

# AGENCY INFORMATION GUIDE (2019 Update)

*(This guide is made in compliance with the Government Information (Public Access) Act (2009))*

Approved by the Council under delegation:      Date:              23<sup>rd</sup> September 2019  
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Document approved under delegation by:

*David Young*

David Young  
General Manager              Date: 23<sup>rd</sup> September 2019

## A. How to contact Upper Macquarie County Council

### Location

The office of the Upper Macquarie County Council is located at 7 Lee Street, Kelso NSW.

\* The office is not always staffed full time so if you intend to visit please telephone first.

### Website

The Upper Macquarie County Council website is

[www.umcc.nsw.gov.au](http://www.umcc.nsw.gov.au)

You may email the County Council direct from the link provided on the website.

Other contact details are:

- Email: [admin@umcc.nsw.gov.au](mailto:admin@umcc.nsw.gov.au)
- Mail: PO Box 703, Bathurst 2795
- Office Telephone: (02) 6338 2875

## B. About Upper Macquarie County Council

### Constitution and Functions

Upper Macquarie County Council is a single purpose local government authority, established by the Governor under Section 387 of the *Local Government Act (1993)*, as a weed control authority throughout the local government areas of Bathurst Regional Council, Lithgow City Council, Oberon Council and Blayney Shire Council.

The County Council was originally constituted by proclamation on 18 February 1949.

With limited exceptions the *Local Government Act 1993* applies to the County Council in the same way as it applies to other local government councils and under Section 8 of the Act the County Council has the same charter as any other council.

Being a county council upon which priority weed control functions for its area of operations have been conferred, the Upper Macquarie County Council is a local control authority as defined in the Biosecurity Act (2015).

The county district is the Council's area of operations for which it has numerous compliance and enforcement roles and responsibilities as provided in the Biosecurity Act (2015). These include the responsibility for inspecting properties for the presence of weeds, providing advice and information to landholders about their weed control duties and control options, and enforcing compliance with weed control duties set out in the Act. The County Council is not a landholder and as such has no duty to undertake weed control works, though it does from time to time facilitate such works in the interest of regional weed control outcomes.

### Area of Operations

The official *Area of Operations* of the Upper Macquarie County Council is the whole county district comprising the following council area:

- Bathurst Regional Council
- Lithgow City Council
- Oberon Council
- Blayney Shire Council.

The councils for the above areas are referred to as the Constituent Councils of Upper Macquarie County Council.

The *Area of Operations* of the Upper Macquarie County Council encompasses over 1.35 million hectares and more than 4,500 kilometres of roads.

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## Organisational structure

The Upper Macquarie County Council has a governing body that consists of 8 Members who are elected by each of the constituent councils from the Councillors of the constituent council. Each constituent council elects 2 Members of the Upper Macquarie County Council. Members normally hold office for the same term as their local council term.

The Chairperson of the Upper Macquarie County Council is elected by the members of the County Council from among the members of the Council and normally holds office for one year.

The Upper Macquarie County Council has a General Manager, a Chief Weeds Officer, a Biosecurity Administration Officer, and a number of Weed Biosecurity Officers that are primarily field based.

## Financing

Contributions by Constituent Councils are the traditional method of financing county councils but such contributions are no longer compulsory. The Constituent Councils of Upper Macquarie County Council provide a *voluntary* contribution annually to the County Council on the basis of an agreed formula.

The County Council theoretically has power to levy a Special Rate under the *Local Government Act 1993* but there is currently no regulatory provision to actually permit such a rate to be set.

The County Council receives an annual grant from the State Government for priority 'noxious' weed control under the *NSW Weeds Action Program* and on occasion also receives grants from other sources.

Details of the County Council's financing, and finances, are available on the website, in particular in the **Annual Report**, **Annual Operating Plan**, and **Quarterly Financial Statements** included in Council Business Papers.

## How the Upper Macquarie County Council Operates

The governing body of the County Council, the formal decision making body, meets ordinarily no less than 4 times and up to eight times each year to determine policies, future plans and strategies. Details of meeting dates are available on the County Council's website. On occasion the Council may hold ad-hoc extraordinary meetings to deal with urgent or time sensitive matters.

The Governing body considers reports presented by Council management.

Councillors can also consider and raise issues on behalf of members of the community or that may be of concern to their individual constituent councils.

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The General Manager has extensive statutory and operational delegations, and on behalf of Council, puts the decisions of Council into action, as well as handles the day-to-day administrative functions of Council.

The functions of the Upper Macquarie County Council include: service, regulatory, revenue, administrative, enforcement and ancillary functions.

More information about the County Council's activities, the resources applied to these activities, and financial projections, together with information about how the County Council functions affect the community, is available on the County Council's website.

## C. Community participation in Upper Macquarie County Council

Members of the community may participate in the County Council's decision-making and operational processes in a number of ways.

1. Attending County Council meetings. The Council's **Code of Meeting Practice** sets out ways in which members of the community may participate in meetings. Meetings are generally open to the public and details of meetings, and **Business Papers**, are available on the Council's website as soon as possible after they have been issued.
2. Participation in any workshops, information gatherings, field days, and similar events that the County Council either organises or participates in with other agencies from time to time. Details of such opportunities are published in the local press and on the website.
3. Contacting the Council Members of the County Council. Contact details are available on the website.
4. Contacting council staff. Enquiries about weeds are preferably directed to the Weeds Biosecurity Officer in your area or to the Chief Weeds Officer.
5. Engaging with the local Weeds Biosecurity Officer when they visit your property. Advance notice is usually provided by letter – so you can arrange to be on-site when they arrive.
6. Writing to Council on any matter relevant to the County Council's functions or activities. If the subject matter is outside the delegations or policies by which staff or the General Manager can make a decision, the matter can (if a relevant council matter) be referred to the next available Council Meeting.

All matters to be addressed by Council through staff reports must be submitted at least 21 days prior to the relevant meeting.

**Minutes** of Council Meetings are included in the Business Paper for each subsequent meeting and are available on Council's website or may be requested by contacting the Council offices.

## D. Methods of Accessing Upper Macquarie County Council Information

The Upper Macquarie County Council is committed to providing appropriate access to government information that it holds.

A great detail of information is available on the County Council's website but if what you are looking for is not on the website please contact us to enquire if we hold any information which may be relevant to your enquiry. Subject to what is said below regarding public interest, and subject to privacy constraints, if we have public information we will generally make it available to you.

Most information that is readily available, and can be informally released, is available free of charge. However where releasing the information is time consuming cost recovery charges will be made.

The Council can make information available to the public in 4 ways.

- Mandatory Release – Councils are required under legislation to make information available free of charge to the public.
- Proactive Release- Councils are encouraged to release as much other information as possible in an appropriate manner (though this may sometimes be at a cost).
- Informal Release – Councils are encouraged to release information in response to an informal request, subject to reasonable conditions.
- Formal Release- Councils may release information in response to a formal request. This is the last resort if the information you seek is not otherwise available.

Access to some documents sought may be denied under the *Government Information (Public Access) Act (2009)* as there may be an overriding public interest against disclosure. These documents include confidential Council business papers and reports, communications between legal practitioners and the Council, and matters considered to be so sensitive that the disclosure of them would compromise or detrimentally affect either the Council or another party with whom the Council is dealing.

In the first instance members of the public are encouraged to contact council's Right to Information Coordinator (the Biosecurity Administration Officer) to ascertain if the information they seek even exists, and if so if it is available.

When considering whether or not to provide information Council must weigh up the public interest in providing the information with any overriding public interest against the provision of the information. In its consideration the County Council will apply the **Public Interest Test** and if there is an overriding

public interest against disclosure that outweighs the public interest in favour of disclosure, the documents will not be made available.

The *Government Information (Public Access) Act (2009)* (the Act) provides a table of items for which there is an overriding public interest against disclosure. The Council must consider applications for information against these criteria before information will be released.

A formal application for information under the Act should be made on the form available from the Council and must be accompanied by the statutory fee. Under extenuation circumstances, a reduction in the application fee can be sought in certain circumstances. Additional charges may apply as defined in the Act if the information takes a lot of time to research.

Under the Act people are generally allowed access to documents concerning their personal affairs. If the person finds the information is incomplete or not accurate they can request it be corrected. If access to personal information is approved and the documents are incomplete or not accurate this should be raised immediately with the Council's Right to Information Officer (the General Manager) for investigation and action.

## **Office of the Information Commissioner**

The Office of the Information Commissioner (OIC) has been established to oversee implementation of the *Government Information (Public Access) Act (2009)*.

The OIC provides information about the right to access to information and can be contacted as follows:

Internet: [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au)

Email: [oicinfo@oic.nsw.gov.au](mailto:oicinfo@oic.nsw.gov.au)

Mail: GPO Box 7011, SYDNEY NSW 2001

In person: Level 11, 1 Castlereagh Street, SYDNEY NSW 2000

Phone: 1800 INFO COM (1800 463 626) Monday to Friday 9am to 5pm (excluding public holidays)

## **Right of Review**

There are rights to review a decision made by the County Council, or a delegate, with regard to access to information. A full list of reviewable decisions is set out in Section 80 of the *Government Information (Public Access) Act 2009*.

## **Internal Review**

If an access application has been refused, there is a general right to seek an internal review of the decision, however because the Council is a small organisation, the General Manager is the principle officer of the Council and hence no internal review is available under Section 82 of the Act – instead a review (if any) must be undertaken by the Information Commissioner according to Section 89 of the Act.

## **Role of the Information Commissioner**

The Information Commissioner can review a decision to refuse access to information if requested by the applicant, notwithstanding any internal review being undertaken.

The Information Commissioner also deals with complaints under the Government Information (Public Access) Act (2009).

## **External Review (Administrative Decisions Tribunal)**

A dissatisfied applicant also has the right to a formal review of a decision via the New South Wales Administrative Decisions Tribunal. This application must be made within 8 weeks of the original decision or 4 weeks after a review undertaken by the Information Commissioner.

## **E. Publications of the Upper Macquarie County Council**

The Upper Macquarie County Council website provides the most comprehensive source of official council publications – including many of the documents listed below and, additionally, a great deal of useful information about priority weeds (formally known as noxious weeds).

The following is a general list of the key publications of the Upper Macquarie County Council.

Council Business key documents including:

- Business Papers for Council Meetings
- Minutes of Council Meetings
- Annual Reports
- Management Plans
- Financial Plans, Reports and Annual Budgets
- Audited Financial Statements
- External Auditors Reports

Governance policies and key documents including:

- Codes of Meeting Practice and Conduct
- Corruption Prevention Strategy
- Public Interest Disclosures Policy
- Public Access Information Policy
- Designated Persons Register
- Pecuniary Interest Returns Register
- Council Member Fees, Expenses and Facilities Policy
- Gifts & Benefits Policy
- Delegations Manual

Employment – related plans and policies including:

- Equal Employment Opportunity Management Plan
- Return to Work Program
- Work, Health and Safety Policy
- Annual Closedown (Xmas) Period Policy
- Credit Card Use Policy

Biosecurity Operational policies and key documents including:

- Biosecurity Compliance & Enforcement Policy
- Remotely Piloted Aircraft (Drone) Policy
- Pesticide Notification Plan
- Motor Vehicle Policy
- Procurement Policy
- Various brochures about priority (noxious) weeds

**Note:**

Many of these publications are available on the website.

Publications that are not currently available on the website, or new documents that are produced from time to time, will be progressively made available on the website.  
*[Some registers and historical records only exist in hard copy.]*