



AGENCY INFORMATION GUIDE

2022-2023

This document was compiled by Wentworth Shire Council.

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WENTWORTH SHIRE COUNCIL AGENCY INFORMATION GUIDE 2022-2023

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INTRODUCTION

This Information Guide has been produced by Wentworth Shire Council in accordance with Section 20 of the *Government Information (Public Access) Act 2009 (GIPA Act)* in order to facilitate open information for the public.

The purpose of this Guide is to provide members of the public and Council staff with information concerning:

- the structure and functions of Wentworth Shire Council;
- the way in which the functions of Council affect the public;
- the avenues available to the public to participate in the formulation of Council policies and the exercising of Council's functions;
- the kinds of information held by Council and how this information is made available to the public; and
- the kinds of information that are made publicly available free of charge and those for which a charge is (or will be) imposed.

ABOUT COUNCIL

Wentworth Shire Council is constituted under the *Local Government Act 1993 (The Act)*. Council carries out its functions according to the Principles stated in Section 8 (1) of the *Local Government Act*.

Vision and strategic direction

Council's vision:

'Wentworth Shire will work together to create a thriving, attractive and welcoming community.'

Council's Mission reflects what we will do to achieve the vision:

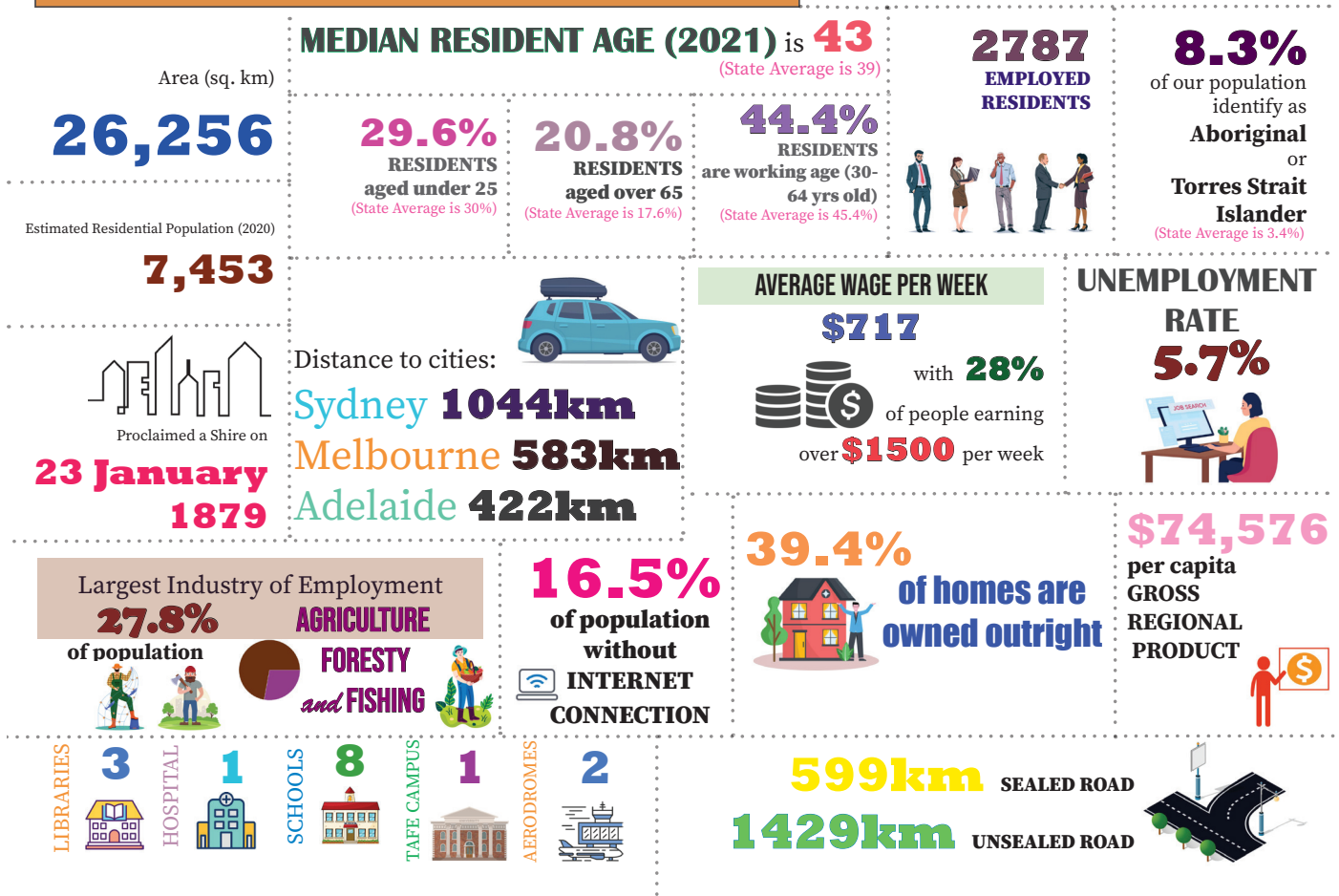
'To represent and assist the community and the stakeholders of the Wentworth Shire in meeting their needs at an affordable cost'

Council values

- Honesty and Integrity
- Accountability and Transparency
- Respect
- Quality

WENTWORTH SHIRE at a glance

Data based on the 2021 Census data



WENTWORTH SHIRE PROFILE

Wentworth Shire covers an area of 2,616,926 hectares (26,000 sq km) and has a population of approximately 7,453 people. The southern boundary (along the Murray River) has the greatest population density in the townships of Wentworth, Dareton, Buronga and Gol Gol.

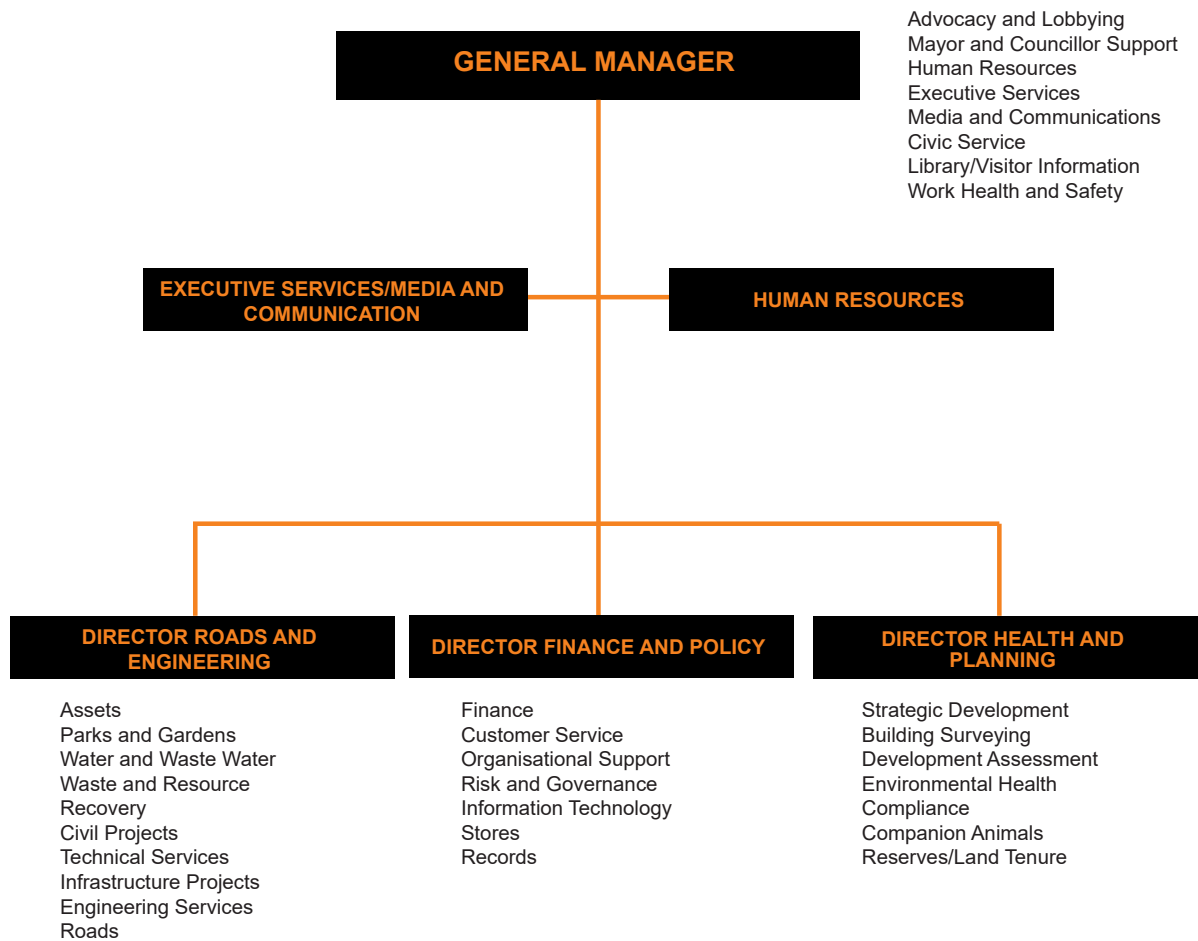
Wentworth is situated 1,044 km from Sydney, 583 km from Melbourne and 422 km from Adelaide and is located within New South Wales, on the border with Victoria.

Wentworth Shire is predominantly a horticulture and dryland farming community, which is supported by unique tourism attractions including Mungo National Park and the junction of the Murray and Darling-Barka Rivers.

Wentworth Shire Council is headed by a publicly elected Council comprising of nine councillors who are elected by the residents and ratepayers every four years to represent the community. The Mayor is elected by the councillors.

Operational aspects of the Council are run by the General Manager with a structure of three directorates, each with its own director.

ORGANISATIONAL CHART



The above shows the organisational structure of Wentworth Shire Council.

The role of the Mayor and Councillors

Wentworth Shire Council is a Council constituted under Section 219 of the Act and Section 222 provides that the elected representatives called Councillors, comprise the governing body of the Council. The Act further explains the role of the Mayor (Section 226) and Councillors (Section 232).

The role of the General Manager

The General Manager is responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council. The General Manager is assisted in fulfilling the functions as highlighted in the Act (Section 335) by the Directors that oversee the functional responsibilities of their division.

DELEGATIONS

Section 377 of the Act provides that Council may delegate functions, other than those specified in that Section, to the General Manager or any other person or body (not including another employee of Council). The Council delegates a number of authorities and powers to the Mayor for certain functions to be exercised in a manner consistent with Council's policies and decisions.

As part of the overall running of the Council, Council also delegates a number of powers and functions to the General Manager to ensure the efficient day to day management of Wentworth Shire Council. Additionally, in accordance with Section 378 of the Act, the General Manager may sub-delegate any of the powers and functions of the General Manager, other than the power of delegation.

The Act highlights the purpose of local government is to provide a system under which councils perform the function and exercise the powers conferred by or under this Act and any other Act for the peace, order and good government of the community. It is the role of the Council to provide governance and leadership for the local community through advocacy, decision making and action. It is essential that Council is accountable to their local communities in the performance of functions and the exercise of powers and the use of resources. Council has functions conferred or imposed upon it by the *Local Government Act 1993* which include but are not limited to:

Service Functions	<ul style="list-style-type: none"> • Providing community health, recreation, education and information services • Environmental protection • Waste removal & disposal • Land and property, industry, tourism development and assistance
Regulatory Functions	<ul style="list-style-type: none"> • Approvals • Orders • Building Certificates
Ancillary Functions	<ul style="list-style-type: none"> • Resumption of land • Powers of entry and inspection
Revenue Functions	<ul style="list-style-type: none"> • Rates • Charges • Fees • Borrowings • Investments
Administrative Functions	<ul style="list-style-type: none"> • Employment of staff • Management Plans • Financial Reporting • Annual Reports
Enforcement Functions	<ul style="list-style-type: none"> • Proceedings of breaches of the Act • Prosecution of offences • Recovery of rates and charges

INTEGRATED PLANNING AND REPORTING FRAMEWORK

The Integrated Planning and Reporting (IPR) Framework recognises that most communities share similar aspirations; a safe, healthy and pleasant place to live, a sustainable environment, opportunities for employment and reliable infrastructure.

The difference lies in how each community responds to these needs. It also recognises that Council plans and policies should not exist in isolation and that they in fact are connected.

The IPR Framework allows NSW councils to draw their various plans together, understand how they interact and get the maximum leverage from their efforts by planning holistically for the future.

Community strategic plan

Extensive community consultation during 2022 led to the development of the 2022-2032 ten year Community Strategic Plan (CSP) for Wentworth Shire.

The CSP was written using the 2021 Australian Bureau of Statistics Census Data.

[Community Strategic Plan](#)

Resource strategy

There are three components to the Resourcing Strategy, each of which requires review prior to the Council adopting its Delivery Program.

[Resource Strategy](#)

Delivery Program and Operational Plan

The Delivery Program details the Council's statement of commitment to the community outlining how, during its term of office, the Council can assist the community to achieve its goals.

All of Council's activities must be aligned to the CSP.

The Operational Plan is a subset of the Delivery Program which sets out the tasks that Council will undertake during the financial year towards the attainment of the Delivery Program.

[2022-2026 Delivery Program & 2022-2023 Operational Plan](#)



HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

The majority of the activities and functions of Council have an impact on the public either directly or indirectly.

These include maintaining and building local infrastructure, overseeing and supporting local services, working with State and Federal Governments, organisations, businesses and community groups.

Additionally Council raises funds for local purposes by the fair imposition of rates, charges and fees and managing, developing and protecting the environment of the area for which it is responsible.

Council encourages and provides its community with the opportunity to comment and supply input into the decision-making process to ensure maximum customer satisfaction.

How the public can participate in Council's policy development

There are two main ways in which members of the public may participate in the policy development and general activities of Council. These are through representation and personal participation.

Local government in Australia is based on the principles of representative democracy.

This means that people elect representatives to their local Council to make decision of their behalf.

Members of the public may be involved in Council Committees. Council has a number of User Group Committees comprising stakeholders and staff from respective areas. Members of the public who are interested are welcome to attend Council Meetings held on the third Wednesday of each month.

Council holds Public Community Consultative meetings on various issues throughout each year as well as putting reports and recommendations in public places such as libraries across the Shire and on the Council's website where residents are invited to give feedback.

Council User Groups comprising of Councillors and/or Council Officers

- James King Park User Group
- George Gordon Oval (pictured) User Group
- Carramar Drive Sporting Complex User Group
- Wentworth Showgrounds User Group
- Wentworth Sporting Precinct User Group



PUBLICLY AVAILABLE INFORMATION

The following information is available and may be accessed (includes but is not limited to):

- Model Code Prescribed Under Section 440 (1) Of the *Local Government Act 1993*
- Code of Conduct and Procedures for the Administration of the Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial statements
- Auditor's Report
- Management Plans
- Disability Inclusion Plan
- EEO Management Plan
- Community Strategic Plan
- Delivery / Operational Plan
- Payment of Expenses and Provision of Facilities to Councillors' Policy
- Annual Reports of Bodies Exercising Functions Delegated By the Local Authority
- Any Codes Referred to in the *Local Government Act 1993*
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Business Papers for Council and Committee Meetings
- Departmental representative reports presented at a meeting of the Council in accordance with section 433 of the LGA
- Wentworth Shire Council's Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti Removal
- Register of Current Declarations of Disclosures of Political Donations
- Register of Voting on Planning Matters

Plans and policies

- Local Policies Adopted by Council Concerning Approvals and Orders
- Plans of Management for Community Land
- Environment Planning Instruments, Development Control Plans

Information about Development Applications

- Home Warranty Insurance Documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions Received on Development Applications
- Heritage Consultant Reports
- Tree Inspection Consultant Reports
- Acoustics Consultants Reports
- Land Contamination Consultant Reports
- Records of Decision on Development Applications
- Records Describing the General Nature of Documents that Council decides to exclude from public view including:

- a) the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected; or
- b) commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret, or
- c) development applications made before 1 July 2010 and any associated documents received in relation to the application.

Approvals, orders and other documents

- Applications for approvals under Part 1, Chapter 7 of the *Local Government Act 1993*
- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council policies with reasons for the variation and decision made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the *Local Government Act 1993* and any reasons given under section 136 of the *Local Government Act 1993*
- Orders given under the Authority of any other Act
- Records of Building Certificates under the *Environmental Planning and Assessment Act 1979*
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land



HOW TO ACCESS OUR INFORMATION

Under Section 18 of the GIPA Act, the following documents are defined as “**Open Access Information**” and will be released without the need for a Formal Access Application:

- Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament

Wentworth Shire Council Policy Documents

The GIPA Act defines ‘policy documents’ as documents used by Council in connection with the exercise of those functions of Council that affect or are likely to affect rights, privileges or other benefits or obligations, penalties or other detriments, to which members of the public are or may become entitled, eligible, liable or subject.

A full list of the most recent Wentworth Shire Council policies are found at this link:

<https://www.wentworth.nsw.gov.au/council/publications-policies/policies/>

Council’s Disclosure Log of Formal Access Applications

A copy of Council’s disclosure log is available on Council’s website at the following link: <https://www.wentworth.nsw.gov.au/council/publications-policies/access-to-information/>

Council’s Register of Government Contracts

From the commencement of GIPA, a register of contracts over \$250,000 where a contractor undertakes a specific project, the contractor agrees to provide specific goods or services or which involves the transfer or lease of real property, is available on Council’s website [here](https://www.wentworth.nsw.gov.au/wp-content/uploads/2020/05/March-Contracts-Register.pdf)
<https://www.wentworth.nsw.gov.au/wp-content/uploads/2020/05/March-Contracts-Register.pdf>

Mandatory Release

State and local government agencies are required to publish specific open access information on their website, free of charge.

For example these could include a register of government contracts, policies, media releases and annual reports.

Proactive Release

Council seeks to make as much other information as possible publicly available in appropriate manner, including on the internet.

The information is usually available free of charge or at the lowest reasonable cost eg. Council may charge photocopying fees for hardcopy (paper) documents.

Frequently requested information or information of public interest may be made readily available.

Informal Release

Council is authorised to release other information in response to an informal request, subject to any reasonable conditions Council imposes.

For example, such information could include requests for personal information by the individual concerned. In some instance an Access to Council Information – Informal Release Request may

be required and will need to be submitted.

In other instances the information will simply be handed over or be made available for viewing or be provided electronically or by way of a paper copy. Access to photocopying may be made available at the requestor's expense.

Formal Release

Council may release information in response to a **formal access application**.

This is the last resort, if the information is not available in any other way.

A Government Information (Public Access) Act 2009 Access Application will need to be submitted with an accompanying fee of \$30. Once a formal access application is lodged an acknowledgment letter is sent on commencement and a Notice of Decision at completion of the application.

Documents about Council that have been tabled in Parliament

No documents have yet been tabled in Parliament by or on behalf of the Wentworth Shire Council.

Should this occur, Council will publish links to these documents on its website.

The Public Interest Test

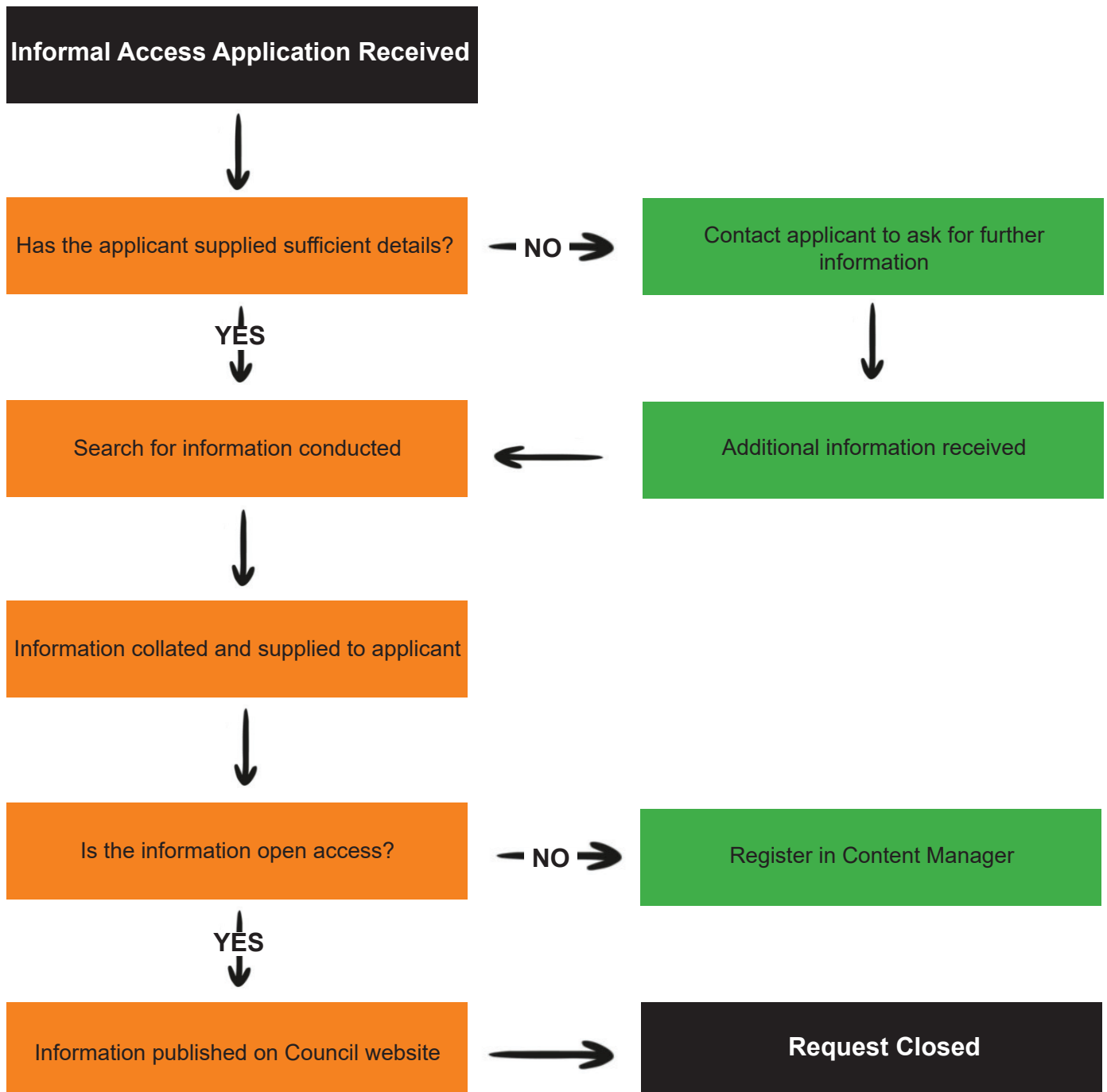
Providing access to government information is restricted only when there is an overriding public interest against disclosure. Schedule 1 of the GIPA Act lists the conclusive considerations against disclosure. In addition, section 14 of the GIPA Act lists the discretionary considerations against disclosure.

Disclosure Log

We maintain a disclosure log under Section 25 of the GIPA Act which documents the information we release in response to access applications, and that may be of interest to members of the public. Our disclosure log provides a mechanism to further proactively release information to the public. A regular review of our disclosure log provides a valuable opportunity to analyse data collected from across the IPC on requests for information and to identify trends and documents that could be released proactively. Increased disclosure of information from our disclosure log allows citizens greater opportunity to participate in our policy formulation and service delivery, and identifies trends and documents that could be released proactively.

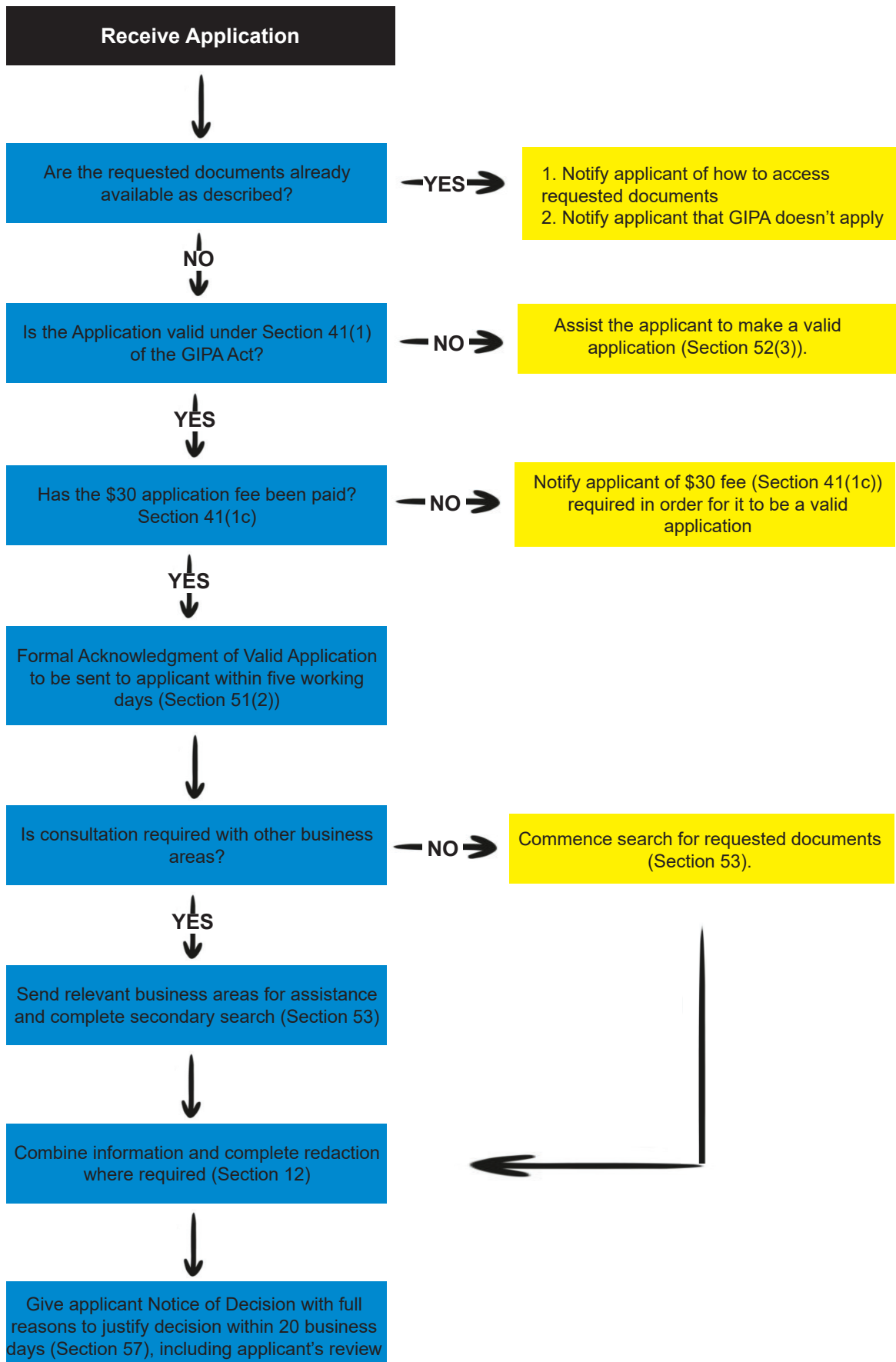
GIPA PROCESS - INFORMAL REQUEST

The process for an informal request is detailed below.



GIPA PROCESS - FORMAL REQUEST

The process for a formal request is detailed below.



GIPA REVIEW RIGHTS

Applicants have the right to request a review of certain decisions made by Wentworth Shire Council regarding the release of information under the GIPA Act. When reviewing a decision made under the Act, applicants can seek an internal review, an external review by the Information Commissioner or an external review by the NSW Civil and Administrative Tribunal (NCAT).

An internal review is to be carried out by another staff member on the same level or more senior than the original officer who made the initial decision. The agency must acknowledge the application and determine if it is a valid application within five working days of receipt. The agency must decide the internal review within 20 working days of receipt.

An external review by the Information Commissioner can be sought if the applicant disagrees with any of the decisions made by Council. If the requesting person is not the applicant, they must seek an internal review before applying for the review by the Information Commissioner. Applicants have 40 working days from being notified of the decision to apply for a review by the Information Commissioner.

The final option for a review is an external review by the NSW Civil and Administrative Tribunal (NCAT). There is no requirement to have the decision reviewed internally or by the Information Commissioner before applying for a review of the decision by NCAT. Applicants have 40 working days from being notified of Council's decision to apply for a NCAT review. However if an applicant has applied for a review by the Information Commissioner prior they have 20 working days to apply to NCAT after receiving the Information Commissioner's determination.

Useful resources on the Information Privacy Commissioner (IPC) website

<https://www.ipc.nsw.gov.au/information-access/citizens>

Further information

Copies of the most recent or previous versions of documents can also be obtained by contacting Council's Public Officer.

Mr Simon Rule – Director Finance and Policy (Public Officer)

Phone: 03 5027 5027

council@wentworth.nsw.gov.au

Fax: (03) 5027 5000

PO Box 81, Wentworth NSW 2648

Further information is available on the Information and Privacy Commission NSW website www.ipc.nsw.gov.au or by contacting the IPC on freecall: 1800 472 679.



**WENTWORTH
SHIRE COUNCIL**

Our values: Honesty and Integrity | Accountability and Transparency | Respect | Quality | Commitment