

INFORMATION PUBLIC DISCLOSURE PROCEDURE



1 Scope

This procedure applies to all information held by Rockhampton Regional Council.

2 Purpose

The purpose of this procedure is to provide clarity to the public disclosure of information within the framework of the *Information Privacy Act 2009* and the Information Privacy Principles.

3 Related Documents

3.1 Primary

Right to Information Policy

3.2 Secondary

Information Privacy Act 2009

Local Government Act 2009

Local Law No.3 (Community and Environmental Management) 2011

Right to Information Act 2009

Complaints Management Policy

Council's Fees and Charges Schedule

Information Privacy Principles

Information Security Policy

Privacy Policy

4 Definitions

To assist in interpretation, the following definitions apply:

An Individual	Any living human being. That is, an individual is not a company, trust or deceased person.
Customer	An individual who is a member of the public, a Councillor or Council employee.
Council	Rockhampton Regional Council
Councillor	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
Employee	Local government employee: (a) The Chief Executive Officer; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .

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IP Act	<i>Information Privacy Act 2009</i>
Pathway	Pathway Request Module. Council's customer request/enquiry and complaints system.
Personal Information	As defined in the <i>Information Privacy Act 2009</i> , information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.
RTI Act	<i>Right to Information Act 2009</i>

5 Procedure

As per the intent of the RTI Act and the IP Act, Council, as a public authority, must ensure transparency of decision making and business practices, and good governance by instilling a culture of bias towards pro-disclosure of information whilst maintaining Council's obligation to preserve an individual's right to privacy.

This procedure sets out in simple terms the general types of information that can be disclosed and the limitations of the disclosure of information of a confidential, commercial or private nature.

5.1 Key Principles for Disclosure

The key principles guiding the avenues of disclosure and the content of information disclosed are as follows:

- (a) Access to information should be provided, unless its disclosure would, on balance, be contrary to public interest.
- (b) There should be proactive and maximum disclosure of all (non-personal) information held by Council; barring confidential or exempt information.
- (c) Information should, where possible, be released administratively through the exercise of administrative discretion as guided by this procedure.
- (d) Information should, where possible, be available on Council's Website (publication scheme, meeting minutes, etc.).
- (e) Despite the proactive approach to the release of Council information, any information or documents withheld still remain subject to consideration under a Right to Information or Information Privacy application. For further information on the Right to Information or Information Privacy application process refer to the Council Website:

<http://www.rockhamptonregion.qld.gov.au/About-Council/Right-to-Information-and-Privacy>.

5.2 Administrative Access

Administrative access allows members of the community to be given access to information through a streamlined, non-formal process. Requests for information may be in any form – verbal or written.

Anyone can request information, however there is no guarantee that access will be given (noting exempt information). An individual may request their own personal information under this procedure, however, complex requests for personal information (for example, information involving third party consultation) would require a formal application under the IP Act.

5.2.1 Information Which May be Accessed

Any information, not subject to any exemptions or exclusions, and because release would not be contrary to the public interest, may be accessed under this procedure.

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24 January 2012 1.51pm – Local Laws Officer
Pin # XX2654XX issued for non compliance.

3 February 2012 11.35am – Support Services Admin to Local Laws Officer
Building Compliance would like you to let him know once this property has either been cleared by the property owner or contractor. Building Compliance is waiting to enter the property for inspection.

8 February 2012 3.24pm – Support Services Admin
As per request from manager Go Anywhere Slashing (not real name) are on standby to slash this block on Thursday 9 February 2012. Authority fax generated for Supervisor Local Laws to sign for Go AnyWhere Slashing to slash property on 9 February 2012. I have advised Supervisor Local Laws and the contractor that if by chance the property has been mowed in the morning I will call to advise them of this.

8 February 2012 4.11pm – Customer Service

Call from Property Owner Agent (a private person) acting on behalf of owner regarding this property, is in contact with a number of contractors regarding mowing this property. Agent has received two quotes and has to run them past the client who will be coming into Agent's office tomorrow 9 February 2012 after 10am. Agent has been advised that it is important Council is contacted as soon as the client arrives as per direction from Support Services Admin with details regarding the contractor and date they will be slashing the property.

8 February 2012 5.18pm – Supervisor Local Laws

On the 8 February 2012 I contacted Agent to confirm they were acting for the property owner. I discussed with Agent that a number of complaints have been received over time and the property is heavily overgrown. I informed Agent that we would put our contractor on hold until tomorrow so that they could follow-up with owner and their slashing contractor.

At 6.07pm I contacted Go AnyWhere Slashing and informed them to not go into the property until further notice.

9 February 2012 7.57am – Local Laws Officer
9 February 2012 7.05am inspected property, still overgrown, photos taken and attached. Will check with team leader as to what action is required.

9 February 2012 10.59am – Supervisor Local Laws

On the 9 February 2012 at 10.15am I spoke with the Agent and informed them that I required a response as to what they were doing regarding the property as we need the property cleared. The Agent is following up.

At approximately 10.40am I contacted the agent and informed them of an approximate cost for Council contractors to slash property. Agent agreed with this and requested our contractor conduct the job.

Manager notified of all conversations with the agent.

Go AnyWhere Slashing has been notified to enter the property and conduct the work.

Property slashed.

24 February 2012 11.26am – Support Services Admin
Before and after photos received and attached to the request. Invoice being processed.

Sample censored information for public release:

A complaint has been received (dates as appropriate) on the overgrown and unsightly property at this address. A Compliance Notice was issued to the owner on dd/mm/yy

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to rectify the situation and clear the property.

Under Local Law No.3 (Community and Environmental Management) 2011:

- (a) The owner of the property now has 14 days to mow/tidy the property.
- (b) After 14 days a Local Laws Officer will inspect the property.
- (c) If the property is found to be mowed/tidied then no further action is taken.
- (d) If the property is not mowed/tidied then a penalty notice and fine is generated and the owner has 14 days from that time to rectify.
- (e) 14 days from the issuing of the penalty notice, a Local Laws Officer will inspect the property again to see if any action has been taken by the owner.
- (f) If the property is found to be mowed/tidied then no further action is taken.
- (g) If the property is not mowed/tidied then another notice is generated advising that a mowing contractor will be engaged to clear the property at the owner's expense.
- (h) In accordance with the Local Law and Planning and Regulatory procedures, the whole overgrown process can take as long as 6 to 8 weeks before the property is mowed, if it hasn't been cleared before that time by the owner.

If at any time a customer calls to enquire about the status of this complaint, they should be given the details in the context of the process timelines (for example when the next inspection will occur or when we may be expecting to intervene to clear the property). Ensuring no personal information is disclosed.

If at any time the customer is not satisfied with the level of information being disclosed, then they are to be advised that they can make an application under the *RTI Act* or *IP Act* (whichever is applicable). For further information, refer the customer to the Right to Information page on Council's Website -

<http://www.rockhamptonregion.qld.gov.au/About-Council/Right-to-Information/Your-Right-to-Information>.

5.3.2.2 Scenario 2 – Barking Dogs

Actual resolution or status details from Pathway (Personal Information amended):

30 January 2012 12:02pm – Customer Service Officer

Your Name: Fred Terrier

Contact Phone Number: xyz

Contact Email Address: Fred.BassetTerrier@dogpond.com

Contact Address: 3 Noise Street Barksville

Category of Issue: Animals

Address of the Problem: 6 Woof Alley Barksville

Closest Crossroad to the Problem: Woof Alley

Details of Issue: The Jack Russell dog is still constantly barking after previous complaints. This is an ongoing issue that needs to be resolved. Once this dog starts barking it carries on for hours, causing other dogs in the neighbourhood to bark as well. Myself, as well as other residents of the area are sick and tired of it, and now it is also starting to jump/dig out of its yard. Have seen it in our next door neighbour's yard as well as out on the street. Thanks.

Customer Service Office has sent customer an Animal Noise Complaint form.

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Sample censored information for public release:

There are two scenarios with different answers:

1. Complainant

Your complaint is under investigation and our officers are working with the dog owner as well as surveying the area to gauge the level of the problem. If the problem is substantiated the owner will be required to take action to control the noise and is given 28 days to do so. If the issue does not markedly reduce, the owner may be required to remove the animal. In the meantime could you please keep a written log of when the noise is happening (including times and dates) so that the Local Laws Unit can use the information as part of a management plan.

If the problem is not substantiated then no further action will be taken.

A fact sheet designed for the complainant outlining the process and timeframes is sent to the complainant.

2. Owner

We have received a complaint regarding your animal making a lot of consistent noise. A Local Laws Officer will be in touch with you to discuss ways that might help.

A fact sheet designed for the animal owner outlining the process and timeframes is sent to the owner.

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6 Review Timelines

This procedure is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Deputy CEO.

7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Manager Corporate and Technology Services
Policy Quality Control	Legal and Governance

OUR VALUES



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