

Agency Information Guide 2023

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Introduction

The Agency Information Guide is prepared in accordance with section 20 of the Government Information (Public Access) Act 2009. The Guide:

- Describes the structure and functions of the Council,
- Describes the ways in which the functions of the Council affect members of the public,
- Specifies any arrangements that exist to enable members of the public to participate in the formulation of the Council's policy and the exercise of its functions,
- Identifies the various kinds of government information held by Council and how this information is available to the public,

Council will review this guide annually.

Acknowledgement of Country

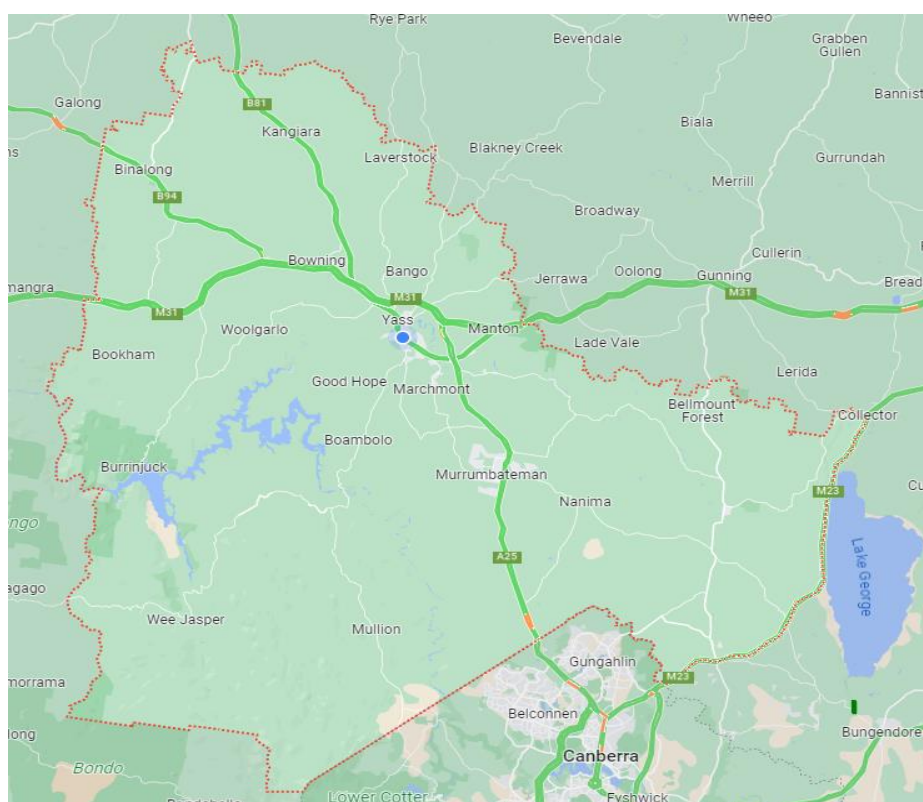
Yass Valley Council recognises the traditional custodians of the land, the Ngunnawal people, and acknowledges the Elders of the community and their descendants.

Structure and Functions of Council

The Yass Shire was proclaimed on 1 January 1980 following the amalgamation of Goodradigbee Shire and the Municipality of Yass. Yass Shire in turn was dissolved and merged into the Yass Valley Council on 11 February 2004, following a further amalgamation of Yass Shire and parts of Gunning and Yarrowlumla Shires.

The Yass Valley Council area is in south-eastern New South Wales, about 280 kilometres south-west of the Sydney CBD, and 60 kilometres north-west of the Canberra CBD. It has a population of over 16870 and area of 3,998 Km². Yass Valley comprises the town of Yass and Villages of Binalong, Bookham, Bowning, Gundaroo, Murrumbateman, Sutton and Wee Jasper.

Web :<http://www.yassvalley.nsw.gov.au>



Structure

The Elected Council

Yass Valley Council is made up of nine Councillors. Elections are held every four years to determine the Councillors who will represent the people of Yass Valley. A Mayor and Deputy Mayor are elected by the Councillors every two years.

Administration

The Principal Officer of the Council is the Chief Executive Officer (CEO), referred in the Local Government Act 1993 as the General Manager.

The CEO is responsible for the efficient operation of the Council's organisation in accordance with strategic and other plans, programs, strategies and policies, and the implementation of Council decisions.

The CEO is also responsible for any functions delegated by the Council, provision of timely information and advice to the Council and the appointment, direction, and dismissal of staff.

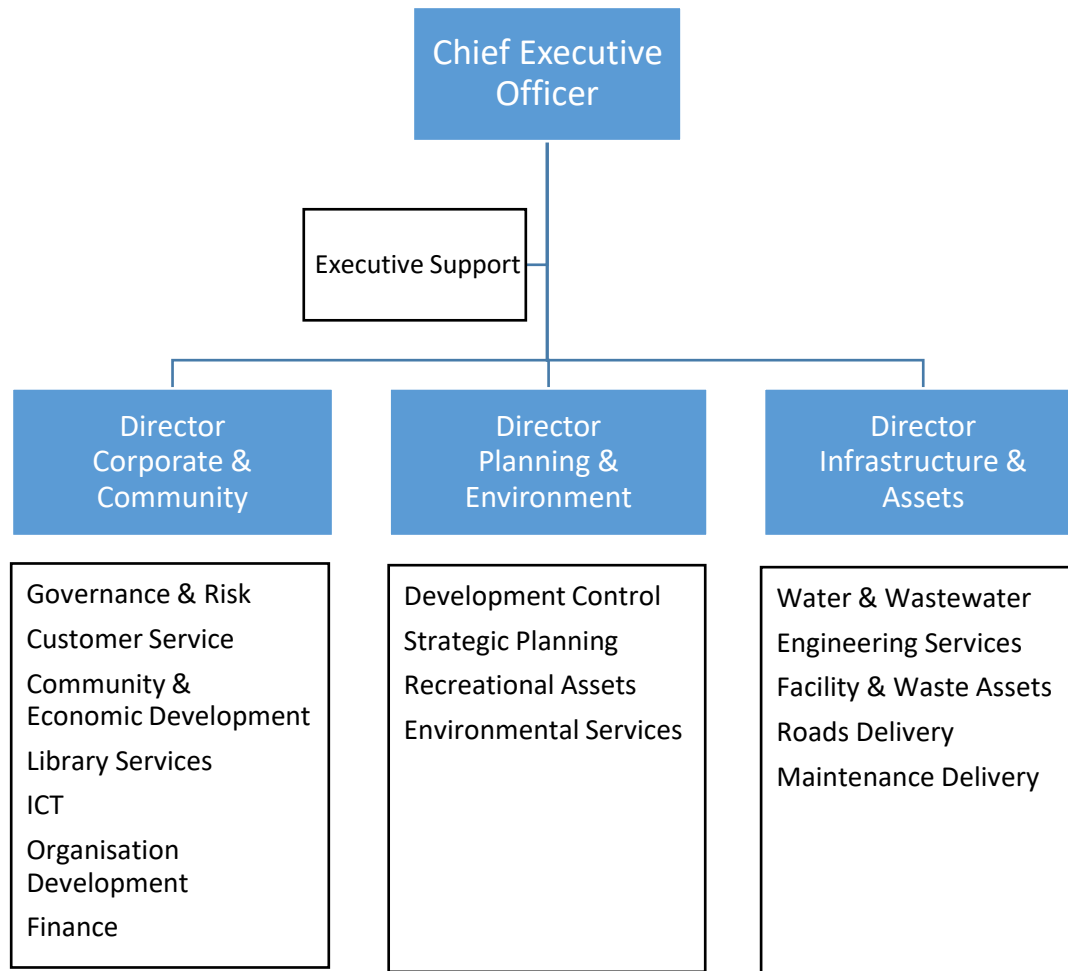
The CEO has the following functions-

- to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies, and policies of the council,
- to implement, without undue delay, lawful decisions of the council,
- to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies, and policies of the council,
- to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies, and policies of the council and other matters related to the council,
- to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- to exercise any of the functions of the council that are delegated by the council to the CEO,
- to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- to direct and dismiss staff,
- to implement the council's workforce management strategy,
- any other functions that are conferred or imposed on the CEO by or under this or any other Act.

In line with Part 3, Delegation of Functions of the Act, the CEO can delegate any of their functions, except the power to delegate. Delegation of regulatory functions is approved by the CEO and the Council.

To assist the CEO in the execution of these function, Council has employee Directors who oversee five strategic pillars outlined in Council's Community Strategic Pan and related Integrated Planning documents

Organisational Chart



Functions of Council

Within the Local Government Act 1993, Council functions are grouped into the following categories:

Service	<ul style="list-style-type: none"> ▪ Provisions of community health, recreation, education & information services. ▪ Environmental protection ▪ Waste removal & disposal ▪ Land & property, industry & tourism development & assistance ▪ Civil infrastructure planning ▪ Civil infrastructure maintenance & Construction ▪ Water and wastewater
Regulatory	<ul style="list-style-type: none"> ▪ Approvals ▪ Orders\Building Certificates
Ancillary	<ul style="list-style-type: none"> ▪ Resumption of land ▪ Powers of entry and inspection
Revenue	<ul style="list-style-type: none"> ▪ Rates ▪ Fees & Charges ▪ Borrowings ▪ Investments
Administration	<ul style="list-style-type: none"> ▪ Employment of staff ▪ Management plans ▪ Financial reporting ▪ Annual report
Enforcement	<ul style="list-style-type: none"> ▪ Proceedings for breaches of Local Government Act & Regulations, and other Acts & Regulations ▪ Prosecution of offences ▪ Recovery of rates and charges

Council's five Strategic Pillars and Objectives.

Our Community <i>We are a network of vibrant, inclusive, and diverse communities that value or rural lifestyle</i>	Our Economy <i>We have a strong regional economy experiencing sustainable growth, which provides for a diverse range of employment opportunities.</i>	Our Environment <i>We appreciate our range of rural landscapes and habitats and are stewards of the natural environment for future generations.</i>	Our Infrastructure <i>Our community is well serviced and connected to built, social and communications infrastructure.</i>	Our Civic Leadership <i>Our leaders operate ethically and implement good governance.</i>
CO.1 Our health and wellbeing are supported by equitable access services.	EC.1 Our location attracts business and industry to our region, boosting our local economy and jobs.	EN.1 Our natural and built environment is maintained, protected and enhanced in line with community expectations.	IN.1 We have transport links that connect towns within the region and increase access to significant centres.	CL.1 Council is an effective, responsible, and innovative organisation.
CO.2 We have a vibrant, inclusive, and creative community life.	EC.2 The local and regional tourism offering is expanded, increasing visitation to the region.	EN.2 Adopt environmental sustainability practices	IN.2 We are proud of our liveable and accessible local places and spaces.	CL.2 Council is a financially sustainable organisation that can meet community needs.
CO.3 Our community is connected, safe and proud	EC.3 Our local established and emerging businesses are supported to thrive.	EN.3 We have a robust planning framework that considers our rural character and natural and built landscapes.	IN.3 Our existing community infrastructure is maintained, and we plan for and support the development of infrastructure that meets community need.	CL.3 Our community is informed and engaged in decision making
CO.4 We celebrate our diverse cultural identity and heritage.	EC.4 Our community can access affordable local housing, education, training and employment options		IN.4 Water, waste and sewerage services meet the needs of our community.	
			IN.5 Our telecommunications infrastructure is sound and support access for business, industry, services, and the community.	

Powers of Council

As well as the Local Government Act 1993 Council has a range of powers under several Acts, including (but not limited to):

Companion Animals Act 1998	Fire Brigades Act 1989
Conveyancing Act 1919	Food Act 1989
Roads Act 1993	Heritage Act 1977
Public Health Act 1991	Swimming Pools Act 1992
Unclaimed Money Act 1995	Library Act 1939
Noxious Weeds Act 1993	Impounding Act 1993
State Emergency Service Act 1989	Community Land Development Act 1989
Strata Schemes Management Act 1996	Strata Schemes (Freehold Development) Act 1973
Strata Schemes (Leasehold Development) Act 1986	Environmental Planning and Assessment Act 1979
Government Information (Public Access) Act 2009	Fluoridation of Public Water Supplies Act 1957
Contaminated Land Management Act 1997	Privacy & Personal Information Protection Act 1998
Protection of the Environment Operations Act 1997	State Emergency & Rescue Management Act 1989

Council Functions Impact on the Community

Most activities of Yass Valley Council impact the community. Outlined below are the functions and how the community is affected.

Service Functions

Council impacts the community through the provision of

- Libraries
- Halls and community centres
- Recreational facilities, such as swimming pools, sporting fields, fitness equipment and playgrounds
- Infrastructure, and
- Waste services.

Regulatory Function

Council places restrictions on developments and buildings to ensure that they meet 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 Functions

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

Revenue Functions

These functions affect the public directly, in that revenue from rates and other charges paid by the public are used to fund services and facilities provided to the community.

Administrative Functions

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

Enforcement Functions

These functions affect those members of the community who are in breach of certain legislation or those who have been impacted by a member of the community breaching this legislation. This includes matters such as the non-payment of rates and charges, and companion animal offences.

Community Planning and Development Functions

These functions affect areas such as cultural development, social planning and community profile and involve:

- Advocating and planning for the needs of our community.
- 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 a range of community events.

Public Participation

There are two broad ways in which the public may participate in the policy development and 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 to their local council to make decisions on their behalf.

Information on the next local government election can be found at www.elections.nsw.gov.au

All persons who are residents and enrolled to vote, and property owners who live outside the area and are rate paying lessees who are listed on the non-residential role can vote. Voting is compulsory.

Every four years (unless otherwise directed by the NSW Office of Local Government) voters elect nine councillors for the four-year term.

Residents can raise issues with and make representations to the elected councillors. The councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

Personal Participation

Council embraces the opportunity for the community to express their opinions and concerns. Council values the engagement of community members as this engagement provides a pathway to decisions based on the views of the community.

There are several avenues available to the community to directly contribute to Councils decision making process, including:

- **Council and Committee Meetings**

Community members are invited to attend Council meeting where they can address Council during public forum on agenda related matters. Council also has advisory committee meetings which discuss policy and strategic matters and make recommendations for Councils consideration.

Council meeting dates and times along with agenda and Council meeting minutes are posted on councils' website. <https://www.yassvalley.nsw.gov.au/Our-Council/Council-Meetings/Agendas-and-Minutes>

Council has established a committee structure with various committees and working groups that provide advice and recommendations on a range of matters.

Representation on Council's committees and working groups includes community members, Councillors, and industry representatives. Nominations are normally called for and appointed every four years, in line with the Council term. Details regarding Committees of Council can be found on councils' website. <https://www.yassvalley.nsw.gov.au/Our-Council/Council-Meetings/Committees-of-Council>

- **Making Representation to Councillors**

Councillors are the elected representatives of the residents and make decisions having regard to the views of their constituents. Members of the public can contact councillors directly to raise any concerns. Councillor contact details are listed on Council's website.

<https://www.yassvalley.nsw.gov.au/Our-Council/About-Council/Mayor-and-Councillors>

- **Informal submissions to Council**

The public can either personally, or in writing, enquire about Council-related matters. Every attempt is made by Council to satisfy the concerns of the enquirer. Information provided to Council in correspondence, submissions or requests (verbal, electronic or written), including personal information such as names and addresses, may be made publicly available, including via Council's website, in accordance with the Government Information (Public Access) Act.

- **Public Exhibition**

Council provides the community opportunity to provide comment on matter of importance via Public Exhibition. Refer to Council's website for information relating to matters currently on public exhibition. <https://www.yassvalley.nsw.gov.au/Our-Council/Public-Consultation>

- **General feedback**

Council welcomes general feedback from the public in person, in writing or by phone, regarding the exercise of its functions and its dealings with the public.

- **Other**

Council has a Community Engagement function ensuring community views are heard when gathering information to analyse regarding important projects and initiatives.

Consultation will take place

- When community input can improve decision making
- Highlight community needs
- Responding to community expressions of interest
- When Council resolves to consult
- When required by law,

Community engagement may also take place

- Project funding allocation
- Services improvement
- New Infrastructure
- Planning of new services and Infrastructure
- Provisions of existing services
- Creation of major events
- Major planning and development projects
- Key topics and issues

Methods of Communication

Council has numerous options available to provide community communication.

Council's website www.yassvalley.nsw.gov.au

Community newsletters

Print

Media releases

Meetings

Letter

Facebook

Access to Information

The Government Information (Public Access) Act 2009 (GIPA Act) allows for the public to have a general right to access information held by Council, providing the information does not infringe laws or there is not overriding public interest considerations against disclosure. There are four ways that Council will provide access to information:

- Mandatory proactive release
- Authorised proactive release
- Informal release
- Formal Access applications

Any applications under the GIPA Act will be processed in accordance with that Act's requirements and a determination made to release the documents or refuse access based on the relevant considerations under that Act.

Council will assess requests for access to information having regard to:

- Government Information (Public Access) Act 2009
- Government Information (Public Access) Regulation 2018
- 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 and,
- Any other relevant legislation and guidelines as applicable.

Mandatory Proactive Release (section 6 GIPA Act)

The *GIPA Act* requires NSW government agencies to publish 'Open Access Information' on their website, free of charge unless to do so would impose unreasonable additional costs or strain to the organisation and its resources.

Open access information is defined in Section 18 of the GIPA Act and includes:

- Council's current agency information guide which contains information about Council's structure and functions, and lists the type of information that is publicly available
- Council's policy documents
- a disclosure log of formal access applications which includes release of information that Council believes may be of interest to other members of the public
- a register of contracts worth more than \$150,000 which Council has with private sector bodies
- a record of open access information that Council has not made publicly available on the basis that there is an overriding public interest against disclosure
- such other government information that may be prescribed by the GIPA Regulation as open access information.

Authorised Proactive Release (section 7 GIPA Act)

Beyond mandatory release, NSW agencies are encouraged (and authorised) to publicly release as much government information as possible. This information should be available in an appropriate manner (including online), free of charge or at the lowest reasonable cost. It is the responsibility of Council's CEO to determine whether information held by Council is proactively released. The CEO must ensure that all commercially sensitive information, as well as personal and identifying information is redacted from any document prior to being proactively released comply with the *Privacy and Personal Information Act 1998*.

Informal Release (section 8 GIPA Act)

NSW agencies are encouraged to informally release information without the need for a formal access application (and associated fee) to be submitted. Information will be informally released, where appropriate and provided there is not overriding public interest against the release of information. Council encourages applications for access to be made initially under the informal request provisions set out in [Section 8 of the GIPA Act](#). You can also refer to Council's [GOV-POL-13 Access to Information Policy](#)

Note: the *GIPA Act* provides no statutory timeframe by which informal requests must be decided within. Council is not required to disclose government information pursuant to an informal request and is also not required to consider an informal request for government information (section 8(3)). Council can decide however by what means information is to be released in response to an informal request (section 8 (4)).

Formal application (section 9 GIPA Act)

Under the *GIPA Act*, Council can release information in response to a formal access application. This is the last resort for obtaining Council information if it is not accessible in any of the three ways outlined above.

Your request will be dealt with under the *Formal Access Provisions of Part 4 of the GIPA Act* and [Form 74 - Formal Access to Information Request](#) will be required to be submitted, with a \$30 application fee, if your application involves any of the following:

- Large volume of information.
- Estimated processing time exceeding one hour.
- Extensive research and substantial resources are required.
- The information requires consultation with a third party to which it relates prior to the release of the information.
- An application will only be deemed valid if it meets the following requirements:
 - It must be in writing.
 - Lodged with the correct agency.
 - Be accompanied by a \$30 application fee.
 - State that you are seeking information under the GIPA Act.
 - Be clear and specific about the information requested.
 - Include a postal address for response.

The application process will take up to 20 working days unless you agree to extend the time. However, if Council needs to seek further information from a third party or from archives, it may take an additional 10-15 working days. Council will notify you if the process takes longer, why, and when it will be completed. Additional processing charges at a rate of \$30 per hour may also apply as part of deciding the application.

Public Officer and Right to Information Officer

The Director Corporate & Community has been appointed as the Public Officer. Among other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Manager Governance & Risk is Council's Right to Information Officer and, as such, is responsible for determining applications for access to documents or for the amendment of records. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer. Enquiries should be addressed as follows:

Chief Executive Officer
Yass Valley Council
PO Box 6
YASS NSW 2582
Phone: (02) 6226 1477
Email: council@yass.nsw.gov.au

Information and Privacy Commission (IPC) NSW

If you require any other advice or assistance about access to information, you may contact the NSW Information Privacy Commission by telephone on 1800 472 679, email at ipcinfo@ipc.nsw.gov.au , or visit the IPC website www.ipc.nsw.gov.au