



Agency Information Guide 2019-2020

*Government Information
(Public Access) Act 2009 (NSW)*

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General Manager

Preface

Lotta Jackson

GENERAL MANAGER

This Information Guide (previously known as the Publication Guide) has been prepared and reviewed in accordance with Section 20 of the *Government Information (Public Access) Act 2009 (NSW) (GIPA Act)* and is reviewed annually.

The purpose of the document is to provide members of the community, Council staff, and the public with information concerning:

- The structure and functions of Cessnock City Council (**Council**);
- The way in which the functions of Council affect members of the public;
- The avenues available to the public to participate in policy development and the exercise of Council's functions;
- The type of information available from Council and how this information is made available.

The Information Guide was adopted on 22 July 2019 and is available on Council's website (www.cessnock.nsw.gov.au)



Document Administration

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Annual Review – Adopted by General Manager	22 Jul 2019

Section 1

About Cessnock City Council

1.1. Geography and Population

Council was established in 1860. The City covers an area of 1,966 square kilometres and is located in the Hunter Valley, New South Wales, about 120 kilometres north of Sydney and 40 kilometres west of Newcastle. Cessnock City is bounded by Maitland City in the north; the Cities of Newcastle and Lake Macquarie in the east, Central Coast and Hawkesbury in the south; and the Singleton Council area in the west.

The Cessnock local government area is located on the traditional lands of the Wonnarua people, the Awabakal people and the Darkinjung people.

European settlement dates from the 1820s when pastoralists arrived using land mainly for farming, market gardening and timber getting. The population of Cessnock as at 2016 is 55,560.

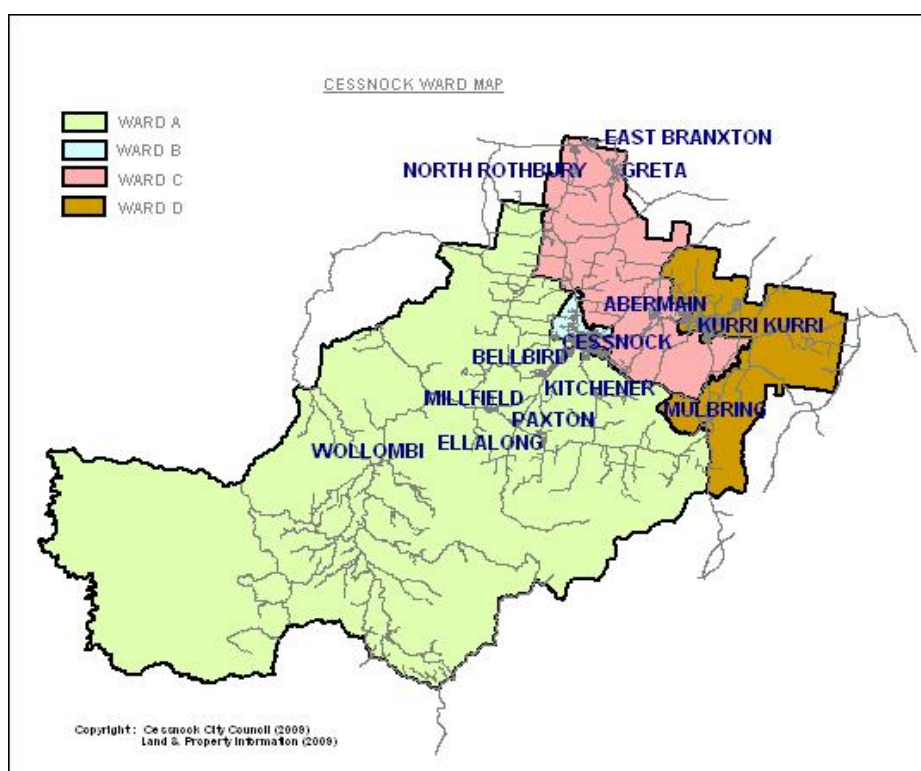
1.2. Basis of Constitution

Council is constituted as a body politic of the State under section 220 of the *Local Government Act 1993* (NSW) (**the Act**) and comprises two areas – the elected representatives (Councillors) and the administration (staff).

1.3. Organisation Structure and Resources

Council is divided into four wards and is governed by the body of Councillors who are elected by the residents and ratepayers of the City.

Council consists of a popularly elected Mayor and twelve Councillors who are elected from the four wards within the local government area, with three representatives from each ward. The elected representatives comprise the governing body of the Council.



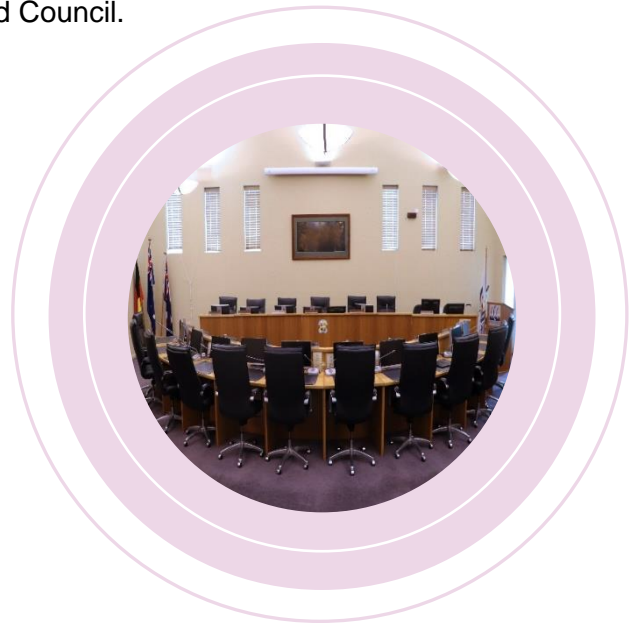
1.3.1.Role of Councillors

The role of Councillors, as members of the body politic is:

- To direct and control the affairs of Council in accordance with the *Act* and other applicable legislation;
- To participate in the optimum allocation of Council's resources for the benefit of the area;
- To play a key role in the creation and review of Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions;
- To review the performance of Council and its delivery of services, management plans and revenue policies of Council.

The role of a Councillor, as an elected person, is:

- To represent the interests of the residents and ratepayers;
- To provide leadership and guidance to the community;
- To facilitate communication between the community and Council.



1.3.2.Role of the Mayor

The Mayor is a popularly-elected mayor and Mayor Bob Pynsent was elected as Mayor of Council in September 2016.

The role of the Mayor is:

- to be the leader of the elected Council and a leader in the local community,
- to advance community cohesion and promote civic awareness,
- to be the principal member and spokesperson of the governing body, including representing the views of Council as to its local priorities,
- to exercise, in cases of necessity, the policy-making functions of the governing body of Council between meetings of Council,
- to preside at meetings of Council,
- to ensure that meetings of Council are conducted efficiently, effectively and in accordance with the Act,
- to ensure the timely development and adoption of the strategic plans, programs and policies of Council,

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- to promote the effective and consistent implementation of the strategic plans, programs and policies of Council,
 - to promote partnerships between Council and key stakeholders,
 - to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of Council,
 - in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between Council and the local community,
 - to carry out the civic and ceremonial functions of the mayoral office,
 - to represent 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,
 - to exercise any other functions of Council that the elected Council determines.

1.3.3. Principal Officer

The Principal Officer of Council is the General Manager. The General Manager has the following functions:

- conduct the day-to-day management of Council in accordance with the strategic plans, programs, strategies and policies of Council,
- implement, without undue delay, lawful decisions of Council,
- advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of Council,
- 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,
- 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,
- 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,
- exercise any of the functions of Council that are delegated by the elected Council to the General Manager,
- appoint staff in accordance with the organisation structure and the resources approved by the elected Council,
- direct and dismiss staff,
- implement Council's workforce management strategy,
- any other functions that are conferred or imposed on the General Manager by or under the Act or any other legislation.

To assist the General Manager in the exercise of these functions, there are three Directorates of Council. These Directorates are Corporate and Community Services, Works and Infrastructure, Planning and Environment. Each of these Directorates is headed by a Director.

1.4. Functions of Council

Under the Act, Council's functions can be grouped into the following categories:

Service Functions

- 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 and planning;
- Civil infrastructure, maintenance and construction.

Regulatory Functions

- Approvals;
- Orders;
- Building Certificates.

Ancillary Functions

- Resumption of land;
- Powers of entry and inspections.

Revenue Functions

- Rates;
- Charges;
- Fees;
- Borrowings;
- Investments.

Administrative Functions

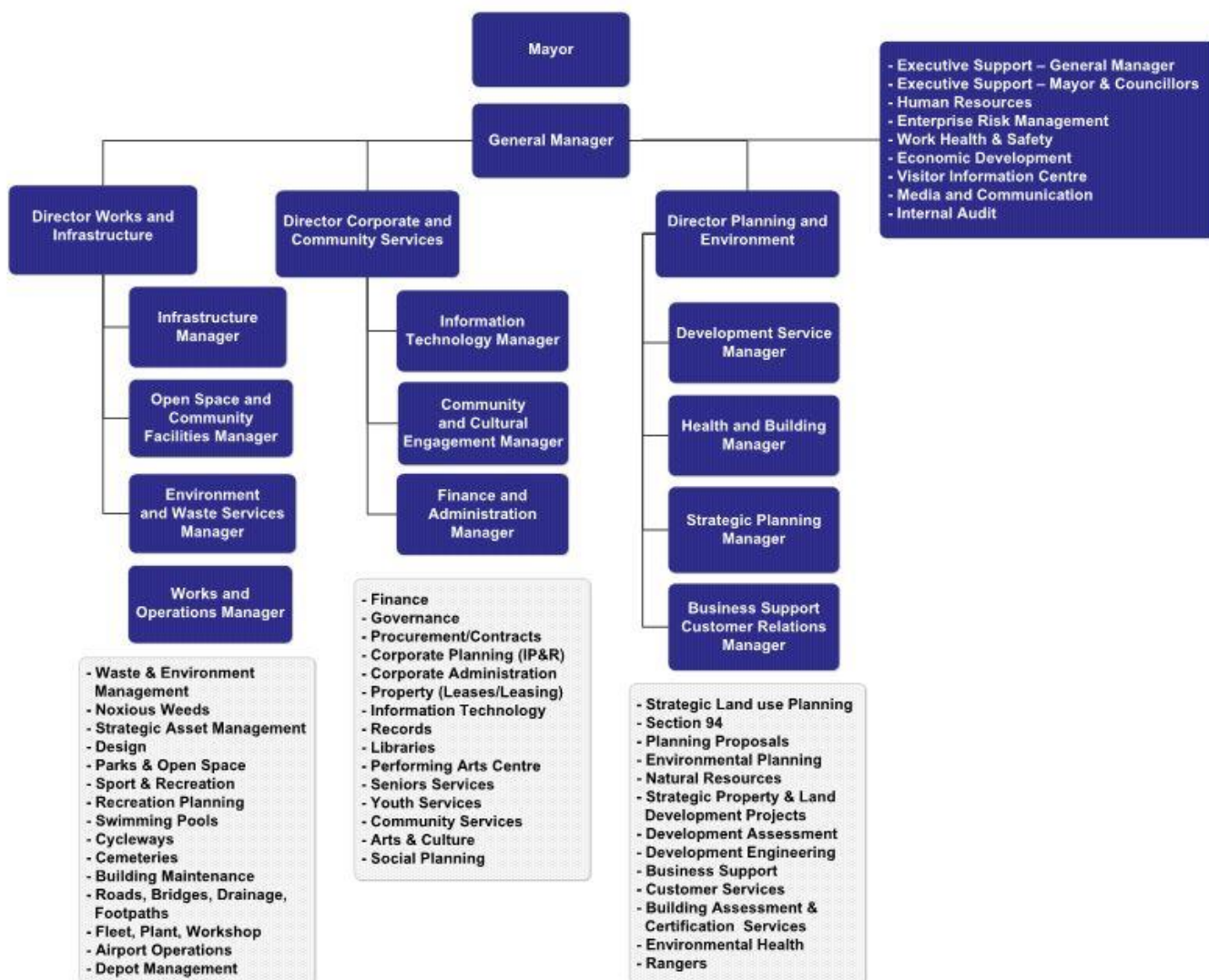
- Employment of staff;
- Management plans;
- Finance reports;
- Annual reports.

Enforcement Functions

- Proceedings for breaches of the Act and other legislation;
- Prosecution of offences;
- Recovery of rates and charges.

Council's Organisational Structure is set out below.

Figure 1 Cessnock City Council Organisation Structure Chart



1.5. Powers under other legislation

In addition to the Act, Council has powers under a number of other legislation.

Section 21 of the Act confers or imposes the following functions on Council:

- Non-regulatory (Chapter 6);
- Regulatory (Chapter 7);
- Ancillary (Chapter 8);
- Revenue (Chapter 15);
- Administrative (Chapters 11, 12 and 13);
- Enforcement (Chapters 16 and 17).

In addition, Council has functions conferred or imposed on it by or under other legislation, which include:

- *Biodiversity Conservation Act 2016* (NSW)
- *Biosecurity Act 2015* (NSW)
- *Building Professionals Act 2005* (NSW)
- *Civil Liability Act 2002* (NSW)
- *Community Land Development Act 1989* (NSW)
- *Companion Animals Act 1998* (NSW)
- *Contaminated Land Management Act 1997* (NSW)
- *Conveyancing Act 1919* (NSW)
- *Crown Land Management Act 2016* (NSW)
- *Dividing Fences Act 1991* (NSW)
- *Environmental Planning and Assessment Act 1979* (NSW)
- *Environmental Offences and Penalties Act 1989* (NSW)
- *Firearms Act 1996* (NSW)
- *Fire and Rescue Act 1989* (NSW)
- *Fluoridation of Public Water Supplies Act 1957* (NSW)
- *Food Act 2003* (NSW)
- *Government Information (Public Access) Act 2009* (NSW)
- *Heritage Act 1977* (NSW)
- *Impounding Act 1993* (NSW)
- *Library Act 1939* (NSW)
- *Local Land Services Act 2013* (NSW)
- *Plumbing and Drainage Act 2011* (NSW)
- *Privacy and Personal Information Protection Act 1998* (NSW)
- *Protection of the Environment Operations Act 1997* (NSW)
- *Public Health Act 2010* (NSW)

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- *Public Interest Disclosures Act 1994 (NSW)*
 - *Recreation Vehicles Act 1983 (NSW)*
 - *Road Transport Act 2013 (NSW)*
 - *Roads Act 1993 (NSW)*
 - *Rural Fires Act 1997 (NSW)*
 - *Smoke-Free Environment Act 2000 (NSW)*
 - *State Emergency and Rescue Management Act 1989 (NSW)*
 - *State Emergency Service Act 1989 (NSW)*
 - *State Records Act 1998 (NSW)*
 - *Strata Schemes Development Act 2015 (NSW)*
 - *Strata Schemes Management Act 2015 (NSW)*
 - *Swimming Pools Act 1992 (NSW)*
 - *Transport Administration Act 1988 (NSW)*
 - *Unclaimed Money Act 1995 (NSW)*
 - *Waste Avoidance and Resource Recovery Act 2001 (NSW)*
 - *Water Management Act 2000 (NSW)*
 - *Work Health and Safety Act 2011 (NSW)*
 - *Workplace Injury Management and Workers Compensation Act 1998 (NSW)*



Section 2

Impact of Council Functions on the Public

As a service organisation, the majority of the activities Council offers have an impact on the public. The following is an outline of how the broad functions of Council affect the public.

2.1 Service Functions

Council provides services and function to the community and these include provision of human services such as libraries, halls, community, youth and cultural centres, recreation facilities and engagement activities such as Seniors Week, Youth Week, NAIDOC Week, school holiday programs. Council's infrastructure assets including roads, bridges, drainage are fundamental to Council's business and highly valued by the community is Council's waste facilities program and includes removal of garbage, recycling and education. In supporting the development of our sporting, cultural, community and environmental care groups Council facilitates a number of grant programs.

2.2 Regulatory Functions

Regulatory functions regulate 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.

2.3 Ancillary Functions

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.

2.4 Revenue Functions

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.

2.5 Administrative Functions

Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the services provided.

2.6 Enforcement Functions

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.

2.7 Development Functions

With Cessnock City being a growth community, strategic planning is achieved in collaboration with government agencies, business, not for profit agencies and the community. Council assesses and processes annually a broad range of development applications and proposals.

Section 3

How Council engages with the Public

3.1 Representation

Council supports the principles of open government and encourages community involvement in policy development and general activities of Council.

There are two broad ways in which the public may participate in the policy development and, indeed, the general activities of Council. These are through representation and personal participation.

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 Cessnock is to be held in September 2020.

At each election, voters elect twelve Councillors for a four year term. The Mayor of Cessnock is popularly-elected by the community. 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.

3.1.1 Making Representation to Councillors

Residents are able to raise issues with, and make representations to, the Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf.

The contact details of the current elected members are:

Mayor

Councillor Bob Pynsent
Mobile: 0408 267 532
Email: bob.pynsent@cessnock.nsw.gov.au

Ward A

Councillor Allan Stapleford
Mobile: 0408 312 329
Email: allan.stapleford@cessnock.nsw.gov.au

Councillor Mark Lyons
Mobile: 0417 083 073
Email: mark.lyons@cessnock.nsw.gov.au

Councillor Paul Dunn
Mobile: 0417 083 073
Email: paul.dunn@cessnock.nsw.gov.au

Ward B

Councillor Di Fitzgibbon
Mobile: 0409 614 356
Email: di.fitzgibbon@cessnock.nsw.gov.au

Councillor Ian Olsen
Mobile: 0408 333 583
Email: ian.olsen@cessnock.nsw.gov.au

Councillor Jay Suvaal
Mobile: 0417 126 211
Email: jay.suvaal@cessnock.nsw.gov.au

Ward C

Councillor Anne Sander
Mobile: 0408 970 625
Email: anne.sander@cessnock.nsw.gov.au

Councillor John Fagg
Mobile: 0409 254 894
Email: john.fagg@cessnock.nsw.gov.au

Councillor Melanie Dagg
Mobile: 0409 404 898
Email: melanie.dagg@cessnock.nsw.gov.au

Ward D

Councillor Anthony Burke
Mobile: 0408 785 148
Email: anthony.burke@cessnock.nsw.gov.au

Councillor Darrin Gray
Mobile: 0409 548 374
Email: darrin.gray@cessnock.nsw.gov.au

Councillor Rod Doherty
Mobile: 0409 632 786
Email: rod.doherty@cessnock.nsw.gov.au

3.2 Personal Participation

Ratepayers, residents and business are encouraged to have a say in what Council does as community participation in Council is a major focus of the Act. Councils are encouraged 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, community research surveys and by Council meetings being open to the public.

Council's website at www.cessnock.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 on Council activities, decisions and programs in the local media.

3.2.1 Council Meetings

The elected Council considers policy matters at Council meetings which are open to the public. Members of the public are able to attend Council meetings held on the first and third Wednesday of each month between February and mid December each year commencing at 6:30 pm. Council meetings are held in the Council Chambers, 62-78 Vincent Street, Cessnock NSW 2325.

3.2.2 Open Forum

Council uses many different techniques for consultation, allowing members of the public to participate in policy formulation. The nature of the issue under consideration by Council determines the best consultation technique/s for that particular issue. Council's Code of Meeting Practice makes provision for members of the public to address Council meetings and prescribes the framework for their participation.

3.2.3 Council Committees

There are also avenues for members of the public to personally participate in the policy development and the functions of Council. Several Council committees comprise or include members of the public.

Some of these special committees or bodies are:

- Aboriginal and Torres Strait Islander Committee;
- NAIDOC Week Committee;
- Seniors Week Advisory Committee;
- Youth Week Advisory Committee.

3.3 Public Submissions

All significant plans, strategies and policies of Council are placed on exhibition, in draft form, prior to their adoption, so that interested members of the public may view them and make comments should they wish to. Exhibition documents are available at Council’s customer service counter and on Council’s website.

Submissions should be addressed to:

The General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325
Fax: (02) 4993 2500
Or via email to council@cessnock.nsw.gov.au



Section 4

How to Access Council Information

Council is committed to the principle of open and transparent government. The GIPA Act establishes a comprehensive system for public access to government information.

The objective of the GIPA Act is to open government information to the public by:

- authorising and encouraging the proactive public release of government information by agencies,
- giving members of the public an enforceable right to access government information, and
- providing that access to government information is restricted only when there is an overriding public interest against disclosure.

The system for public access to government information is overseen by the [Information and Privacy Commissioner \(IPC\)](#).

The IPC's role includes, promoting public awareness and understanding of the GIPA Act, dealing with complaints about government agencies and providing advice and assistance to agencies and the public. Further information is available from the [IPC's website](#).

It should be noted that the GIPA Act complements other regimes by which the public can access information held by government. It does not detract from any other rights of access to information that exist under other legislation or policies. Other legislation that may be particularly relevant includes:

- The [Privacy and Personal Information Protection Act 1998 \(NSW\)](#), which allows individuals to obtain access to, and to apply for amendment of, information held about them by NSW Government agencies (for more information visit the [NSW Privacy Commissioner](#)).
- The [Court Information Act 2010 \(NSW\)](#), which provides for public access to information held by courts about judicial proceedings (for more information visit [Lawlink](#)).

Please note that Councillors' access to Council information is governed by Council's Code of Conduct.

Council holds information in various formats in respect of a wide range of functions undertaken by it and information which is pertinent to different issues relating to the Cessnock local government area.

Council has an electronic file system which has been in place since 2004, and prior to this Council had a hardcopy filing system. These files are often kept offsite at a records repository.

Hardcopy files held by Council include general subject files, development and building files, property files as well as street and park files.

The aforementioned are not currently 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. 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. Members of the public who require an information release can do so by contacting Council on (02) 4993 4100 or by visiting www.cessnock.nsw.gov.au.

There are four main ways in which Council may facilitate access to information:

- Mandatory release;
- Proactive release;
- Informal release;
- Formal access application.

Any applications made under the GIPA Act will be processed in accordance with the requirements of this Act.

Council is also considering becoming a member of the Government's Open Data initiatives such as data.nsw.gov.au. In the meantime Council endeavours to continue to provide access to Council's open access information on its website.

4.1 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 this Act:

- Council's Agency Information Guide (available on Council's website);
- 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 (available on Council's website);
- Council's Disclosure Log of Formal access applications (available on Council's website);
- Council's Register of Government Contracts (available on Council's website);
- Council's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure; and
- Such other government information as may be prescribed by the GIPA regulations as open access information.

Schedule 1 of the GIPA Act also stipulates that the following additional documents are to be provided as open access information by Council:

Information about Council

- Code of Conduct and Procedures for the Administration of the Code of Conduct;
- Code of Meeting Practice;
- Annual Report;
- Annual Financial Report;
- Auditor's Report;
- EEO Management Plan;
- Community Strategic Plan;
- Delivery/Operational Plan;
- Payment of Expenses and the Provision of Facilities to Councillors' policy;
- Annual reports of bodies exercising functions delegated by Council;
- Any codes referred to in the Act;

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- Returns of the interests of Councillors, Designated persons and Delegates;
 - Agendas and Business Papers for Council and Committee Meetings;
 - Minutes of Council and Committee Meetings;
 - Departmental Representative Reports presented at a meeting of Council;
 - Council's 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.

Plans and Policies

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

Information about Development Applications

- Development Applications and any associated documents received in relation to a proposed development including the following (**Note: DA's prior to 1 July 2010 will now require a Formal Access Application in accordance with Schedule 1, Clause 3 (2)(c) of the GIPA Act**);
- 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 specification and configurations, and commercially sensitive information.

This clause 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.

Approvals, Orders & Other Documents

- Applications for approvals under Part 1 Chapter 7 of the Act.
- Applications for approvals under any other legislation and any associated documents received.
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decision made on appeals concerning approvals.

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- Orders given under Part 2 of Chapter 7 of the Act and any reasons given under section 136 of the Act.
 - Orders given under the authority of any other legislation.
 - Records of Building Certificates under the *Environmental Planning and Assessment Act 1979* (NSW).
 - 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.
 - Performance improvement orders issued to Council under Part 6 of Chapter 13 of the Act.

Council may provide you with the name and postal address of your adjoining neighbours upon application for the purpose of sharing of expenses to construct or repair a dividing fence in accordance with the [Dividing Fences Act 1991 \(NSW\)](#).

To apply for adjoining owners contact details you will need to complete the [Informal GIPA Dividing Fences Request Form](#). Please note you will be required to provide photo identification with your application.

4.2 Proactive Release

In addition to open access information, Council will make as much other information as possible publicly available, unless there is an overriding public interest against disclosure.

Such information may include information frequently requested or information of public interest that has been released as a result of other requests.

4.3 Informal Release

Access to information which is not available as mandatory public release (open access) or proactive release may be provided through informal release.

Council generally releases other information in response to an informal request subject to any reasonable conditions as Council thinks fit to impose.

As per proactive release methods, Council is authorised to release information unless there is a public interest against disclosure.

To enable the release of as much information as possible, Council is also authorised to redact content from a copy of information to be released, if the inclusion of the redacted information would otherwise result in an overriding public interest against disclosure.

Application should be made to Council by submitting an [Informal Access Request](#) form, available on Council's website or by phoning Council on (02) 4993 4100.

Under informal release, Council has the right to decide by what means information is to be released.

4.4 Formal Access

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 application.

A formal access application is required in the following circumstances:

- if information is not available via open access, proactive or informal release,
- the request involves a large volume of information,
- the request requires extensive research and accordingly will involve an unreasonable amount of time and resources to produce,
- the request contains personal or business information about third parties which may require consultation,
- the request is of a sensitive nature that requires careful weighing of the consideration in favour of and against disclosure.

Council requires a formal access application form to be submitted and accompanied by the prescribed application fee of \$30.00. Additional \$30.00 per hour processing charges may be applicable.

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.

A [formal access application](#) must:

- Be in writing;
- Specify it is made under the GIPA Act;
- State an Australian Postal address or email address;
- Be accompanied by the \$30.00 fee;
- Provide sufficient detail to enable Council to identify the information requested.

Processing charges may apply in accordance with Council's Fees and Charges, including processing and photocopy charges, depending on the type and amount of information sought.

Payment of an advance deposit may be required for an amount of up to 50 percent of estimated processing charges in accordance with Sections 68-71 of the GIPA Act.

A written acknowledgement of the receipt of a formal application will be provided within 5 working days.

4.5 Deciding access applications

Formal access applications will be assessed and determined, and the applicant will be advised, within 20 working days after receipt of the application.

The decision period may be extended where consultation with a third party is required or if records need to be retrieved.

A request for an advance deposit may also extend the statutory time period. The applicant will be notified of the decision in writing.

Any decision to refuse access will include reasons for the decision. If charges are payable, access will be given to the information only when the payment has been received.

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 although you may have to pay reasonable photocopying charges if you want your own hard copy as set out in Council's [Schedule of Fees and Charges](#).

Simple requests that can be satisfied by reference to an entry in a register or an online open access document can usually be provided on the spot at no charge, however, a more complex request, where the file/s are held off-site, it contains sensitive information, or will take significant Council resources to provide the information may require you to complete a formal access application form to allow Council to process your request.

Council's statutory responsibilities and legal obligations may restrict or prohibit the inspection of certain documents, files or information and, in some cases, may prevent Council from providing a copy of the information. Council will inform you if this applies.

The formal access application fee is \$30. Applicants may be entitled to a 50 per cent reduction of processing charges on financial hardship grounds, or may be entitled to a waiver of the fee if the information requested is of special benefit to the public generally.

Applicants may be asked to pay a processing charge. Processing information access applications costs \$30 per hour and covers time needed to deal efficiently, compliantly and accurately with the application.

Requests for advance deposit must be in writing and the applicant must be given at least four weeks to pay. If an applicant seeks access to his or her own personal information, the first 20 hours of processing time are free of charge.

4.7 Review Rights

There are a number of review rights under the GIPA Act outlined in Part 5. If an applicant is refused access to information, a number of options are available:

- seek an internal review by Council;
- contact the Office of the Information and Privacy Commissioner for a review of the Council decision.
- contact the Administrative Decisions Tribunal to request a review.

Application for internal review must be made within 20 working days of the notice of the decision being given to the applicant and must be accompanied by an application for internal review and a fee of \$40.00.

The review will be undertaken by a senior officer who was not involved in making the original decision. A determination from an internal review will be issued within 15 working days. This may be extended by up to 10 working days where there is a need to consult with new third parties. Alternatively, an applicant can appeal directly to the Information and Privacy Commissioner or the NSW Administrative Decisions Tribunal (**ADT**).

Applicants have 8 weeks from the date of the original decision being given to them to ask for this review. If the applicant has already had a review by the Information and Privacy Commissioner, they have 4 weeks from the date that the decision was given to them to make an application to the ADT.

4.8 Copyright

Nothing in the regulations nor the Act requires or permits Council to make open access information available in any way that would constitute an infringement of copyright (Section 6.6 GIPA Act).

Access to copyright documents will be granted by way of inspection only, unless the copyright owner's written consent is provided to Council. 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. These documents include Plans/Drawings, consultant reports, Statements of Environmental Effects and other miscellaneous reports submitted with a DA (please note that this list is not definitive).

Section 5

Feedback and Questions

As noted above, 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 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. If you experience any difficulty in obtaining documents or information or you have any questions or feedback, you should contact Council's Public Officer.

5.1 Public Officer – Right to Information Officer

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

The Public Officer is also Council's Right to Information Officer and, as such, is responsible for determining applications for access to documents or for the amendment of records.

Council has in place a Privacy Management Plan for dealing with private or personal information.

If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer.

Also, if you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Public Officer in the first instance.

Feedback or questions should be addressed as follows:

Public Officer
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325
Fax: (02) 4993 2500
Or via email to council@cessnock.nsw.gov.au

