access to Information Held				

applicant in another suitable format such as viewing a hard copy at the Administration Office.

Information identified as 'Open Access Information' and is available on Council's website includes:

- Council's policy documents;
- a publication guide with information about the Council's structure and functions, and 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 worth more than \$150,000 that Council has with private sector bodies
- a record of 'Open Access Information' that Council does not make publicly available on the basis of an overriding public interest against disclosure

In addition Schedule 1 of the GIPA Act Regulations certain documents held must be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the Administration Office of Council during normal office hours. Any current and previous versions of the documents may also be inspected by the public free of charge.

Copies may be supplied for reasonable copying charges as shown in Councils adopted Fees and Charges.

'Open' Informal Access documents are:

1. Information about Council
 - The model code prescribed under section 440 (1) of the LGA
 - Councils 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 Incurred by, and the Provision of Facilities to, Councillors

Maintained by Department:	Internal Services	Approved by EMT:	10/01/11	Approved by CMT:	12/01/11
Reference:	Dataworks: Policy Register	Council Date:	28/03/11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Lithgow City Council: Publication Guide – Access to Information Held				

- Annual Reports of Bodies Exercising Functions Delegated by Council
 - Any Codes referred to in the LGA
 - Returns of the Interests of Councillors, Designated Persons and Delegates
 - Agendas and Business Papers for any meeting of Council or any Committee of Council
 - Minutes of any meeting of Council or any Committee of Council
 - Departmental 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 any associated documents received in relation to proposed developments:
- Home Warranty Insurance documents
 - Construction Certificates
 - Occupation Certificates
 - Structural Certification Documents
 - Town Planner Reports
 - Submissions received on Development Applications
 - Heritage Consultant Reports
 - Tree Inspections Consultant Reports
 - Acoustic Consultant Reports
 - Land Contamination Consultant Reports
 - Records of decisions on Development Applications including decisions on appeals

Maintained by Department:	Internal Services	Approved by EMT:	10/01/11	Approved by CMT:	12/01/11
Reference:	Dataworks: Policy Register	Council Date:	28/03/11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Lithgow City Council: Publication Guide – Access to Information Held				

- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information
4. Approvals, Orders and Other Documents
- Applications for approvals under part 7 of the LGA
 - 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
 - Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
 - Orders given under the Authority of any other Act
 - Records of Building Certificates under the Environmental Planning and Assessment Act 1979
 - Plans of land proposed to be compulsorily acquired by Council
 - Compulsory Acquisition Notices
 - Leases and Licenses for use of Public Land classified as Community Land

Copies of documents provided to the public and Councillors are done so for information purposes only and are provided by Council to meet its requirements under relevant legislation. Copyright laws still apply to each document and the copyright / owner's consent is required if any part of the document is used for any other purpose.

Council may include 'other' documents on the website which are frequently requested and deemed to be in the public's interest as a result of a previous request under the GIPA Act. Council will endeavour to release this information in response to an informal request, subject to any reasonable conditions as Council sees fit to impose. However, notwithstanding the lodgement of an informal application, Council may require an individual or Councillor to submit a formal access application for the information sought if the information:

- is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or
- contains personal or confidential information about a third party that requires consultation, or
- would involve an unreasonable amount of time and / or resources to produce

Maintained by Department:	Internal Services	Approved by EMT:	10/01/11	Approved by CMT:	12/01/11
Reference:	Dataworks: Policy Register	Council Date:	28/03/11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Lithgow City Council: Publication Guide – Access to Information Held				

3. Exemptions to Access

Council may refuse a request for information if there is an overriding public interest against disclosure or if searching for the requested information would require unreasonable and substantial diversion of the Council's resources.

Council will always explain, to the applicant, being a member of the public or a Councillor, the reason / s for applying an exemption.

Council will not classify information as exempt unless there are clear reasons for doing so. If documents partly contain exempt information, this information will be withheld and the remaining information will be available under the Act.

In determining whether there is an overriding public interest against the disclosure of the information, Council will fully consider the Public Interest Test.

The GIPA Act provides an exhaustive list of public interest considerations against disclosure. These are the only considerations against disclosure that Council will consider in applying the public interest test.

Considerations are grouped under the following headings:

- 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 (in legislation other than those listed in Schedule 1: Regulations)
- Exempt documents under Freedom of Information legislation in all Australian States except NSW

In applying the public interest test, Council will not take into account:

- that disclosure might cause embarrassment to, or loss of confidence in, the Council;
- that information disclosed might be misinterpreted or misunderstood by any person.

Council will consider any submissions made by an individual or a Councillor in relation to public interest considerations, as well as particulars personal to the applicant.

Under the GIPA Act there are 12 categories of information, 8 of which affect local government, for which there is a conclusive presumption of an overriding public interest against disclosure.

Maintained by Department:	Internal Services	Approved by EMT:	10/01/11	Approved by CMT:	12/01/11
Reference:	Dataworks: Policy Register	Council Date:	28/03/11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Lithgow City Council: Publication Guide – Access to Information Held				

Local Government categories are:

1. Information subject to an overriding secrecy law (26 specifically named Acts)
2. Information subject to the direction or order of a court or other body with the power to receive evidence on oath
3. Information subject to legal professional privilege
4. 'Excluded information' (judicial and prosecutorial information, information about complaints handling and investigative functions, competitive and market sensitive information and information in relation to specific functions of the Public Trustee)
5. Documents affecting law enforcement and public safety.
6. Specific information relating to transport safety
7. Specific reports concerning the care and protection of children
8. Specific information relating to Aboriginal and environmental heritage.

Generally under the GIPA Act, Council cannot publish, and must refuse requests to disclose information in the above categories. Formal applications for 'excluded information' are invalid under the Act.

In dealing with informal applications Council will apply a similar decision making framework.

4. Accessing Information

The public and Councillors may obtain access to information as follows:

- Council's website
- A written request to Council which will be determined and a reply provided as to whether the information requested:
 - is *open access*, or *mandatory release* information that is readily available and where and how to get the information
 - should be made available as part of a *proactive release* of information

Maintained by Department:	Internal Services	Approved by EMT:	10/01/11	Approved by CMT:	12/01/11
Reference:	Dataworks: Policy Register	Council Date:	28/03/11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Lithgow City Council: Publication Guide – Access to Information Held				

- can be disclosed through an *informal release*, for example where no third party personal information is involved
- Requires a *formal access application*, accompanied by the required fee and photocopying charges.

To make an informal request for access to information Council will require the public and / or Councillors to complete an 'Informal Access to Information Request' form but no fee is required with this application.

To make a formal request for access to information, a 'Formal Access to Information' Request Form must be completed. The Formal Application fee is defined in the GIPA Act and does not include GST. Council will acknowledge receipt of formal access application within five working days.

If a fee for photocopy is required the applicant will be notified of the amount payable and this amount will include GST. Charges will be calculated as per Councils current Schedule of Fees and Charges, applicable at the time of lodgement of the application.

5. Time Limits

As stated in 4) Council will acknowledge receipt of formal access applications within five working days and further notify applicants of its decision within 20 working days that is unless the applicant agrees to extend the time.

Informal applications will be assessed within 20 working days.

Council may extend the time by up to 15 working days where consultation is required with a third party or if Council needs to retrieve records from archives.

If access is deferred by Council, then the applicant will be notified, provided a reason for the deferral and given the date that the access will be provided. A decision to defer access to formal applications is reviewable (see Rights of Review and Appeal).

If Council does not decide the applicant's formal access application within the above timeframe, it is deemed 'refused' and Council will refund the application fee and the applicant may seek an internal or external review (see Rights of Review and Appeal) of this refusal. This will not apply if an extension of time has been arranged or payment of an advance deposit is pending.

Maintained by Department:	Internal Services	Approved by EMT:	10/01/11	Approved by CMT:	12/01/11
Reference:	Dataworks: Policy Register	Council Date:	28/03/11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Lithgow City Council: Publication Guide – Access to Information Held				

6. Rights of Review and Appeal

Where a member of the public or a Councillor is refused access of a formal application, the Right to Information Officer will provide details of the reasons for refusal to the applicant in writing. An applicant who has been refused access by Council to a formal access application has three options of review available:

1. Internal Review:

Applicants have 20 working days from the date they are notified that their original application has been refused to ask for an internal review.

A request for an internal review must be submitted to Council on a completed application form and payment of the appropriate fee under GIPA Act.

This review will be conducted by the Principal Officer

2. Review by the Information Commissioner

If an applicant is not satisfied with the internal review, or does not wish one to be conducted, they can ask for a review by the Information Commissioner.

Applicants have 8 weeks from the notification that their original application was refused to ask for a review.

3. Review by the Administrative Decisions Tribunal (ADT).

If an applicant is not satisfied with the decision of the Information Commissioner, or an internal review by Council, or they do not want to take these options they can apply to the Administrative Decisions Tribunal (ADT).

If the applicant has already had a review by the Information Commissioner they have 4 weeks from notification of the decision to make this application. If they haven't had a review by the Information Commissioner they have 8 weeks from notification of the decision to make this application.

There are no rights of review in respect of informal applications, but the applicant may wish to make a formal application to Council.

Maintained by Department:	Internal Services	Approved by EMT:	10/01/11	Approved by CMT:	12/01/11
Reference:	Dataworks: Policy Register	Council Date:	28/03/11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Lithgow City Council: Publication Guide – Access to Information Held				

It should be noted that the NSW Ombudsman and the Division of Local Government also have a complaint handling procedures should issues arise.

Maintained by Department:	Internal Services	Approved by EMT:	10/01/11	Approved by CMT:	12/01/11
Reference:	Dataworks: Policy Register	Council Date:	28/03/11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Lithgow City Council: Publication Guide – Access to Information Held				



LITHGOW CITY COUNCIL

PUBLICATION GUIDE

ACCESS TO INFORMATION HELD

Maintained by Department:	Internal Services	Approved by EMT:	10.01.11	Approved by CMT:	12.01.11
Reference:	Dataworks: Policy Register	Council Date:	28.03.11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Publications Guide				

Structure and Function of Council

Introduction	3
Organisational Structure	4
Functions of Council	4

How Council's Functions Affect Members of the Public

Activities of Council	5
-----------------------	---

How the Public Can Participate in Policy Development & Council's Functions

Representation	6
Personal Participation	7

Documents: Open Access Information

Documents Held by Council	7
Files - Electronic & Physical	8
Policy Documents	8
General Documents	9

How Members of the Public Access & Amend Council

Documents Concerning their Personal Affairs

Principal Officer & Right to Information Officer	10
--	----

Appendix 1

Maintained by Department:	Internal Services	Approved by EMT:	10.01.11	Approved by CMT:	12.01.11
Reference:	Dataworks: Policy Register	Council Date:	28.03.11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Publications Guide				

STRUCTURE AND FUNCTIONS OF COUNCIL

Introduction:

Lithgow City Council has produced this Publication Guide as required under s 18(a) of the General Information (Public Access) Act 2009 and it is publicly available as open access information.

The Lithgow Local Government Area (LGA) covers approximately 4,551 square kilometers, extending from the Capertee and Wolgan Valleys in the north, Little Hartley in the east, Tarana in the south and Meadow Flat in the west.

Lithgow City Council has been constituted under the Local Government Act 1993. It is an undivided area, with nine (9) Councillors and the Mayor is elected each year by the Councillors.

The roles of the Councillors are:

- to direct and control the affairs of the Council in accordance with the Local Government Act and other applicable legislation;
- to participate in the optimum allocation of the Council's resources for the benefit of the area;
- to play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions;
- to review the performance of the Council and its delivery of services, management plans and revenue policies of the Council;
- to represent the interests of the residents and ratepayers;
- to provide leadership and guidance to the community;
- to facilitate communication between the community and the Council.

The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises functions between meetings and performs any other functions determined by the Council.

The General Manager as the Principal Officer of the Council, is responsible for the efficient operation of the organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, exercises any functions delegated by the Council, appointments and directs where necessary

Maintained by Department:	Internal Services	Approved by EMT:	10.01.11	Approved by CMT:	12.01.11
Reference:	Dataworks: Policy Register	Council Date:	28.03.11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Publications Guide				

Organisational Structure:

The functional structure of the organisation is defined in Appendix 1.

Functions of Council:

Council operates the following functions as required by the Local Government Act, 1993:

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMINISTRATIVE FUNCTIONS	ENFORCEMENT FUNCTIONS
<ul style="list-style-type: none"> * Provision of community health, recreation, education & information services * Environmental Protection * Waste removal & disposal * Land & property, industry, tourism & development * Infrastructure Planning * Infrastructure Maintenance & Construction 	<ul style="list-style-type: none"> * Approvals * Orders * Building Certificates 	<ul style="list-style-type: none"> * Resumption of land * Powers of Entry & inspection 	<ul style="list-style-type: none"> * Rates * Charges * Fees * Borrowings * Investments 	<ul style="list-style-type: none"> * Employment of staff * Management plans * Financial reporting * Annual reports 	<ul style="list-style-type: none"> * Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations. * Prosecution of offences * Recovery of rates & charges.

Council also has jurisdiction under the following legislation:

Coastal Protection Act 1979

Noxious Weeds Act 1993

Community Land Development Act 1989

Privacy & Personal Information Protection Act 1998

Maintained by Department:	Internal Services	Approved by EMT:	10.01.11	Approved by CMT:	12.01.11
Reference:	Dataworks: Policy Register	Council Date:	28.03.11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Publications Guide				

Companion Animals Act 1998
 Contaminated Land Management Act 1997
 Conveyancing Act 1919
 Environmental Planning and Assessment Act 1979
 Fire Brigades Act 1989
 Fluoridation of Public Water Supplies Act 1957
 Food Act 1989
 Government Information (Public Access) Act 2009
 Heritage Act 1977
 Impounding Act 1993
 Library Act 1939

Protection of the Environment Operations Act 1997
 Public Health Act 1991
 Recreation Vehicles Act 1983
 Roads Act 1993
 State Emergency & Rescue Management Act 1989
 State Emergency Service Act 1989
 Strata Schemes (Freehold Development) Act 1973
 Strata Schemes (Leasehold Development) Act 1986
 Strata Schemes Management Act 1996
 Swimming Pools Act 1992
 Unclaimed Money Act 1995

How Council's Functions Affect Members of the Public:

Activities of Council:

The activities of Council may impact on the public during normal operations because they cover a broad range functions such as:

Service:

Affect the public as Council provides services and facilities to the public. These include provision of human services such libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

Regulatory:

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.

Ancillary:

Affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

Revenue:

Affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

Administrative:

Maintained by Department:	Internal Services	Approved by EMT:	10.01.11	Approved by CMT:	12.01.11
Reference:	Dataworks: Policy Register	Council Date:	28.03.11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Publications Guide				

Do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

Enforcement:

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.

Community Planning & Development:

Cultural development, social planning and community profile may involve:

- Advocating and planning for the needs of our community including 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 NAIDOC Week, Youth Week, Children's Week, as well as promoting events of others.

How the Public Can Participate in Policy Development & Council's Functions:

There are two main methods that the public may participate in the policy development and, indeed, the general activities of the Council. These are through representation and personal participation.

Representation:

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives for their local Council who make decisions on their behalf.

In New South Wales, local government elections are held every four years.

The next elections are to be held in September, 2012.

The Lithgow Local Government area is not divided into wards. It has nine (9) Councillors, the Mayor of which is elected each year by the Councillors. At the election property owners who live outside of

Maintained by Department:	Internal Services	Approved by EMT:	10.01.11	Approved by CMT:	12.01.11
Reference:	Dataworks: Policy Register	Council Date:	28.03.11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Publications Guide				

the area and residents can also vote, but must register their intention to vote on the non residential roll. Voting is compulsory.

Residents are able to raise issues with, and make representations to, the elected Councillors who may pursue a matter on the resident's behalf.

Personal Participation:

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council. several Council Committees comprise or include members of the public as determined by Council on an annual basis.

Members of the public are also able to attend Council meetings held in the Lithgow City Council Chambers, Administration Centre, Mort St Lithgow. The dates of meetings, Agendas and Minutes may be located on Council's website at <http://www.council.lithgow.com>.

Documents - Open Access Information:

Documents Held by Council:

Council holds documents (hard copy and/or electronic form) that relate to a number of different issues concerning the Lithgow area.

These documents are grouped into four categories:

1. Electronic Documents
2. "Physical Files"
3. Policy Documents
4. General Documents

Documents included in Clause 4.4 of this Publication Guide may be made available to the public on request unless there is an overriding public interest not to do so.

Some documents may require a formal access application in accordance with the Government Information (Public Access) Act.

Files - Electronic & Physical:

Maintained by Department:	Internal Services	Approved by EMT:	10.01.11	Approved by CMT:	12.01.11
Reference:	Dataworks: Policy Register	Council Date:	28.03.11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Publications Guide				

Council implemented an Electronic Document Management System (EDMS) and post 1 March 2004 hard copy, physical files were dispensed with, except for development/building/construction applications.

Accordingly, the EDMS captures information against the following indices:

1. Customer
2. Property
3. Application
4. Street/Road
5. Request Type
6. Subject
7. Meetings

Prior to 1 March 2004, the main types of 'physical' files held by Council includes general subject files, development and building files, property files as well as street and park files.

The foregoing are not available on Council's website however this information may be made available either by informal release or via an access application in accordance with Sections 7-9 of the GIPA Act, unless there is an overriding public interest against disclosure of the information as outlined in Section 14 of the GIPA Act. Members of the public who require an informal release or an access application can do so by contacting Council on 02 63549999.

Policy Documents:

Council has a register of policy documents which is maintained by Council's Right to Information Officer and is available on Council's website.

General Documents:

The following list of general documents held by Council has been divided into four sections as outlined in the Government Information (Public Access) Act 2009:-

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

Maintained by Department:	Internal Services	Approved by EMT:	10.01.11	Approved by CMT:	12.01.11
Reference:	Dataworks: Policy Register	Council Date:	28.03.11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Publications Guide				

Schedule 1 of the Regulations requires that these documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website at <http://www.council.lithgow.com>, (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge and copies can be supplied for reasonable copying charges.

These documents are:

1. Information about Council
 - The model code prescribed under section 440 (1) of the LGA
 - Councils 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 Incurred by, and the Provision of Facilities to, Councillors
 - Annual Reports of Bodies Exercising Functions Delegated by Council
 - Any Codes referred to in the LGA
 - Returns of the Interests of Councillors, Designated Persons and Delegates
 - Agendas and Business Papers for any meeting of Council or any Committee of Council
 - Minutes of any meeting of Council or any Committee of Council
 - Departmental 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

Maintained by Department:	Internal Services	Approved by EMT:	10.01.11	Approved by CMT:	12.01.11
Reference:	Dataworks: Policy Register	Council Date:	28.03.11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Publications Guide				

- 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 any associated documents received in relations to a proposed development:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- 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 general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

4. Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA
- 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
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community land

Maintained by Department:	Internal Services	Approved by EMT:	10.01.11	Approved by CMT:	12.01.11
Reference:	Dataworks: Policy Register	Council Date:	28.03.11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Publications Guide				

How Members of the Public Access & Amend Council Documents Concerning their Personal Affairs:

As mentioned previously, Council has a vast range of documents that can be accessed in varying ways. Most documents can be inspected at and obtained from Council's Administration office between the hours of 8.30 am and 4.30 pm, Monday to Friday (except public holidays). For further enquiries about any document, a Customer Services Officer should be contacted. If you experience any difficulty in obtaining documents or information, you should contact the Public Officer.

Principle Officer & Right of Information Officer:

It should be noted that the 'Principal Officer' of the Agency is the General Manager and has delegated the Internal Services Manager as the Right to Information Officer. Amongst other duties, the Right to Information Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. They will determine applications for access to documents or for the amendment of records.

Members of the public may also contact the Office of the Information Commissioner NSW, Level 11/1 Castlereagh St, Sydney NSW 2000, or phone (02) 8071 7025 for assistance or further information.

Contact details for all enquiries to Lithgow City Council are as follows:

General Manager
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

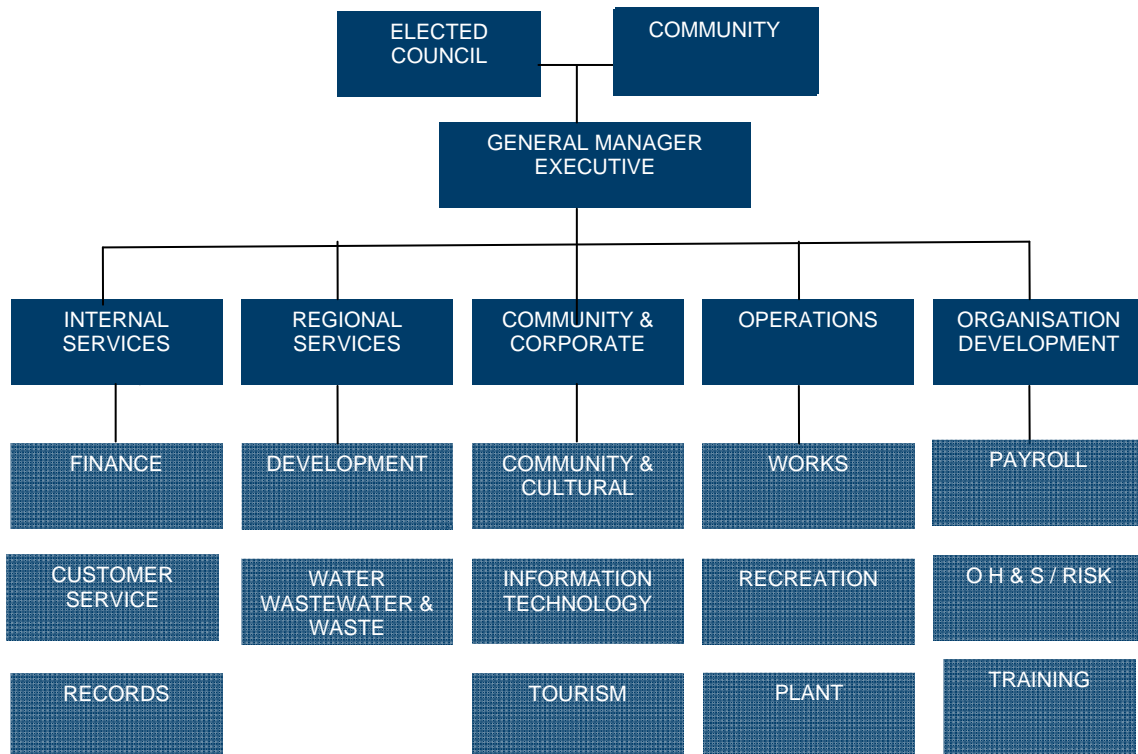
Ph: (02) 63 549999
Fax: (02) 63 514259

Email: council@lithgow.nsw.gov.au
Website: <http://www.council.lithgow.com>.

Maintained by Department:	Internal Services	Approved by EMT:	10.01.11	Approved by CMT:	12.01.11
Reference:	Dataworks: Policy Register	Council Date:	28.03.11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Publications Guide				

APPENDIX 1

ORGANISATIONAL CHART



Maintained by Department:	Internal Services	Approved by EMT:	ECONOMIC DEVELOPMENT	Approved by CMT:	TRADES	12.01.11
Reference:	Dataworks: Policy Register	Council Date:	28.03.11	Effective Date:	BUILDING	
Min No:	11-122	Version No:	1	Review Date:		
Attachments:	Publications Guide					

Maintained by Department:	Internal Services	Approved by EMT:	10.01.11	Approved by CMT:	12.01.11
Reference:	Dataworks: Policy Register	Council Date:	28.03.11	Effective Date:	
Min No:	11-122	Version No:	1	Review Date:	
Attachments:	Publications Guide				