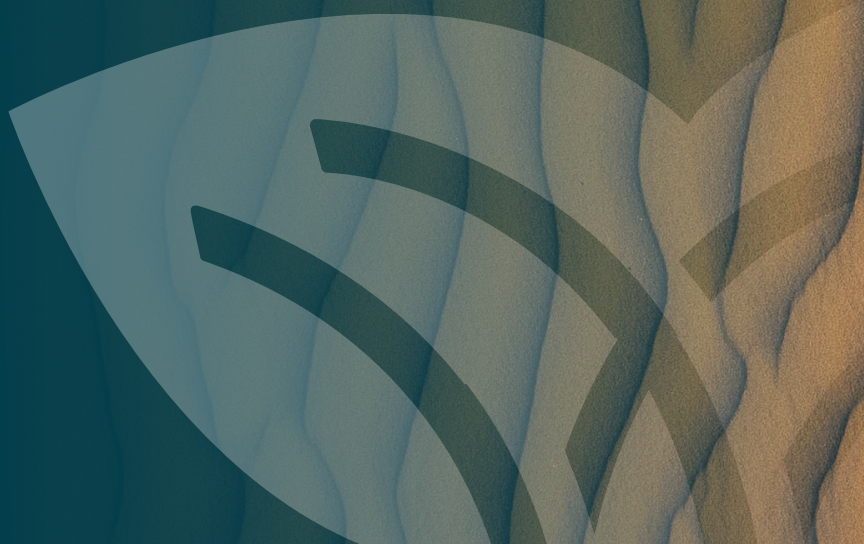




ANABRANCH  
BURONGA  
COOMEALLA  
CURLWAA  
DARETON  
ELLERSLIE  
GOL GOL  
MONAK  
POMONA  
POONCARIE  
RUFUS RIVER  
TRENTHAM CLIFFS  
WENTWORTH



# Agency Information Guide

2023-2024

# What is the Agency Information Guide?



## GENERAL MANAGER

Mr Ken Ross

This Agency Information Guide has been produced by Wentworth Shire Council in accordance with Section 20 of the *Government Information (Public Access) Act 2009* and is reviewed annually.

The purpose of the document is to provide members of the community, Council staff, and the public with information concerning:

- The structure and functions of Wentworth Shire Council
- The way in which the functions of Wentworth Shire Council affect members of the public
- The avenues available to the public to participate in policy development and the exercise of Wentworth Shire Council's functions
- The type of information available from Wentworth Shire Council and how this information is made available

### **The Information Guide is available:**

- Via Council's website [wentworth.nsw.gov.au](http://wentworth.nsw.gov.au)
- Council's Administration Office: 26-28 Adelaide Street, Wentworth NSW 2648

Ken Ross  
General Manager  
8 August 2023

# contents

<b>About Wentworth Shire</b>	<b>04</b>
<b>Structure and Functions of Council</b>	<b>05</b>
Introduction	05
Organisation Overview	05
Role of Governing Body	06
Role of a Councillor	06
Role of the Mayor	07
Role of the General Manager	08
Senior Staff	09
Council Functions	10
Impact of these functions on members of the public	11
<b>Public Participation in Local Government</b>	<b>12</b>
Representation	12
Council Meetings	12
Council Committees	12
Council User Groups comprising of Councillors and/or Council Officers	13
Community Engagement	13
Public Submissions	13
Compliments and Complaints	14
Accessibility	14
<b>Access to Government Information</b>	<b>15</b>
Introduction	15
What is the Government Information (Public Access) Act (GIPA)	15
How to access Government Information	15
1. Mandatory Proactive Release	15
2. Proactive Release	17
3. Informal Release	17
4. Formal Access Application	18
GIPA Review Rights	18
Fees and Charges	19
Interaction with Copyright Legislation	20
Interaction with Privacy Legislation	20
Public Interest Test	20
Promotion of Open Government, Open Data and public participation	21
Further Information	21

## Acknowledgement of Country

We acknowledge the traditional owners of the land on which we live and work, and pay our respects to their elders past, present, and emerging.

Images in this document were sourced from Council's Image Library unless otherwise stated.

Cover image: Perry Sandhills, Wentworth. This document was compiled by Wentworth Shire Council.

Copies of this program can be viewed online at [wentworth.nsw.gov.au](http://wentworth.nsw.gov.au)

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# About Wentworth Shire

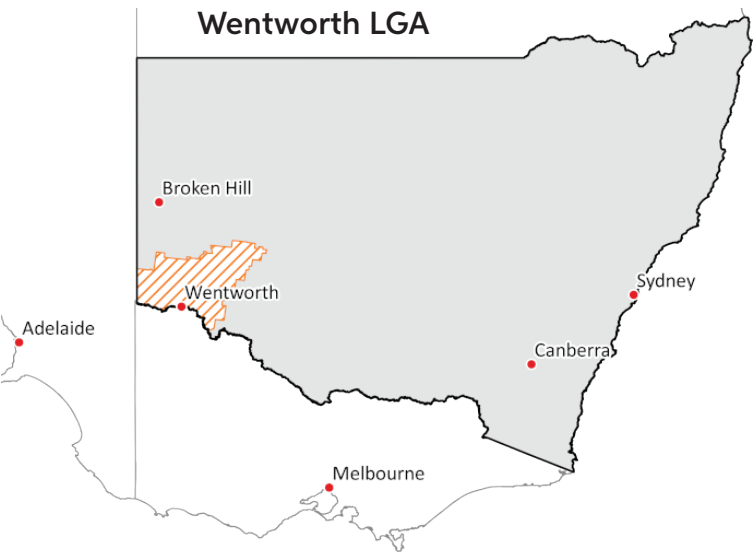
Wentworth Shire covers an area of 2,616,926 hectares (26,000 sq km) and has a population of approximately 7,453 people. The southern boundary (along the Murray River) has the greatest population density in the townships of Wentworth, Dareton, Buronga and Gol Gol.

Wentworth 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 River and Darling-Baaka.

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.

## COUNCIL VALUES

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





# Structure and Functions of Council

## Introduction

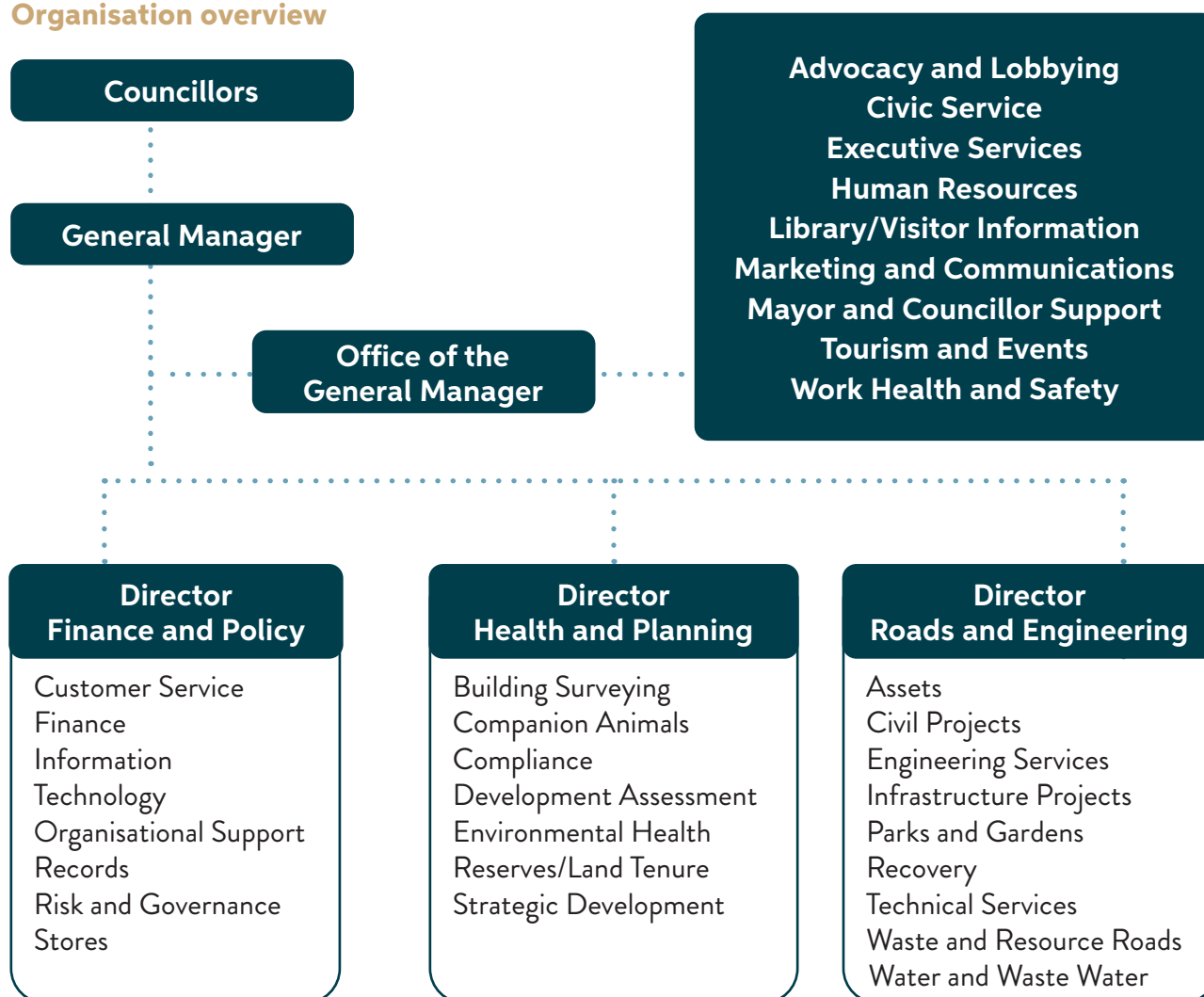
Wentworth Shire Council is constituted under the *Local Government Act 1993* (The Act). Council carries out its functions according to the Principles stated in Section 8A (1) of The Act.

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.

## Organisation overview



The above shows the organisational structure of Wentworth Shire Council.

## Role of Governing Body

The role of the Councillors, as members of the body corporate, are:

- To direct and control the affairs of the Council in accordance with the Act.
- To provide effective civic leadership to the local community.
- To ensure as far as possible the financial sustainability of the Council.
- To ensure as far as possible that the Council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of the Council.
- To keep under review the performance of the Council, including service delivery.
- To make decisions necessary for the proper exercise of the Council's regulatory functions.
- To determine the process for appointment of the General Manager by the Council and to monitor the General Manager's performance.
- To determine the senior staff positions within the organisation structure of the Council.
- To develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the Council.
- To determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the Council's resources to implement the strategic plans (including the community strategic plan) of the Council and for the benefit of the local area.
- To consult regularly with community organisations and other key stakeholders and keep them informed of the Council's decisions and activities.
- To be responsible for ensuring that the Council acts honestly, efficiently and appropriately.
- The governing body is to consult with the General Manager in directing and controlling the affairs of the Council.

## Role of a Councillor

- To be an active and contributing member of the governing body of Council.
- To make considered and well-informed decisions as a member of the governing body.
- To participate in the development of the integrated planning and reporting framework.
- To represent the collective interests of residents, ratepayers and the local community.
- To facilitate communication between the local community and the governing body.
- To uphold and represent accurately the policies and decisions of the governing body.
- To make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.
- A Councillor is accountable to the local community for the performance of the Council.

## Role of the Mayor

- To be the leader of Council and a leader in the local community.
- To advance community cohesion and promote civic awareness.
- To be the principal member and spokesperson of the governing body, including representing the views of Council as to its local priorities.
- To exercise, in cases of necessity, the policy-making functions of the governing body of Council between meetings of Council.
- To preside at meetings of Council.
- To ensure that meetings of Council are conducted efficiently, effectively and in accordance with this Act.
- To carry out the civic and ceremonial functions of the Mayoral Office.
- To represent the Council on regional organisations and at inter-Governmental forums at regional, State and Commonwealth level.
- In consultation with the Councillors to lead performance appraisals of the General Manager.
- To ensure the timely development and adoption of the strategic plans, programs and policies of Council.
- To promote the effective and consistent implementation of the strategic plans, programs and policies of Council.
- To promote partnerships between Council and key stakeholders.
- To advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of Council.
- In conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community.
- To exercise any other functions of the Council that the Council determines.



**WENTWORTH  
SHIRE MAYOR**

Cr Tim Elstone



## Role of the General Manager

- To conduct the day-to-day management of Council in accordance with the strategic plans, programs, strategies and policies of Council.
- To implement, without undue delay, lawful decisions of Council.
- To advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of Council.
- To advise the Mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of Council and other matters related to Council.
- To prepare, in consultation with the Mayor and the governing body, Council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report.
- To ensure that the Mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions.
- To exercise any of the functions of Council that are delegated by Council to the General Manager.
- To appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by Council.
- To direct and dismiss staff.
- To implement Council's workforce management strategy.
- Any other functions that are conferred or imposed on the General Manager by or under the *Local Government Act 1993* or any other Act.



### GENERAL MANAGER

Mr Ken Ross

## Senior Staff

To assist the General Manager in the exercise of these functions, there are three departments headed by a Director.

Wentworth Shire Council's Strategic and Corporate Plans detail our priorities and how we set out to achieve them. Council's Community Strategic Plan was developed following extensive community consultation during 2022.



### **DIRECTOR FINANCE & POLICY**

Mr Simon Rule



### **DIRECTOR HEALTH & PLANNING**

Mr Matthew Carlin



### **DIRECTOR ROADS & ENGINEERING**

Mr Geoff Gunn

Council Functions

Functions under the *Local Government Act 1993*

The Act highlights that 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:

Administrative Functions	<ul style="list-style-type: none"><li>• Annual Reports</li><li>• Community Strategic and Management Plans</li></ul>	<ul style="list-style-type: none"><li>• Employment of staff</li><li>• Financial Reporting</li></ul>
Enforcement Functions	<ul style="list-style-type: none"><li>• Proceedings of breaches of the <i>Local Government Act 1993</i> and other legislation</li></ul>	<ul style="list-style-type: none"><li>• Prosecution of offences</li><li>• Recovery of rates and charges</li></ul>
Regulatory Functions	<ul style="list-style-type: none"><li>• Approvals</li><li>• Building Certificates</li></ul>	<ul style="list-style-type: none"><li>• Orders</li></ul>
Revenue Functions	<ul style="list-style-type: none"><li>• Borrowings</li><li>• Charges</li><li>• Fees</li></ul>	<ul style="list-style-type: none"><li>• Investments</li><li>• Rates</li></ul>
Service Functions	<ul style="list-style-type: none"><li>• Civil infrastructure and planning</li><li>• Civil infrastructure, maintenance and construction</li><li>• Land and property, industry, tourism development and assistance</li></ul>	<ul style="list-style-type: none"><li>• Environmental protection</li><li>• Providing community health, recreation, education and information services</li><li>• Waste removal &amp; disposal</li></ul>

Functions under other legislation

As well as the *Local Government Act 1993*, Council has powers under numerous other Acts and Regulations, including but not limited to:

- *Companion Animals Act 1998*
- *Contaminated Land Management Act 1997*
- *Crown Land Management Act 2016*
- *Environmental Planning and Assessment Act 1979*
- *Government Information (Public Access) Act 2009*
- *Library Act 1939*
- *Privacy and Personal Information Protection Act 1998*
- *Public Health Act 2010*
- *Public Interest Disclosures Act 1994*
- *Roads Act 1993*
- *State Records Act 1998*
- *Swimming Pools Act 1992*
- *Work Health and Safety Act 2011*



## Impact of these functions on members of the public

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

<b>Administrative Functions</b>	Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.
<b>Ancillary Functions</b>	Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.
<b>Community Planning and Development</b>	Community planning and development functions affect areas such as cultural development, social planning and community profile and involves: <ul style="list-style-type: none"> <li>• Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Strategic Plan.</li> <li>• Providing support to community and sporting organisations through provision of grants and information.</li> <li>• Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as Seniors Week, NAIDOC Week, Youth Week, Children's Week, as well as promoting other events.</li> </ul>
<b>Enforcement Functions</b>	Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the non-payment of rates and charges, unregistered dogs and parking offences.
<b>Regulatory Functions</b>	Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.
<b>Revenue Functions</b>	Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.
<b>Service Functions</b>	Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

## Public participation in Local Government

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.

### Representation

Local government in Australia is based on the principle of representative democracy. This means that people elect representatives to their local Council to make decisions on their behalf.

Residents are able to raise issues with, and make representations to, the elected Councillors.

The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

### Personal Participation

Ratepayers, residents and businesses are encouraged to have a say in what Council does. Community participation in Council is a major focus of the *Local Government Act 1993*. The Act encourages councils to be open and accountable to the community. This is achieved by people having appropriate access to information, voting in polls and referendums, making submissions to Council and by Council meetings being open to the public.

Members of the public can participate in policy development and general activities of Council in various ways including:

- addressing the Council at Council meetings;
- responding to policies and plans placed on public exhibition;
- making representations to Councillors;
- discussing issues with Council Officers; or
- through surveys, forums or other community engagement activities

Council also provides information on Council activities, decisions and programs in the local newspaper, Council Connects and Council eNews.

### Council Meetings

Members of the public are invited to attend meetings with Ordinary Meetings occurring on the third Wednesday of the month at 7:00pm, unless otherwise stated. Extraordinary Meetings of Council may be called from time to time.

Unless otherwise stated, all meetings are held at Wentworth Shire Council Chambers, Short Street, Wentworth NSW 2648.

Council meetings are also livestreamed via Council's YouTube site, which can be accessed by following the link from Council's website.

### Council Committees

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council.

Several Council Committees comprise or include members of the public. Some of these special committees are listed below:

- Heritage and History Advisory Committee
- Flood Risk Management Committee

### Council User Groups comprising of Councillors and/or Council Officers

There are currently five Council User Groups in Wentworth Shire:

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



### Community Engagement

Council's Community Engagement Policy affirms Council's commitment to community engagement and guides how Council involves the community in decision-making processes. Community engagement is tailored to the project, proposal or plan and can include surveys, community workshops, online forums and other participation tools.

Strong community engagement underpins Council's Integrated Planning and Reporting Framework, in particular Council's Community Strategic Plan 2022-2032. This plan, informed by Community Engagement activities undertaken to identify the community's aspirations for the next 10 years, coupled with local 2021 Australian Census data, sets out the goals and strategic actions to be taken by Council to achieve the community's vision. Council regularly reports back to the community on its progress in delivering that plan and the associated resourcing strategy.

The plan is based on social justice principles of equity, access, rights and participation.

### Public Submissions

All significant plans, strategies and policies of Wentworth Shire Council are placed on exhibition in draft form so that interested members of the public may view them and make comments should they wish to.

Exhibition documents are available at Council's customer service counter and Council's website. Submissions should be sent to:

#### By Post

The General Manager  
Wentworth Shire Council  
PO Box 81, WENTWORTH NSW 2648

**By Fax:** (03) 5027 5000

**By Email:** [council@wentworth.nsw.gov.au](mailto:council@wentworth.nsw.gov.au)

Community members can also stay up to date on news and media by accessing the following websites and social media accounts utilised by Council:

✉ [communications@wentworth.nsw.gov.au](mailto:communications@wentworth.nsw.gov.au)

🌐 [wentworth.nsw.gov.au](http://wentworth.nsw.gov.au)

📘 Wentworth Shire Council



## Compliments and Complaints

Council welcomes constructive feedback about the exercise of its functions and its delivery of services to the community.

Feedback and reporting of concerns from the community provide the opportunity for Council to remain responsive, conduct its business in an open and transparent manner and be accountable for its actions. Information regarding Council's complaint handling processes is described on the Council website.

Feedback can be provided by emailing [council@wentworth.nsw.gov.au](mailto:council@wentworth.nsw.gov.au) or contacting us by telephone on (03) 5027 5027.

## Accessibility

Tell us if you have specific communication needs or barriers and we can assist you by:

- using an assistance service such as an interpreter
- talking with you if you have trouble reading or writing
- communication with another person acting on your behalf if you cannot make the complaint yourself



If you need help understanding this information, please contact the Translating and Interpreting Service on 131 450 and ask them to call us on 03 5027 5027.

# Access to Government Information

## Introduction

Wentworth Shire Council is committed to the principle of open and transparent government. To facilitate public access to Council information, Council has adopted a 'Public Access to Information held by Council (GIPA) Policy' available on Council's website.

## What is the Government Information (Public Access) Act (GIPA)?

The *Government Information (Public Access) Act 2009 (GIPA)* came into effect on 1 July 2010, replacing the *Freedom of Information Act 1989*.

Under the provisions of the GIPA Act, there is a right of access to certain information held by Council, unless there is an overriding public interest against its disclosure.

The object of this policy is to inform the public that they have lawful rights to access Council information and to describe the procedures for gaining access.

## How to access Government information

There are four main ways in which Council may provide access to information:

1. Mandatory Proactive Release
2. Proactive Release
3. Informal Release
4. Formal Access Application

## 1. MANDATORY PROACTIVE RELEASE

The following documents are defined as "Open Access Information" under Section 18 of the GIPA Act and will be released without the need for a Formal Access Application under the GIPA Act (most available on Council's website):

### Open Access Information

- Council's Agency Information Guide
- 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;
- Council's policy documents
- Council's Disclosure Log of Formal Access Applications
- Council's Register of Government Contracts
- Council's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure; and
- Such other government information as may be prescribed by the GIPA Regulations as open access information.

**Schedule 1 of the GIPA Regulations** also stipulates that the following additional documents are to be provided as open access information by Council, divided into the following four sections:

#### **A. Information About Council**

- Annual Financial Reports
- Annual Report
- Annual Reports of bodies exercising functions delegated by Council
- Agendas and Business Papers for any meeting of Council or any Committee of Council
- Codes referred to in the *Local Government Act 1993* (LGA), including - The model code prescribed under Section 440(1) of the LGA - Council' adopted Code of Conduct - Code of Meeting Practice
- Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan
- Departmental representative reports presented at a meeting of Council
- EEO Management Plan
- Land Register
- Minutes of any meeting of Council or any Committee of Council
- Policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors
- Register of current Declarations of Disclosures of Political donations
- Register of Delegations
- Register of Graffiti removal works
- Register of Investments
- Register of Voting on Planning Matters
- Returns of the interests of Councillors, designated persons and delegates

#### **B. Plans and Policies**

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management of Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

#### **C. Information about DAs**

- Development Applications and any associated documents received in relation to a proposed development including:
  - » Acoustic Consultant Reports
  - » Construction Certificates
  - » Heritage
  - » Home Warranty Insurance documents
  - » Land Contamination Consultant Reports
  - » Occupation Certificates
  - » Records of decisions on Development Applications including decisions on appeals
  - » Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information
  - » Structural certification documents
  - » Submissions received on Development Applications
  - » Town Planner Reports
  - » Tree Inspections Consultant Reports
- The above does not apply to so much of the information referred to above as consists of:
  - » The plans and specifications for any residential part 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;
  - » Commercial information, if the information would likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.
  - » Development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.



## **D. 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
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land. Performance improvement orders issued to Council under Part 6 of Chapter 13 of the *Local Government Act 1993*
- 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
- Plans of land proposed to be compulsorily acquired by Council
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decision made on appeals concerning approvals.
- Records of Building Certificates under the *Environmental Planning and Assessment Act 1979*

## **2. PROACTIVE RELEASE**

In addition to Open Access information, Council will make as much other information as possible publicly available, unless there is an overriding public interest against disclosure.

Such information may include frequently requested information or information of public interest that has been released as a result of other requests.

As part of its proactive release strategy, Council maintains a register of all Informal Requests for Information received to readily identify the type of information frequently requested with the view of making such information publicly available on its website, subject to Copyright and Privacy provisions and application of the Public Interest Test as outlined on page 20 of this guide.

Council encourages members of the public to contact Council with suggestions for information which can be considered for authorised proactive release.

## **3. INFORMAL RELEASE**

Access to information which is not available as Mandatory Public Release (open access) or Proactive Release may be provided through Informal Release. Council generally releases other information in response to an informal request subject to any reasonable conditions as Council thinks fit to impose.

Council is authorised to release information unless there is a public interest against disclosure. To enable the release of as much information as possible, Council is also authorised to redact content from a copy of information to be released, if the inclusion of the redacted information would otherwise result in an overriding public interest against disclosure.

Applications should be made to Council by submitting an Informal Request for Information application form, available on Council's website [wentworth.nsw.gov.au](http://wentworth.nsw.gov.au) or by contacting Council on 03 5027 5027.

Under informal release, Council has the right to decide by what means information is to be released.

Council encourages applications for access to information to be made, initially, under the Informal Release provisions.

#### 4. FORMAL ACCESS

Prior to lodging a Formal Access Application, a person seeking information from Council should check if the information being sought is already available on Council's website or could easily be made available through an informal request application.

If information:

- Is not available via Proactive or Informal Release; or
- Involves a large volume of information, requires extensive research and accordingly will involve an unreasonable amount of time and resources to produce; or
- Contains personal or confidential information about a third party which may require consultation; or is of a sensitive nature that requires careful weighing of the consideration in favour of and against disclosure; then
- Council requires a Formal Access Application to be submitted.

Please note, an application will be invalid if it seeks access to excluded information of Council or does not meet the requirements for a Formal Access application.

A Formal Access application must:

- Be in writing;
- Specify it is made under the GIPA Act;
- State an Australian Postal address;
- Be accompanied by the \$30.00 fee; and
- Provide sufficient detail to enable Council to identify the information requested.

Application should be made to Council in writing by submitting a Formal Access Application (available on Council's website [wentworth.nsw.gov.au](http://wentworth.nsw.gov.au) or by contacting Council on 03 5027 5027) and should be accompanied by the GIPA prescribed application fee of \$30.00. Additional \$30.00 hourly processing charges may be applicable.

#### 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.

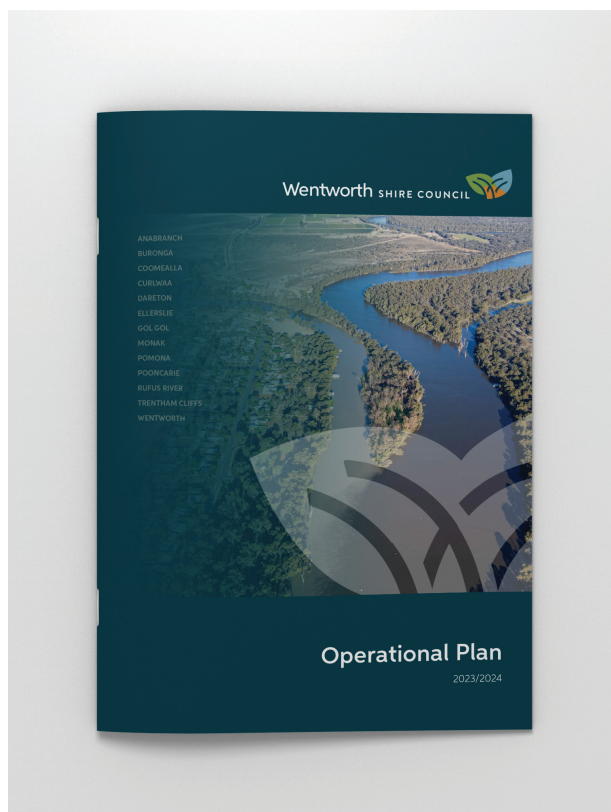
## Fees and Charges

The Government Information (Public Access) Regulation requires that Open Access information held by Council, is to be made publicly available for inspection, free of charge.

The public is entitled to inspect these documents on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) and at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge.

Copies can be supplied for reasonable copying charges as set out in Council's Schedule of Fees and Charges.

Formal Access Applications require payment of \$30.00 application fee and \$30.00 hourly processing charges may apply.



NATURE OF APPLICATION	APPLICATION FEE	PROCESSING CHARGES	PHOTOCOPYING
Mandatory release	No charge	No charge	As per Council's adopted fees and charges
Proactive release	No charge	No charge	As per Council's adopted fees and charges
Informal Release	No charge	No charge	As per Council's adopted fees and charges
Formal Application	\$30.00	\$30.00 per hour after the first hour	NIL

### Interaction with Copyright Legislation

Copyright issues may arise when requests are made for copies of documents held by Council.

The *Commonwealth Copyright Act 1968* takes precedence over State legislation. Therefore, the right to copy documents under the GIPA Act does not override the Copyright Act. Nothing in the GIPA Act or Regulations permits Council to make government information available in any way that would constitute an infringement of copyright.

Access to copyrighted documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained or the copyright owner is not able to be contacted, copies of copyright material will not be provided.

Copyright material includes, but not limited to, plans/drawings, consultant reports and survey reports.

### Interaction with Privacy Legislation

Access to certain information may be limited in accordance with the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act). The PPIP Act and HRIP Act provide for the protection of personal and health information and for the protection of the privacy of individuals generally.

In accordance with the PPIP Act and the HRIP Act, Council has adopted a Privacy Management Plan (available on Council's website) which outlines Council's practice for dealing with privacy and personal information in accordance with Information Protection Principles contained within the PPIP Act and the Health Protection Principles contained within the HRIP Act.

### Public Interest Test

Under the GIPA Act, when deciding whether or not to release information, government agencies must consider whether there is an overriding public interest against releasing the information.

Referred to as the "public interest test", this requires government agencies to consider balancing factors for and against disclosure of each piece of government information. That balancing must be undertaken within the context of the GIPA Act.

In deciding what information to release, Council will apply the public interest test which will involve:

- identification of the relevant public interest considerations for disclosure;
- identification of any relevant public interests against disclosure

The GIPA Act (section 14) provides an exhaustive list of public interest considerations against disclosure. These are the only considerations against disclosure that decision makers can consider in applying the public interest test.

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes and natural justice
- Business interests of agencies and other persons
- Environment, culture, economy and general matters
- Secrecy provisions specifically provided in legislation
- Exempt documents under interstate Freedom of Information legislation.



## Promotion of Open Government, Open Data and public participation

Agency Information Guides prepared by NSW Government agencies are a mechanism to ensure that citizens have knowledge of and access to government information that is both current and significant in relation to the formulation of policy and service delivery by agencies, together with access to arrangements to participate in the formulation of policy and service delivery by agencies. They serve as a tool to promote Open Government, Open Data and public participation.

Open Government involves a consistent commitment by government to increase access to information, engage with citizens and be accountable.

Open Data means simply that information an organisation holds that is stored digitally should be made freely available to the community.

This is usually done by making a digital dataset accessible from an organisation's website. Open data is data that anyone can access, use, re-use or share. NSW Government agency Data. NSW has an open portal to over one thousand open data sets throughout the NSW State Government (these can be accessed at [data.nsw.gov.au/search/search](http://data.nsw.gov.au/search/search))

The Federal Government also has an open data portal which can be accessed at [data.gov.au](http://data.gov.au)

The release of Open Data operates in conjunction with the objectives of the GIPA Act, starting from a position of openness, favouring the release of data, unless there is an overriding public interest against disclosure.

### 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  
Email: [council@wentworth.nsw.gov.au](mailto: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](http://www.ipc.nsw.gov.au) or by contacting the IPC on freecall: 1800 472 679.



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