
Agency Information Guide

NSW Reconstruction Authority

October 2023

V1.0



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1. Introduction

The Agency Information Guide (**AIG**) details who we are, what we do and how members of the public, community, organisation, the media and government agencies can interact with us.

The NSW Reconstruction Authority (the **Authority**) provides the AIG and other information on our website.

1.1 The NSW Reconstruction Authority

The Authority is the NSW Government agency responsible for disaster planning, preparedness, recovery, and reconstruction within NSW, established under the NSW Reconstruction Authority Act (the **Act**).

1.2 What is the Government Information (Public Access) Act 2009?

The [Government Information \(Public Access\) Act 2009](#) (the **GIPA Act**) provides members of the public with a right of access to government information.

Under the GIPA Act, each NSW Government department and agency is required to publish an AIG which sets out in general terms:

- our structure and functions
- how our functions affect members of the public and how the public can participate with us
- what kind of government information we hold
- what kind of government information we make available to the public
- how that information will be made available, and
- if there is a charge for accessing information.

2. Our structure and function

2.1 Structure

The Authority is a statutory corporation established by section 7 of the Act. It is a NSW Government Agency with a Chief Executive Officer and an Advisory Board constituted by the Act.

The Ministers responsible for the administration of the Act are the

- Minister for Planning
- Minister for Emergency Services

2.2 Function

The Authority's functions are set out in section 10 of the Act, and include:

- disaster prevention and preparedness
- reconstruction and recovery following disasters and other emergencies,
- information provision and exchange and community engagement
- coordinating the development and implementation of whole-of-government policies relating to disaster prevention, preparedness and recovery
- preparing and implementing a State Disaster Mitigation Plan for disasters in the State

- providing advice and support to local councils to help maximise the effectiveness of councils' disaster preparedness and reconstruction programs
- providing advice and assistance to local councils and relevant strategic planning authorities under the *Environmental Planning and Assessment Act 1979* to ensure strategic plans prepared under that Act, Division 3.1 and the State disaster mitigation plan align
- leading the management and coordination of housing and infrastructure renewal and recovery within affected communities
- working closely with affected communities to ensure the needs of each community are recognised in the recovery and reconstruction of the community, and to improve the disaster preparedness and resilience of communities
- leading public education on disaster risks and certain disaster preparations
- to research and provide advice via proposals, recommendations and reports to the Minister about disaster prevention, preparedness and recovery
- implementing funding schemes to provide financial support in relation to disaster prevention, recovery and reconstruction
- carrying out rezoning and land use planning, including exercising the functions of local councils for the purpose of land use planning in relation to disasters
- carrying out flood modelling and the determination of flood planning levels, particularly in relation to high-risk catchments
- assisting with the development of flood plans
- monitoring the cumulative impact of disasters on the State, including by collecting and storing data about the impact, or likely impact, of disasters across the State

The main effect of the exercise of the Authority's functions on members of the public is to achieve the statutory objects of the Authority, set out in section 3 of the Act, which is to promote community resilience to the impact of disasters in NSW through disaster prevention, preparedness and adaptation, and recovery and reconstruction following disasters, in particular by:

- establishing the NSW Reconstruction Authority to facilitate community resilience to the impact of disasters in New South Wales through prevention, preparedness and adaptation, and
- exercising the functions and powers of the NSW Reconstruction Authority, including functions and powers to:
 - facilitate the protection, recovery and reconstruction of affected communities, and
 - mitigate against the impact of potential disasters on communities, and
 - improve the resilience and adaptability of affected communities in relation to potential disasters, including, for example, by the betterment of affected communities, and
- the exercise of functions by the chief executive officer of the NSW Reconstruction Authority, including carrying out or commissioning investigations, preparing plans or taking steps to ensure proper planning, preparation, coordination and control of development for the protection, rebuilding and recovery of affected communities.

Members of the public can make suggestions, leave feedback and otherwise engage with the Authority by: email at infor@reconstruction.nsw.gov.au; telephone on 02 9212 9200; or letter to GPO Box 5434, Sydney, NSW, 2001. For projects being undertaken by the Authority, dedicated lines of communication with the public and external stakeholders are established on a case-by-case basis.

3. Government Information

3.1 Kinds of government information that the Authority holds

Under the GIPA Act 'government information' is information contained in a record, held by a government agency. 'Record' means any document or other source of information compiled, recorded or stored in written form or by electronic process, or by any other manner or means. Including:

- electronic documents stored on computers, including those in draft form
- working notes
- emails
- hard copy or electronic copies of any documents or papers
- records of meetings
- presentations
- databases
- audio or visual recordings
- photographs, or
- anything capable of being a recording.

The Authority holds information relating to the exercise of its functions and to the administration of the Authority, including:

- internal policies and governance documents
- personnel and administration records
- grant / funding applications and administrative records
- stakeholder engagement, including submissions and consultation responses
- legal files, including legal advice
- strategic documents and other documents relating to the Authority's activities
- documents prepared for submissions to or deliberation and decision by Cabinet and Cabinet Committees
- documents prepared for deliberation or decision of Cabinet and Cabinet Committees
- Ministerial briefing papers
- correspondence
- documents relating to procurement and transactions
- board and committee papers and minutes
- agreements, contracts and related information.

It is important to note that the Authority will be deemed to hold information where that information is:

- contained in a record held by the Authority
- held by a private sector entity and the Authority has an immediate right of access to it
- held by the State Records Authority and Treasury has an immediate right of access to it
- in the possession or under the control of person in their capacity as an officer of the Authority (including held at home or on a personal device).

3.2 Kinds of government information that the Authority will make publicly available

The GIPA Act requires various information (section 18) to be made available free of charge on the Authority's website (<https://www.dpie.nsw.gov.au/about-us/our-agencies/nsw->

[reconstruction-authority](#)), unless there is an overriding public interest against disclosure of the information.

Having regard to section 18, the Authority will make the following information available:

- this Agency Information Guide
- the Authority's Code of Conduct and supporting policies
- documents listed in Parliament
- the Authority's log of disclosures made under the GIPA Act (i.e. Disclosure Logs)
- the Authority's government contract register
- list of major assets and disposals (if any), and
- information relating to grants as required under the [Grants Administration Guide](#).

4. Accessing government information

4.1 Publicly available information

The GIPA Act statutorily mandates that certain government information must be publicly released and is declared as Mandatory open access information (refer Section 3.2 above). This is called "open access information".

Open access information is to be made publicly available and free of charge at <https://www.dpie.nsw.gov.au/about-us/our-agencies/nsw-reconstruction-authority>.

4.2 Proactive release

The GIPA Act (section 7(2)) requires agencies to consider which information they hold that should be publicly released unless there is overriding public interest against disclosure. Proactive release information will be made available on the Authority's website free of charge, or at the lowest reasonable cost where this is not possible.

4.3 Informal request

The GIPA Act authorises the release of government information in response to an informal request for information. Generally, the following information may be released informally:

- Copies of correspondence sent by an individual to the Authority, if the applicant is the person who sent the information.
- Records that contain only the personal information of the individual requesting the record.
- Records that are in the public domain.
- Other records, the release of which would not involve an overriding public interest against disclosure or raise any potential public interest considerations against disclosure.

Information disclosed in response to an informal request may be released with redactions, subject to reasonable conditions or in a preferred format. It is important to note that the Authority is under no obligation to disclose information on an informal basis, and may request a person lodge a formal application

4.4 Formal request (access application)

Make a formal access application

If the information you seek is not available on our website and we cannot provide it to you as an informal request for information, you may access the information by lodging a formal access application providing there is no overriding public interest against disclosure. Please use the [Formal Application Form](#).

We will respond to your formal access application within 20 working days (subject to any extension allowed for under the Act). If an extension of time is required to deal with your application, we will let you know in writing.

Scope of applications

If it is not clear what information you are seeking access to, we will contact you to clarify the scope of your application.

For the purposes of formal information access applications made under the GIPA Act, a draft is defined as a version of a record, that is not the final version of the record, that provides evidence of the process involved in the development of a policy, procedure, decision or action.

Our electronic document management system records a different version of a document each time it is saved, including auto saves. This results in large numbers of versions of each document. For the purposes of formal information access applications made under the GIPA Act, these are not drafts.

If you seek access to drafts of records, your application will be interpreted according to the above definition of a draft document. If you seek access to all versions of a record, you must specify this in your application.

Application fees and processing charges

A \$30 application fee applies to Formal Requests under the GIPA Act. The Authority has the discretion to waive or reduce the application fee. The Authority may also charge \$30 per hour after the first hour for its time in processing an application. The application fee counts towards the first hour of processing application. A 50 per cent reduction in processing fees may apply if you can provide evidence that you would suffer financial hardship or the information is of special benefit to the public generally. If applying for your own personal information, the Authority will not charge for the first 20 hours of processing.

Information that is not available in response to an access application

Although an access application may be made for all government information held by us, the information cannot be released if there is an overriding public interest against the disclosure of such information.

In addition, the GIPA Act does not allow the release of some document types, such as:

- Cabinet information
- Executive Council information
- Documents that are subject to Parliamentary privilege
- Documents that are subject of legal professional privilege.
- Certain documents relating to Aboriginal or environmental heritage

4.5 Contact

If you have any questions or need advice about accessing the information held by the Authority, please contact the Authority on gipa@reconstruction.nsw.gov.au

You can also get more details about your right to government information from the Office of the Information Commissioner by:

- Calling: 1800 472 679
- Emailing: ipcinfo@ipc.nsw.gov.au
- Website: www.ipc.nsw.gov.au

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