

RICHMOND VALLEY COUNCIL POLICY REGISTER

File No: I.080.00

Policy No: 1.3.2

POLICY:	ACCESS TO COUNCIL RECORDS BY THE PUBLIC
FUNCTION:	Corporate Administration
OBJECTIVE:	To determine public accessibility to Richmond Valley Council records
DIVISION	
RESPONSIBLE:	CORPORATE SERVICES

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POLICY:

The Policy, 'Access to Council Records by the Public', function is to assist both staff and the public in the determination of public accessibility to Richmond Valley Council Records.

To determine public accessibility to Council's Active and State Archive records the following State Acts must be consulted:

The Local Government Act, 1993

The State Records Act 1998

The Privacy and Personal Information Protection Act, 1998

The Freedom of Information Act, 1989

Active Records

The Local Government Act, 1993, Section 12, identifies which Council documents are available for inspection, they include:

- Council's Code of Conduct
- Council's Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Council's policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors
- Council's Land Register
- Register of Investments
- Returns of the interests of Councillors, designated persons and delegates
- 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 is 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 this Act
- 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 variation, 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
- The Statement of Affairs, the Summary of Affairs and the register of policy documents required under the Freedom of Information Act 1989
- Departmental representatives' reports presented at a meeting of the council in accordance with section 433
- The register of graffiti removal work kept in accordance with section 67A.

The inspection of these documents can be arranged by contacting Council's Administration Officer.

Application for access to all other active Council records by a member of the public should be forwarded in writing to the General Manager indicating which records they wish to sight.

The General Manager will make a determination of the application and if approved will make suitable arrangements for access to the documents at the Council Office in Casino and determine supervision requirements.

It should be noted that a record that is not open to public access under this Act does not affect any entitlement to access to the record under the FOI Act.

State Archive Records

The State Records Act 1998, Part 6, 'Public access to State records after 30 years', allows the General Manager to give an Open Public Access direction (OPA) or a Closed Public Access direction (CPA) on records older than 30 years, which have become State Archives.

On the 28 February 2002 the General Manager determined that with the exception of the following list, Richmond Valley Council Records, including those of Casino Municipality, Richmond River Shire, Tomki Shire and Woodburn Shire have OPA status if they are older than 30 years.

Personnel case records
Workers compensation records
Legal matters still pending.

Persons wishing to access the Council's archived records should apply in writing to the General Manager indicating which files they wish to access.

The General Manager may grant permission to:

- use the reference facilities of the archive
- examine and study individual archives and records or collections held by archives
- extract information from archives and records for research or publication.

If granted, the General Manager will make suitable arrangements for access to the records at the Council Office in Casino and determine supervision requirements.

It should be noted that a record that is not open to public access under this Act does not affect any entitlement to access to the record under the FOI Act.

The Privacy and Personal Information Protection Act, 1998 provides for the protection of personal information and for the protection of the privacy of individuals.

Section 33 of the Act requires Council to prepare a Privacy Management Plan (adopted 27 June 2000) outlining Council's role in enacting the Privacy Protection Principles of the Act. A copy of the 'Richmond Valley Council Privacy Management Plan' is attached to this policy.

Access to Council's documents and the seeking of amendment of the Council's records concerning the personal affairs of a particular individual may be made in writing to the General Manager. Such requests must detail the information required/concerned.

Applications for access to Council's documents and to the amendment of Council's records concerning the personal affairs of a member of the public should be forwarded in writing to the General Manager.

The General Manager will make a determination of the application and if approved will make suitable arrangements for access to the documents at the Council Office in Casino and determine supervision requirements.

It should be noted that a record that is not open to public access under this Act does not affect any entitlement to access to the record under the FOI Act.

The Freedom of Information Act, 1989 provides a formal means of conferring upon persons a legally enforceable right of access to information held by government agencies and Ministers.

Access to Council records under the Freedom of Information Act requires that the prescribed application form be completed and together with the prescribed fee be sent to the General Manager for determination.

The General Manager will make a determination of the application and if approved will make suitable arrangements for access to the documents at the Council Office in Casino and determine supervision requirements.

If the General Manager refuses the application then the applicant has the right of internal review, investigation by the Ombudsman and appeal to the District Court.