



WALGETT SHIRE COUNCIL

GOVERNMENT INFORMATION

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PUBLICATION

GUIDE

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STRUCTURE AND FUNCTIONS OF COUNCIL

Introduction:

Located in north-west New South Wales, Walgett Shire covers an area of 22,000 square kilometres. Geologists and tourists from all around the world are drawn to the amazing landscape of the Walgett Shire. Walgett Shire embraces the fertile black soil plains of northern NSW through to the clay encrusted rocky mounds that house the most precious gemstone for the region - the black opal, Australia's National Gemstone. The region sits on top of the precious Artesian Basin that provides hot spring water to established public baths. The town and villages of the shire comprise of Walgett, Lighting Ridge, Collarenebri, Rowena, Carinda, Cumborah, Grawin, Cryon, Come-by-Chance and Burren Junction - all provide wonderful opportunities to experience real country lifestyles. The Council delivers a wide range of services to vibrant and diverse communities.

The Barwon, Namoi, Macquarie, Castlereagh, Narran and Moonie rivers pass through the Shire and the dominant landform consists of floodplains of unconsolidated alluvium with an elevation between 120 and 145m above sea level. In the northern portion of the shire there are a number of ridges composed of weathered sedimentary rocks that reach a maximum elevation of about 160m above sea level.

The climate of the region is semi-arid and peak monthly rainfall usually occurring in summer and a smaller peak from May to July. Average daily temperatures, considered on a monthly basis, show a minimum of 5 degrees celsius in July and a maximum of 35 degrees celsius in the summer months.

Aboriginal culture has a special place in Walgett Shire. Dynamic Aboriginal communities are in our towns and places of historical and cultural significance are dotted across the entire area. Walgett Shire includes Gamilaraay, Kamilaroi, Yuwaalaraay, Wailwon and Ngaylimba tribes. Kamilaroi has been used to name the tourist drive that extends from Quirindi through to Bourke, via Walgett. We are proud to note it is the only indigenous named touring route in NSW.

Walgett Shire Council boasts beautiful waterways, fishing, bird watching, fossicking and amazing landscapes.

Basis of Constitution:

Walgett Shire Council is constituted under the Local Government Act 1993.

Vision Statement:

That the community utilise the opportunities that arise from our environment, to improve their quality of life, while embracing its ethnic and social diversity to the benefit of all.

Business Ethics Policy:

Walgett Shire Council seeks to promote integrity, ethical conduct and accountability through our work practices and standards by ensuring that the services provided to its customers is provided in a manner consistent with sound business principles and in the most ethical and economically favourably way.

Mission Statement:

Walgett Shire Council will: -

- Provide focused and ethical leadership to the community.
- Deliver quality services and efficient management of Council infrastructure.
- Provide a planning and regulatory context in which the community can remain sustainable, prosperous and vibrant.
- Promote the Shire as a great place to live, work and visit.
- Lobby Governments to ensure that appropriate levels of support are provided for health, education, employment, housing and infrastructure development and maintenance.
- Co-operate with other bodies in the sharing of specialist resources.
- Work within Council's Code of Conduct and Code of Meeting Practice to ensure practices are ethical, fair, accountable and equitable.

ORGANISATIONAL STRUCTURE

The Council is an undivided area, with nine (9) Councillors including the Mayor. Council is elected every 4 years. The election of the Mayor is elected annually in September by the elected members.

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 Local Government Act 1993 and other applicable legislation;
- To participate in the optimum allocation of the Council's resources for the benefit of the area;
- To play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions;
- To review the performance of the Council and its delivery of services, management plans and revenue policies of the Council;

The role of a Councillor is, as an elected person

- To represent the interests of the residents and ratepayers;
- To provide leadership and guidance to the community;
- To facilitate communication between the community and the Council.

The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises in cases of necessity, the decision making functions of the body politic between meetings and performs any other functions that the Council determines.

The Principal Officer of the Council is the General Manager. The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of Council's Equal Employment Opportunity Management Plan. To assist the General Manager in the exercise of these functions, there are four (4) Directorates of Council. These Directorates are Corporate Services, Planning & Regulatory Services, Director Urban Infrastructure Services, Director Rural Infrastructure & Support Services

HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

As a service organisation, the majority of the activities of Walgett Shire Council have an impact on the public. The following is an outline of how the broad functions of Council affect the public.

Service Functions: affect the public as Council provides services and facilities to the public.

These include provisions for

- Libraries
- Agency to the Community of Collarenebri
- Tourist Information Centres
- Youth Services
- Cultural and information Services
- Aging & Disability Services Plan of Management
- Social Planning
- Facilities for Hire
- Parks and Recreation Facilities
- Water and Sewerage works and facilities
- Environmental protection and improvement facilities
- Drainage works
- Road Works
- Assistance to business and community organisations
- Yearly Celebrations – Australia Day – Awards – Citizenship ceremonies
- Involvement and representation in Community activities

Any person or organisation can contact Council and request new services, changes or additions to existing services and these requests are considered by Council and appropriate actions is taken subject to available resources and Council Policy.

Regulatory functions: aim to enhance the quality of the built and natural environment by placing restrictions on developments and buildings to ensure that they meet certain requirements and will not endanger the lives and safety of any person. In addition, ranges of regulations govern activities to ensure our natural and built environment is protected and managed.

Members of the public should be aware of and comply with these regulations. Council also adopts local policies in relation to certain aspects of approval, environmental management orders and building certificates. In cases where local policies are involved you can request a view of such policies, or a review of determinations made either under the Act or in accordance with Council policy.

Ancillary Functions: Ancillary functions generally only affect some members of the community. 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.

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.

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.

Enforcement Functions: only affect those members of the public who are in breach of certain legislation. This includes matters such as non payment of rates and charges, unregistered dogs and matters relating to pollution.

Community planning and development functions: affect areas such as cultural development, social planning and community profile and involves:

- 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 Plan.
- Providing support to community and sporting organisations through provision of grants, training and information.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as NAIDOC week, Youth Week, Children's Week, as well as promoting events of others.

HOW CAN PUBLIC PARTICIPATE IN THE WORK OF COUNCIL?

Councils in New South Wales are elected every four years. The next elections are to be held in September 2012.

At each election, voters elect nine(9) Councillors including Mayor for a four year term. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non-residential roll. Voting is compulsory.

Residents are able to raise issues with, and make representation 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.

Council encourages members of the community of the Walgett Shire to participate in the decision making process of the Council and provides the following procedures which in part relate to the requirements stipulated in the Local Government Act 1993 (as amended).

Members of the public are able to attend Council meetings (fourth Tuesday of each month except January) in the various communities of the Shire. All proposed meeting dates and places are available for viewing on the Walgett Shire Website.

Public participation is permitted for business before the Council when in Open Council, and at the Closed Council meeting for confidential items. This does not allow the public to participate in respect to Petitions, which are "information only" items, nor individual tenders to participate in respect to tenders, nor in respect to reports concerning investigations of allegations of Code of Conduct violations by Councillors, the General Manager or other Council employees.

Several Council Committees include members of the public. Some of these committees are:

- Code of Conduct Committee
- Local Precinct Committees
- Local Emergency Management Committee
- Community Working Parties

TYPES OF INFORMATION HELD BY COUNCIL AND HOW TO ACCESS IT

Walgett Shire Council holds information in respect of the wide range of functions undertaken by it and information which is pertinent to different issues relating to the Walgett Local Government Area.

Some of this information is available for inspection as a requirement of certain legislation, some documents are available for purchase, whilst others are available free of charge.

Under the Government Information (Public Access) Act 2009 there is a right of access to certain information held by Council unless there is an overriding public interest against disclosure of the information. There are four main ways in which Council will provide access to information:

1. Mandatory Proactive Release
2. Authorised Proactive Release
3. Informal Release
4. Formal Access Applications

Any applications under the Government Information (Public Access) Act 2009 (GIPA) will be processed in accordance with the Act's requirements and a determination made to release the information or refuse access on the basis of an overriding public interest against disclosure.

Council will assess requests for access to information having regard to:

- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- State Records Act 1998
- Local Government Act 1993
- Environmental Planning and Assessment Act 1979
- Companion Animals Act 1998

and any other relevant legislation and guidelines as applicable.

1. MANDATORY PROACTIVE RELEASE:

Under Section 6 of the GIPA Act, Council must make its "open access information" publicly available unless there is an overriding public interest against disclosure of the information. Open access information is required to be published either on Council's website or available for free inspection at Council and for copying (with reasonable photocopying charges applying), unless to do so would impose an unreasonable additional cost on Council, or would be contrary to the public interest or the Information Commissioner's guidelines.

Open access information is defined in Section 18 of the GIPA Act and includes:

- Council's policy document displayed on Council's website
- A publication guide which contains information about Council's structure and functions and lists the type of information that is publicly available on Council's website
- A disclosure log of formal access applications which includes release of information that Council believes may be of interest to other members of the public – available on Council's website
- A register of contracts worth more than \$150,000 which Council has with private sector bodies available for viewing or by request from Council office
- A record of open access information that Council has not made publicly available on the basis that there is an overriding public interest against disclosure
- Such other information that may be prescribed by the GIPA Regulation as open access information.

In respect of the last dot point above, Schedule 1 of the GIPA Regulation requires that Council provide open access to the following:

1.1 Information about Council

Available on Walgett Shire Council Website: www.walgett.nsw.gov.au

- The model code prescribed under section 440 (1) of the Local Government Act
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report – containing Annual Financial Reports and Auditor's Report
- Management Plan
- EEO Management Plan
- Policy concerning the payment of expenses Incurred by, and the Provision of Facilities to, Councillors
- Register of current Declarations of Disclosures of Political Donations
- Agendas and Business Papers, minutes of any meetings for any meeting of Council or any Committee of Council (but not including business papers for matters considered when part of a meeting is closed to the public)
- Annual Reports of Bodies Exercising Functions Delegated by Council
- Any Codes referred to in the Local Government Act
- Disclosure of the Interests by Councillors, Designated Persons and Delegates
- Departmental Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti Removal Works
- Register of Voting on Planning Matters

1.2 Plans and Policies

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

1.3 Information about Development Applications

Development Applications and any associated information received in relation to a proposed development.

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- 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.

1.4 Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the Local Government Act.
- Applications for approvals under any other Act and any associated documents received.
- Records of approvals grants or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals.
- Orders given under Part 2 of Chapter 7 of the Local Government Act, and any reasons given under section 136 of the Local Government Act.
- 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.

1.5 Register of Government Contract

Council is required to keep a register of all contracts valued at \$150,000 (incl GST) or more, which are entered into with a private sector entity for a project, goods and services or the sale, purchase or lease of real property. This Register can be accessed on Council's website.

The Register is updated when a new contract is signed. Council will keep contracts on the register only for the "public access period", which under Section 34 (2) of the GIPA Act being:

- (a) 30 days,
- (b) the period until the project to which the contract relates is complete, the goods and services concerned have been provided under the contract, the term of the lease has expired or the real property has been transferred.

1.6 Disclosure Log

Council is also required to maintain a disclosure log (see Section 25 of GIPA Act). The log records information released under a formal access application that is considered to be of interest to the wider public. The release of information is subject to the public interest test and each request is considered on a case by case basis. Under the GIPA Act, information that is a sensitive nature (for example personal information) or considered commercial-in-confidence will be removed from the documents prior to their release.

Applicants who have made a formal request for access to information can object to inclusion in Council's disclosure log.

Council's disclosure log can be accessed on Council's website.

1.7 Policy Documents

Section 23 of the GIPA Act defines what constitutes a policy document. These include:

- A document containing interpretations, rules, guidelines, statements of policy, practices or precedents.
- A document containing particulars of any administrative scheme
- A document containing a statement of the manner, or intended manner of administration of any legislative instrument or administrative scheme.
- A document describing the procedures to be followed in investigating any contravention or possible contravention of any legislative instrument or administrative scheme,
- Any other document of a similar kind.

Council's Access to Information page can be found online at [Access to Information – Walgett Shire Council](#).

Council is also committed to ensuring all the information required by the GIPA Act as open access information is available. Where any of the above open access information is not made available on council's website, it will be made available for viewing at Council's administration offices during normal business hours. Copies of the information will also be available for a reasonable copying charge.

The above documents are available to view or request a copy at Council Office, 77 Fox Street, Walgett between 9.00am and 4.30pm Monday to Friday phone: 0268 281 399

2. AUTHORISED PROACTIVE RELEASE:

In addition, Council will make as much other information as possible publicly available in an appropriate manner, including on its website. The information will be available free of charge or at the lowest reasonable cost. Such other information includes frequently requested information or information of public interest that has been released as a result of other requests.

3. INFORMAL RELEASE:

Access to information which is not available as mandatory Release or Authorised Proactive Release information may be provided through Informal Release. In this regard, application should be made to Council by submitting the appropriate informal Access to Information application form. Council will endeavour to release information in response to such a request, subject to any reasonable conditions as Council deems fit to impose. Council will endeavour to meet these requests within a 15 day period having regard to circumstances of the case and availability of staff.

4. FORMAL ACCESS APPLICATION (available at <http://www.walgett.nsw.gov.au/council/73124.html>)

Notwithstanding the lodgement of an informal application, Council may require a formal access application to be submitted where the information sought:

- Is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or
- Contains personal or confidential information about a third party that requires consultation, or
- Would involve an unreasonable amount of time and resources to produce.

To make a formal request for access to information a "Formal Access to Information" application form should be completed. In accordance with the GIPA Act, an application fee of \$30.00 is payable, and additional processing charges may be applicable.

An application or other request for information is not a valid access application unless it complies with the following requirements for formal access applications:

- It must be in writing sent to or lodged at an office of the agency concerned,
- It must clearly indicate that is an access application made under the GIPA Act,

- It must be accompanied by a fee of \$30,
- It must state a postal address in Australia as the address for correspondence in connection with the application,
- It must include such information as is reasonably necessary to enable the information applied for to be identified.

Refer Section 41 of the GIPA Act 2009

An acknowledgement of such application will be provided by Council within five working days.

Any fees for photocopies of information provided under the GIPA Act are listed in the Council's Management Plan. <http://www.walgett.nsw.gov.au/council/1311/2533.html>

Copies of information provided are given for information purposes only and are provided by Council to meet its requirement under relevant legislation. Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council will provide details of the information in a disclosure log for inspection by the public.

For further information about accessing Council information, including considerations against disclosure, time limits and rights to review, please refer to Council's Access to Information Policy.

Copies of Council information placed on public exhibition are available on Council's website www.walgett.nsw.gov.au and during business hours in all Council Customer Service Centres and libraries throughout the exhibition period. For enquiries about specific information please telephone Council's Administration office on 02 6828 1399.

How can Decisions be Reviewed:

Decisions made about access to information can be reviewed either by a more senior Council Officer to the officer who made the access determination or by an external body such as the NSW Information Commissioner or the Administrative Decisions Tribunal. Time limits apply to any application for review. In the case of an internal review the application must be made within 20 days after notice of the determination is given while a request for an external review must be submitted within 8 weeks after notice of the determination is given.

You do not need to request an internal review as a first step in applying for an external review however if it is a third party is seeking a review then they will need to ask firstly for an internal review before applying for an external review per Section 89(2) of the GIPA Act 2009.

Internal Review: if you do not agree with the decisions made about an information access application you may wish to apply for an internal review of the original decision. A person authorised by the General Manager and senior to the original decision maker will review your application and inform you of the review decision as soon as practicable but no later than 20 business days after the internal review application is made to Council. Reasons will be given in the original decision remains unchanged.

Your application for internal review must be made within 20 working days after the date of the written notice of the decision and be accompanied by the required fee of \$40.

Further an agency must make its decision on an internal review and give the applicant notice of the agency's decision within 15 working days (the **review period**) after the agency receives the application for internal review.

To apply for an internal review submit application form to:

The General Manager
Walgett Shire Council
PO Box 31
WALGETT NSW 2832

External Review: If you are not satisfied with the Council's internal review decision, you may wish to apply to the Office of the Information Commissioner for an external review.

Alternatively, you can apply directly to the Office of the Information Commissioner for an external review of Council's original decision and they will make recommendations to their inquiry.

The Information Commissioner may change or confirm the decision made on your application or try to mediate a settlement between parties.

For more information about requesting an external review, visit the office of Information Commissioner New South Wales www.oic.nsw.gov.au

Privacy and Personal Information Protection: Access to certain information may be limited in accordance with the Privacy and Personal Information Protection Act 1998. This Act provides for the protection of personal information and for the protection of the privacy of individuals generally.

Privacy and Health Information Protection: Access to certain information will also be limited in accordance with the Health Records and Information Privacy Act 2002. This Act provides for the protection of health information.

Amendment of Council Documents: Members of the public are also able to request access or amendment to personal information about themselves which is held on Council files if the information is incorrect, out of date, misleading. Such requests should be made under the Privacy and Personal Information Protection Act or the Health Records and Information Privacy Act and be lodged in writing to Council.

Public Officer: Walgett Shire Council has appointed the Finance Manager as its Acting Public Officer. Among other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public information of the Council. The Public Officer may also determine applications for access to information under the GIPA Act or for the amendment of records, but the General Manger may delegate this responsibility to other appropriate staff. If you have any difficulty obtaining access to Council information, you may wish to refer your enquiry to the Public Officer.

Enquires should be addressed as follows:

The General Manager
Walgett Shire Council
PO Box 31
WALGETT NSW 2832
Email: admin@walgett.nsw.gov.au
Telephone: 0268 281 399

Additional information regarding your rights to access information can be obtained by contacting the Office of the Commissioner as follows:

Fee call telephone: 1800 INFOCOM (1800 463 626) between 9am and 5pm Monday to Friday (excluding public holidays)
Email: oinfo@oic.nsw.gov.au
Website: www.oic.nsw.gov.au
Postal Address: GPO Box 7011, SYDNEY, 2001