



**INFORMATION GUIDE
GOVERNMENT
INFORMATION(PUBLIC
ACCESS) ACT 2009**

1 JULY 2017

STRUCTURE AND FUNCTIONS

STRUCTURE

Dubbo Regional Council is a council constituted under Section 219 of the Local Government Act 1993. Section 220 provides that a council is a body corporate and Section 222 provides that the elected representatives called "Councillors", comprise the governing body of the council.

HOW COUNCIL WORKS

To assist the Council in its policy decision-making role, the Council utilises a "committee system" through which the majority of matters which need determination by Council are considered comprehensively. It has three major standing committees: these being the Planning, Development and Environment Committee, the Infrastructure, Community and Recreation Committee and the Economic Development, Business and Corporate Committee.

FUNCTIONS

Chapter 5 of the Local Government Act 1993 specifies the functions of the Council as follows:

CHAPTER 5 - WHAT ARE A COUNCIL'S FUNCTIONS?

INTRODUCTION

This Chapter specifies a council's functions. In doing so, it recognises that all functions of a council come from statute, either from this Act or another Act.

[s 21] Functions under this Act

21 A council has the functions conferred or imposed on it by or under this Act.

NOTE: This Act classifies certain of a council's functions as service, that is, non-regulatory (Chapter 6), regulatory (Chapter 7) or ancillary (Chapter 8). Ancillary functions are those functions that assist the carrying out of a council's service and regulatory functions.

A council also has revenue functions (Chapter 15), administrative functions (Chapters 11, 12 and 13) and functions relating to the enforcement of this Act (Chapters 16 and 17).

[s 22] Other functions

22 A council has the functions conferred or imposed on it by or under any other Act or law.

NOTE: While the main functions of councils are provided for under this Act, councils also have functions under other Acts. An important general provision is contained in Section 50 of the Interpretation Act 1987 which provides, in part:

(1) A statutory corporation:

- (a) has perpetual succession;
- (b) shall have a seal;
- (c) may take proceedings and be proceeded against in its corporate name;
- (d) may, for the purpose of enabling it to exercise its functions, purchase, exchange, take on lease, hold, dispose of and otherwise deal with property; and
- (e) may do and suffer all other things that bodies corporate may, by law, do and suffer and that are necessary for, or incidental to, the exercise of its functions.

(4) This section applies to a statutory corporation in addition to, and without limiting the effect of, any provision of the Act by or under which the corporation is constituted. Some other Acts and some of the functions they confer include:

Community Land Development Act 1989 - planning functions as consent authority

Companion Animals Act 1998 - companion animal registration and control

Conveyancing Act 1919 - placing covenants on council land

Environmental Planning and Assessment Act 1979 - environmental planning

Fire Brigades Act 1989 - payment of contributions to fire brigade costs and furnishing of returns

Fluoridation of Public Water Supplies Act 1957 - fluoridation of water supply by council

Food Act 1989 - inspection of food and food premises

Impounding Act 1993 - impounding of animals and articles

Library Act 1939 - library services

Protection of the Environment Operations Act 1987 - pollution control

Public Health Act 1991 - inspection of systems for purposes of microbial control

Recreation Vehicles Act 1983 - restricting use of recreation vehicles

Roads Act 1993 – roads

Rural Fires Act 1997 - issue of permits to light fires during those periods requiring the furnishing of information to the Rural Fire Services Advisory Council and its Co-ordinating Committee

State Emergency Service Act 1989 - recommending appointment of local controller

Strata Schemes (Freehold Development) Act 1973 - approval of strata plans

Strata Schemes (Leasehold Development) Act 1986 - approval of leasehold strata plans

Swimming Pools Act 1992 - ensuring restriction of access to swimming pools

The exercise by a council of its functions under this Act may also be modified by the provisions of another Act. Some of those Acts and some of the modifications they effect include:

Coastal Protection Act 1979 - limitation on coastal development by councils

Environmental Offences and Penalties Act 1989 - forfeiture of council functions to person appointed by Governor

Government Information (Public Access) Act 2009 - council required to publish certain information, to grant access to certain documents and to amend certain records that are shown to be incomplete, incorrect, out of date or misleading

Heritage Act 1977 - rating based on heritage valuation

State Emergency and Rescue Management Act 1989 - council required to prepare for emergencies

Unclaimed Money Act 1995 - unclaimed money to be paid to the Chief Commissioner of Unclaimed Money

[s 23] Supplementary, incidental and consequential functions

23 A council may do all such things as are supplemental or incidental to, or consequential on, the exercise of its functions.

In order to undertake its functions, Council has identified the following Principal Activities and Functions:

Principal Activities	Functions
Transport	Footpaths and Cycleways Traffic Management Street Lighting Road Network
Sewerage Services	Sewerage Services
Waste Services	Domestic Waste Management Services Other Waste Management Services
Water Supply	Water Supply Services
Community Protection	Stormwater and Flood Mitigation Fire Services Emergency Management
City Development	City Development City Image
Corporate Business	Livestock Markets Airport Property Development Caravan Park Dubbo Showground
Built and Natural Environment	Environmental Control Services Building Control Environmental Sustainability Services Environmental Support Services City Strategy Ranger Services
Community Services	Cemeteries Recreation Services Library Services Old Dubbo Gaol Dubbo Aquatic Leisure Centre Social Services Rainbow Cottage Child Care Centre Family Day Care Services Cultural Services Community Services Business Support Services Dubbo Regional Theatre and Convention Centre Western Plains Cultural Centre

Principal Activities

Human Environment

Parks and Landcare

Corporate Services

Functions

Human Environment Services

Horticultural Services

Landcare Services

Parks and Landcare Business Support
Services

Sporting Facilities

Parks and Landcare Operations

Customer Services

Governance

Corporate Development/Strategic
Management

Fleet Management Services

Management Accounting Services

Financial Accounting Services

Human Resource Services

Information Technology Services

Administrative Services

Civic Administration Building

Technical Support Services

Technical Business Support Services

Depot Services

Rates and General Revenue

Employment Overhead Distribution

Corporate Overheads

Works Services

MANAGEMENT PLANNING

The Council has adopted a Community Strategic Plan in accordance with the requirements of the Local Government Act 1993 and this Plan is available to the public. The objectives of the Principal Activities of the Council are as follows:

TRANSPORT

To provide a transport infrastructure system that allows safe, convenient and comfortable pedestrian and vehicular traffic movement to, from and within the Local Government Area.

SEWERAGE SERVICES

To provide environmentally responsible sewerage services which maintain the health of the Dubbo community, are cost effective, customer focussed and cater for sustainable growth.

WASTE SERVICES

To provide waste management services that are responsive to the needs of the residents and businesses, committed to environmentally sustainable practices and resourced to contribute to the local economy's competitive edge as a regional service provider.

WATER SUPPLY

To provide a safe, reliable and cost effective water supply which is customer focussed, enhances the Dubbo environment and caters for sustainable growth.

COMMUNITY PROTECTION

To provide for the protection of persons and minimise damage to property under threat from natural forces and/or external hazards.

CITY DEVELOPMENT

To facilitate and encourage investment that builds a strong economic base for Dubbo, enhances the standard of living of residents and visitors and reflects the competitive advantages Dubbo has for key emerging and developing industry sectors.

CORPORATE BUSINESS

To operate specific activities on a commercial business basis that are customer focused, best practice, sustainable, enhance economic strength and provide a financial return to the community.

BUILT AND NATURAL ENVIRONMENT

To ensure a clean, safe and healthy living environment for both present and future residents and visitors, maintain economic growth and development and protect, preserve and enhance the natural and built environments.

COMMUNITY SERVICES

To foster and market a wide range of services and facilities to meet the social, multicultural, recreational, educational, cultural, entertainment and child care needs of residents and visitors.

HUMAN ENVIRONMENT

To provide a safe and healthy human environment with access to a high standard of facilities and preventative programmes to ensure the health and well being of residents and visitors.

PARKS AND LANDCARE

To ensure that Dubbo residents and visitors have the opportunity to participate in a diverse range of sporting and passive recreational pursuits and to provide landcare services for the rehabilitation and protection of the urban and rural environment and to promote biodiversity in a cost effective and efficient manner.

CORPORATE SERVICES

To provide sound management of the resources of Council, representative and responsive government, meet statutory requirements and provide services to the organisation in a cost effective and timely manner.

The Management Plan contains details of the way in which the Council will measure its performance in achieving the above objectives.

EFFECT OF COUNCIL'S FUNCTIONS ON MEMBERS OF THE PUBLIC

The table below sets out a general description of the powers exercised by Council in the performance of its functions:

A COUNCIL EXERCISES FUNCTIONS UNDER						
THIS ACT						OTHER ACTS
SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMINISTRATIVE FUNCTIONS	ENFORCEMENT FUNCTIONS	VARIOUS FUNCTIONS
For example: * Providing health, recreation, education & information services * Environmental protection * Waste removal & disposal * Land & property, industry & tourism development & assistance For other functions, see the Introduction to Chapter 6 LGA 1993	* Approvals * Orders * Building certificates	* Resumption of land * Powers of entry and inspection	* Rates * Charges * Fees * Borrowings * Investments	For example: * Employment of staff * Management plans * Financial reporting * Annual reports	For example: * Proceedings for breaches of the Act * Prosecution of offences * Recovery of rates and charges	See the Note to section 22 on page 4 of this document

PUBLIC PARTICIPATION IN POLICY FORMULATION

Members of the community have an opportunity to participate in the formulation of Council's policies and the exercising of its functions as follows:

- * Attending meetings of Council and its Committees.
- * Making submissions for Council's consideration in relation to the development of its Management Plans.
- * Making submissions, comments or objections to proposals relating to Development, Subdivision and Building Approvals in accordance with the requirements of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.
- * Voting at Local Government Elections and in Constitutional Referendums conducted by Council.

A Council may not do any of the following unless approval to do so has been given at a Constitutional Referendum:

- (a) Divide its area into Wards or abolish any Wards in its area.
- (b) Change the basis on which the Mayor obtains office.
- (c) Increase or decrease the number of Councillors in accordance with the Local Government Act.

- (d) Change the method of Ordinary Election of Councillors for an area divided into Wards or the voting system used in Council Elections.

DOCUMENTS HELD BY COUNCIL

The *Government Information (Public Access) Regulation 2009 (NSW)* requires that the following list of general documents held by Council are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) and 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. Copies can be supplied for reasonable copying charges.

- Council's Code of Conduct
- The Council's Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Reports
- Management Plan
- EEO Management Plan
- the Council's policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors
- the Council's land register
- register of investments
- returns of the interests of Councillors, designated persons and delegates (this document is available for inspection at Council offices only, and not on the website, in accordance with the Information Commissioner's guidelines)
- returns as to candidates' campaign donations
- agendas and business papers for Council and Committee meetings (but not including business papers for matters considered when part of a meeting closed to the public)
- minutes of Council and Committee meetings, but restricted (in the case of any part of a meeting that is closed to the public), to the resolutions and recommendations of the meeting.
- any codes referred to in the Local Government Act 1993
- register of delegations
- annual reports of bodies exercising delegated Council functions
- applications under Part 1 of Chapter 7 for approval to erect a building, and associated documents
- development applications (within the meaning of the Environmental Planning and Assessment Act 1979) and associated documents
- local policies adopted by the Council concerning approvals and orders
- records of approvals granted, any variation from local policies with reasons for the variations, and decisions made on appeals concerning approvals
- records of building certificates under the Environmental Planning and Assessment Act 1979
- plans of land proposed to be compulsorily acquired by the Council
- leases and licences for use of public land classified as community land
- plans of management for community land

- environmental planning instruments, development control plans and plans made under section 94AB of the Environmental Planning and Assessment Act 1979 applying to land within the Council's area
- Departmental representatives reports presented at a meeting of the Council in accordance with section 433 of the Local Government Act 1993.
- Register of graffiti removal work kept in accordance with section 67C.

HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS

Access to Council documents may be obtained via the Council website or by contacting Council's Customer Service Centre between 9.00 am and 5.00 pm Monday to Friday.

If the documents you require are not available on the website please [email Council](#) or contact Council's Customer Service Centre.

Contact Details for Council's Customer Service Centre as follows:

Civic Administration Building
Church Street
DUBBO NSW 2830

Phone: 0268 014000

Fax: 0268 014259

Email: council@dubbo.nsw.gov.au

Website: www.dubbo.nsw.gov.au

If you ask for records or documents and you are not able to obtain them, you may apply for them under the Government Information (Public Access) Act (GIPA) by:

- Completing a [GIPA Application Form](#) (if you cannot download this form you may obtain a form from Council's Customer Service Centre).
- Present the form and the appropriate fee to Council's Customer Service Centre

Details of procedures and fees are detailed in the [GIPA Act](#) or may be obtained from Council's Customer Service Centre.

Arrangements can be made for amendments to records concerning personal information of members of the public by contacting Council's Public Officer.

For further information about the GIPA Act you may contact:

Office of the Information and Privacy Commissioner NSW
Industrial Relations Commission Building
Level 3, 47 Bridge Street
SYDNEY NSW 2000

Phone: 1800 472 679

Fax: 02 8114 3756

Email: ipcinfo@ipc.nsw.gov.au

Website: www.ipc.nsw.gov.au

