



AGENCY INFORMATION GUIDE

JUNEE SHIRE COUNCIL

1. Structure and Functions of Council

1.1 Description

The Local Government Area of Junee Shire is a part of the Riverina region in the state of New South Wales. It is situated midway between Sydney and Melbourne. It covers 2,031 sq km, and is made up of the township of Junee and the villages of Old Junee, Wantabadgery, Illabo, Bethungra and surrounding farmland.

1.2 Basis of Constitution

Junee Shire Council is a statutory body incorporated under the *Local Government Act 1993*.

1.3 Organisational Structure and Resources

Junee Shire Council is headed by a publicly elected Council that is responsible for providing leadership and vision for the Shire.

Junee Shire Council is an undivided area, governed by the body of nine Councillors who are elected by the residents and ratepayers every four years to represent the community.

The Councillors are responsible for making the major decisions and policies which guide Council's operations. The roles of the Councillors, as members of the body corporate 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;

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

- 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.

Council is headed by the Mayor who is elected by the Councillors from among their number. The Mayor acts as the Chairperson of Council meetings, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic between its meetings and performs any other functions that the Council determines.

The Principal Officer of the Council is the General Manager. The General Manager is responsible for the efficient operation of Council's organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by Council, the appointment, direction and where necessary, the dismissal of staff.

The Executive Services Department headed by the General Manager is responsible for Enterprise Risk Management, Fraud Control, Lobbying and Advocacy, Economic Development and Councillor Support.

To assist the General Manager in the exercise of these functions, there are three Directorates of Council, each headed by a Director. These are:

- **Finance and Administration Services**

The Chief Financial Officer is responsible for Finance, IT, Human Resources, Customer Service, Corporate Support, Governance, Rates, Internal and External Audit and Information Management.

- **Engineering Services**

The Director of Engineering is responsible for Infrastructure Service Planning, Roads, Drains and Stormwater Management, Bridges, Sewerage, Cemeteries, Public Conveniences, Sporting Grounds, Parks and Gardens, Fire Control and Emergency Services Weed Control, Private Works and Waste Management.

- **Planning and Community Services**

The Director of Planning and Community Services is responsible for Building Control, Public Health, Food Control, , Animal Control, Regulatory Services, Community Development, Town Planning, Environmental Protection, Public Halls and other Council buildings, Family Day Care, Community Transport, Library, Recreation Centre, and Caravan Park.

Each division is charged with the responsibility of implementing policies and programs to achieve the Shire's vision.

I.4 Council Functions

The principles that guide Council in carrying out of its functions is detailed in the *Local Government Act 1993*:

Service functions:

- Providing community health, development, recreation, education and information services
- Environmental Protection
- Waste Removal and Disposal
- Land and Property, Industry and Tourism Development and Assistance
- Civil Infrastructure Planning
- Civil Infrastructure Maintenance and Construction
- Wastewater and Stormwater services
- Cemeteries

Regulatory functions:

- Building and development approval and control
- Building certificates
- Development of Codes and policies
- Leases and licences of public reserves
- Land management

Ancillary functions:

- Resumption of land
- Powers of entry and inspection
- Power to sell land for overdue rates
- Power to order demolition of unsafe or unapproved structures

Revenue functions:

- Rates
- Fees
- Charges
- Investments
- Borrowings

Administrative functions:

- Employment of staff
- Management Plans
- Financial reporting
- Annual reports
- Codes of conduct and practice
- Policy preparation
- Governance
- Information Management

Enforcement functions:

- Proceedings for breaches of the Local Government Act and Regulations, and other Acts and Regulations
- Prosecution of offences
- Recovery of rates and charges

As well as the *Local Government Act 1993*, Council has functions under a number of other related Acts including:

- *Anti-Discrimination Act 1977*
- *Biosecurity Act 2015*
- *Cemeteries and Crematoria Act 2013*
- *Community Land Development Act 1989*
- *Companion Animals Act 1998*
- *Contaminated Land Management Act 1997*
- *Conveyancing Act 1919*
- *Copyright Act 1968*
- *Crown Land Management Act 2016*
- *Environmental Planning and Assessment Act 1979*
- *Financial Sector Reform (NSW) Act 1999*
- *Fire and Rescue NSW Act 1989*
- *Food Act 2003*
- *Government Information (Public Access) Act 2009*
- *Health Records and Information Privacy Act 2002*
- *Heritage Act 1977*
- *Impounding Act 1993*
- *Interpretation Act 1987*
- *Land Acquisitions (Just Terms Compensation) Act 1991*
- *Land Development Contribution Management Act 1970*

- *Library Act 1939*
- *Major Events Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Protection of the Environment Operations Act 1997*
- *Public Health Act 2010*
- *Public Interest Disclosures Act 1994*
- *Real Property Act 1900*
- *Recreation Vehicles Act 1983*
- *Roads Act 1993*
- *Road Transport Act 2013*
- *State Emergency Services and Rescue Management Act 1989*
- *State Emergency Service Act 1989*
- *State Records Act 1998*
- *Swimming Pools Act 1992*
- *Unclaimed Money Act 1995*
- *Valuation of Land Act 1916*
- *Waste Avoidance and Resource Recovery Act 2001*
- *Work Health and Safety Act 2011*

2. HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

The majority of the activities and functions of Council have an impact on the public, either directly or indirectly. These include: maintaining and building local infrastructure, overseeing and supporting local services, working with State and Federal Governments, organisations, businesses and community groups, raising funds for local purposes by the fair imposition of rates, charges and fees and managing, developing and protecting the environment of the area for which it is responsible.

The following is an outline of how the broad functions of Council affect the public:

Service functions affect members of the public as Council provides services and facilities to the public. These include provision of human services such as family day care and libraries, infrastructure and the removal of garbage, recreation facilities and halls.

Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

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.

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

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.

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.

Community planning and development functions affect areas such as cultural development, social planning and community profile and involves:

- Advocating and planning for the needs of our community. This includes initiating partnerships, participating on regional, State of Commonwealth working parties, and preparation and implementation of the Community Plan.
- Providing support to community and organisations through provision of grants, training and information.
- Facilitation opportunities for people to participate in the life of the community through the conduct of a range of Council organised events as well as promoting events of others.

Council encourages and provides its community with opportunities to comment and supply input into the decision making process to ensure maximum customer satisfaction.

3. HOW THE PUBLIC CAN PARTICIPATE IN COUNCIL'S POLICY DEVELOPMENT AND THE EXERCISE OF FUNCTIONS

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

3.1 Representation

Local Government in Australia is based on the principles of representative democracy. This means that people elect representatives to their local Council to make decisions on their behalf. In New South Wales, local government elections are typically held every four years. The next elections are to be held in 2024, but this is open to change given the COVID19 pandemic and its corresponding societal impacts.

At each election, voters elect nine Councillors typically for a four year term. All residents of the area who are on the electoral roll are eligible to vote. Voting is compulsory.

3.1 Personal Participation

Members of the public are able to attend Council meetings held at Junee Shire Council, 29 Belmore Street, Junee typically on the third Tuesday of each month commencing at 4.30pm, or by other means should there be a need to conduct meetings virtually.

Residents can address Council meetings on items listed on the Committee Agendas with the prior arrangement or consent of the Mayor or the General Manager.

Members of the public may be involved in Council Committees.

3.3 Our Community Values

Proud and welcoming – we are proud of our shire and as a friendly community we encourage and support new residents and business owners.

Innovative and progressive – we welcome new ideas and we seek to make changes that will improve the lifestyle of our community.

Inclusive – we have a perspective broader than the shire boundary; our regional focus means we are tuned to the opportunities available through co-operation and partnerships.

Leadership and wisdom – we listen and act; we are prepared to take tough decisions in the best interests of the future of our people, our place and our economy.

4. HOW TO ACCESS OUR INFORMATION

4.1 Information Held by Council

Council holds a wide range of information, in both hard copy and electronic form in respect of the number of functions undertaken by it. That information is contained in:

- Files - either physical or electronic
- Policy Documents
- General Documents

Documents listed in the “General Documents” in this guide may be made available to the public on request unless there is an overriding public interest not to do so.

4.2 Files - Electronic and Physical

Council information is kept and maintained in both electronic format and in some cases information is stored in a paper based format. The Council commenced retaining electronic records in a systematic way on 1 July 2010.

4.3 Policy Documents

Council's policies are listed in a policy register and can be accessed at Council website.

4.4 General Documents

The following list of general documents held by Council has been divided into four sections as prescribed in accordance with Government Information (Public Access) Regulation 2018:

1. Information about Council
2. Plans and Policies
3. Information about Development Applications and any associated documents received in relation to a proposed development
4. Approvals, Orders and Other Documents

The Regulations (Government Information (Public Access) Regulation 2018) made under the *Government Information (Public Access) Act 2009* 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 (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 or previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

These documents are:

I. Information about Council

- The Model Code prescribed under section 440 (1) of the *Local Government Act 1993*
- Councils adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational 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
- Some Codes referred to in the *Local Government Act 1993*
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of Council (excluding reports and correspondence considered in a Council Meeting closed to the public, in accordance with Section 10 and 11 of the *Local Government Act 1993*.)
- 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 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 and Planning Matters

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

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Statutory Planner Reports
- Submissions received on Development Applications and Planning Matters
- 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 1 of Chapter 7 of the *Local Government Act 1993*
- 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 *Local Government Act 1993*, and any reasons given under section 136 of the same Act

- 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

5. HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS CONCERNING THEIR PERSONAL AFFAIRS

Under the *Government Information Public Access Act (GIPA) 2009* there is a presumption in favour of the disclosure of Council information unless there is an overriding public interest against disclosure. The *Government Information (Public Access) Act 2009* establishes four ways to access information:

- Open Access
- Proactive Access
- Informal Access
- Formal Access

OPEN RELEASE OF COUNCIL INFORMATION

The *Government Information (Public Access) Act 2009* requires Council to make certain information publicly available. This information is called '**open access information**' or 'mandatory release information'. These documents are listed above in 4.4 General Documents.

Council information can be accessed at: www.junee.nsw.gov.au

The information that is not published on the website, can be inspected at and obtained from Council's office during working hours of 9.00 am and 5.00 pm, Monday to Friday (except public holidays). Please contact our Customer Service section on 02 6924 8100 if you need more information. If you experience any difficulty in obtaining documents or information, you should contact the Public Officer.

PROACTIVE RELEASE OF COUNCIL INFORMATION

Council is authorised to make any information held publicly available unless there is an overriding public interest against disclosure of the information. At intervals of 12 months, we will review the program for the release of information under this section to identify the kinds of information we hold that should in the public interest be made publicly available and that can be released without imposing unreasonable additional costs on Council.

INFORMAL RELEASE OF COUNCIL INFORMATION

Council is authorised to release information held by it to a person in response to an informal request by the person (that is, a request that is not a formal access application) unless there is an overriding public interest against disclosure of the information.

Applicants can request informal release of information by writing to the General Manager or by filling out an informal access application and lodging it at our office. There is no application fee for an informal request for information.

FORMAL RELEASE OF COUNCIL INFORMATION

Anyone who makes a formal access application for Council's information has a legally enforceable right to be provided with access to the information in accordance with *Government Information (Public Access) Act 2009* Part 4 (Access applications) unless there is an overriding public interest against disclosure of the information.

To make a formal access application you must fill out the Formal Access to Council's Information application form or write to the General Manager and forward a current application fee listed in Council fees and charges for such a purpose to Council's office.

For more information about Access to Council's Information, please contact our Public Officer.

5.1 Public Officer / Right to Information Officer

The Council's Chief Financial Officer has been appointed as its Public Officer.

Amongst 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 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.

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.

Enquiries should be addressed as follows:

Email: jsc@juneensw.gov.au
Mail: PO Box 93, JUNEE NSW 2663
Telephone: 02 6924 8100
Fax: 02 6924 2497
Visit: 29 Belmore Street, Junee.

5.2 Office of the Information Commissioner

If you require any other advice or assistance about access to information you may contact the Office of the Information Commissioner by the following means:

Telephone: 1800 472 679 (free call)

Email: ipcinfo@ipc.nsw.gov.au

Postal Address: GPO Box 7011, SYDNEY NSW 2001

6.0 Adoption by Junee Shire Council

First adopted on 16 December 2010 – Refer Minute No. 05.12.10

Re-adopted on 14 August 2014 – Refer Minute No. 05.08.14

Re-adopted on 15 February 2022 – Refer Minute No. 08.02.22