



murray river  
council

# 2018-2019 GIPA Agency Information Guide

**Murray River Council**

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## 1. Introduction

On 1 July 2010, the new Government Information (Public Access) Act, 2009 known as the GIPA Act, came into effect, replacing the Freedom of Information Act 1989 (NSW).

The GIPA Act:

- creates new rights to information that are designed to meet community expectations of more open and transparent government, and
- encourages government agencies to proactively release government information.

Murray River Council is committed to openness with regard to government information by providing open access to information on Council's website [www.murrayriver.nsw.gov.au](http://www.murrayriver.nsw.gov.au), by contacting Council on 1300 087 004 or visiting one of our Offices at:

- |             |                               |
|-------------|-------------------------------|
| • MATHOURA  | 21-25 Conargo Street Mathoura |
| • MOULAMEIN | 20 Tualka Terrace, Moulamein  |
| • MOAMA     | 6 Meninya Street, Moama       |
| • BARHAM    | 15 Murray Street, Barham      |

during business hours 9.00am to 4.00pm Monday to Friday (excluding Public Holidays).

This Information Guide has been produced in accordance with Section 20 of the Government Information (Public Access) Act 2009 and is reviewed annually in October.

### Information and Privacy Commission

If you require any other advice or assistance about access to information you may contact the Information and Privacy Commission (IPC) by telephone on 1800 472 679 between 9.00am and 5.00pm Monday to Friday (excluding Public Holidays), by email at [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au) or by visiting the IPC website at [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au).

### Other Contact Details

Information and Privacy Commission  
Level 17  
201 Elizabeth Street  
Sydney NSW 2001

GPO Box 7011  
Sydney NSW 2001

## 2. Structure and Functions

Murray River Council was formed on the 12<sup>th</sup> May 2016, when the former Murray Shire Council and the former Wakool Shire Council were merged into a single entity.

Council covers 11,865 square kilometres in area , with a population of 11,456. It is located in the lower Riverina and travels along the NSW / Victoria border from Moama to Tooleybuc and inland to near Deniliquin, Moulamein and almost to Balranald to the North West.

### 2.1 Legal Status

The Murray River Council is a Local Government body and operates under the Local Government Act 1993 (LG Act). In addition to the LG Act, Council has powers/responsibilities under a number of other related Acts including but not limited to:

Anti Discrimination Act 1977	Local Government Consequential Provisions Act 1993
Rural Fires Act 1997	Noxious Weeds Act 1993
Building Professionals Act 2005	Privacy & Personal Information Protection Act 1998
Catchment Management Authorities Act 2003	Protection of the Environment Operations Act 1997
Carers (Recognition) Act 2010	Public Health Act 1991
Community Land Development Act 1989	Recreation Vehicle Act 1983
Community Land Management Act 1989	Roads Act, 1993
Companion Animals Act 1998	Rural Fire Services Act 1997
Contaminated Land Management Act 1997	State Emergency Services and Rescues Act 1989
Conveyancing Act 1919	State Emergency Services Act 1989
Crimes Act 1990	State Records Act 1998
Dividing Fences Act 1991	Strata Schemes (Freehold Development) Act 1973
Environmental Planning & Assessment Act 1979	Strata Schemes (Leasehold Development) Act 1986
Fines Act 1996	Swimming Pools Act 1992
Fire Brigades Act 1989	Threatened Species and Conservation Act 1995
Food Act 2003	Trees (Dispute Between Neighbours) Act 2006
Government Information (Public Access) Act 2009	Unclaimed Monies Act 1982
Heritage Act, 1977	Valuation of Land Act 1916
Impounding Act, 1993	Water Management Act 2000
Library Act 1989	Water Act 1912
Interpretation Act 1987	Water Industry Competition Act 2006
Land Acquisitions Just Terms Compensation Act 1992	Waste Minimisation and Management Act 1995

Copies of these acts can be found on the following website: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

## 2.2 Structure

Murray River Council comprises three wards, Moama, Greater Murray and Greater Wakool. Each ward is represented by three Councillors.

The role of the Councillors, as member of the body Corporate, are:

- To direct and control the affairs of the Council in accordance with the Local Government Act and other applicable legislation;
- To participate in the optimum allocation of the Council's resources for the benefit of the Council area;
- To play a key role in the creation and review of Council's policies, objectives and criteria relating to the exercise of 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 the ratepayers;
- To provide leadership and guidance to the community;
- To facilitate communication between the community and the Council.

The Mayor is elected by the Councillors at the September Ordinary Council meeting directly after a new Council is elected, for a 2 year term and then again half way through the 4 year term of the Council.

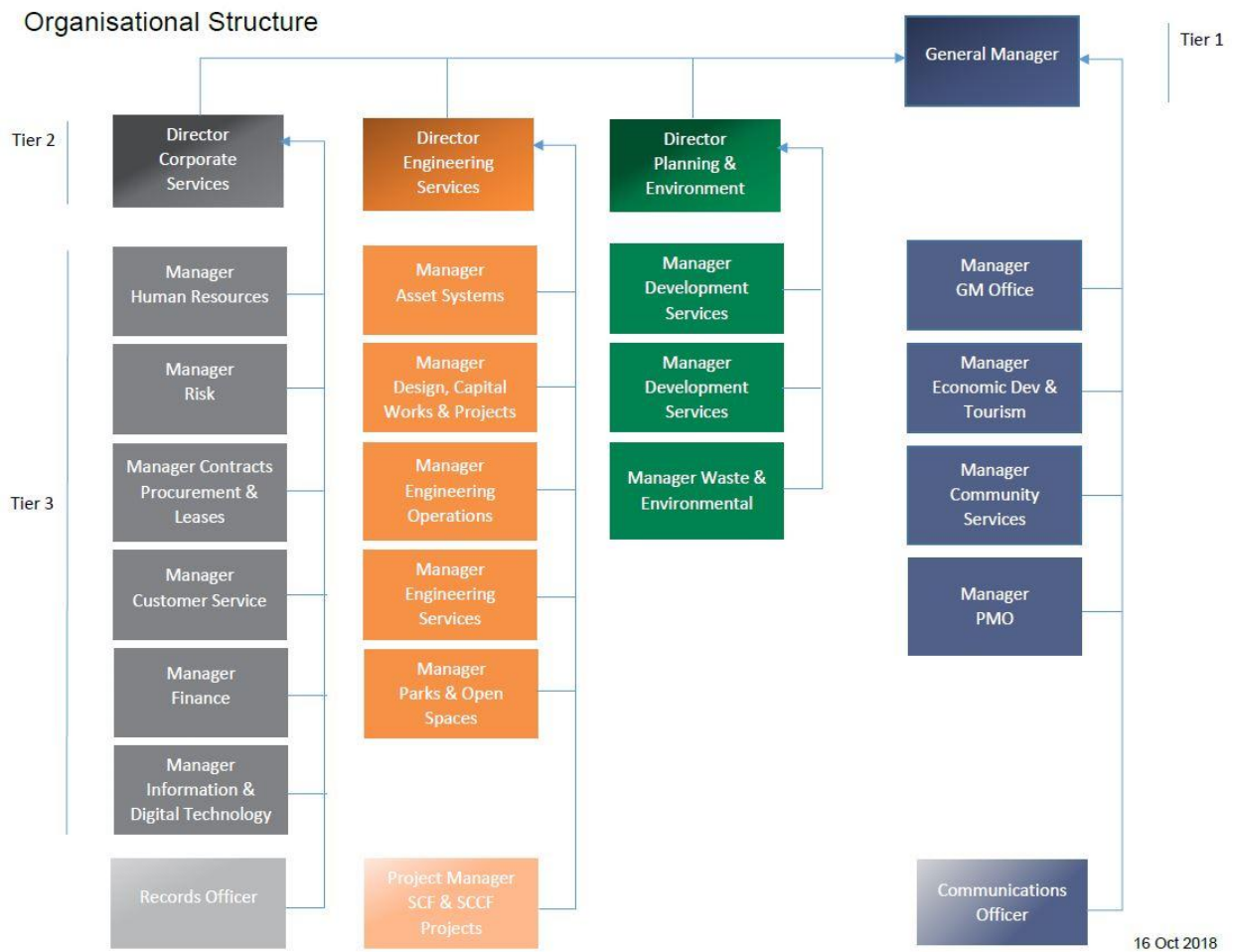
The Mayor presides at meetings of Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision-making functions of the body politic, between its meetings and performs any other functions that the Council determines.

Council appoints a General Manager, who is responsible for the efficient delivery of Council's operational functions and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day-to-day management of the Council, exercising any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of all management and other plans.

To assist the General Manager in exercising of these functions, there are three (3) directorates of Council. These directorates are

- Corporate Services
- Engineering
- Planning, Environmental and Economic Development

## Murray River Council's Organisational Structure



## 2.3 Principal Activities

The following principal activities have been identified as Council's primary functions:

### Strategic Planning & Governance

#### Services/Functions:

Administration Management, Policies & Procedures, Strategic Planning, Legislative and Statutory Requirements, Records.

#### Objectives:

The objective of this activity is to provide an effective and efficient administration framework and democratic process to carry out the activities of Council and be responsive to the responsibilities and changing demands of Local Government and outside pressures. Council is committed to providing sound management of the resources of Council, meet statutory requirements and provide services to the organisation and community in a cost effective and timely manner.

### Communications & Community Relations

#### Services/Functions:

Customer Service, Public Relations, Media, Community Meetings, Newsletters and Website.

#### Objectives:

The objective of this activity is to be committed to a culture of customer service engagement with the community in the formulation of future direction that will increase information access and awareness of Council activities.

### Asset Management

#### Services/Functions:

Roads, Bridges, Parks & Gardens, Fleet Management, Town Infrastructure, Public Halls, Recreation Reserves, Public Toilets, Stores & Materials, Private Works, Aerodrome, Quarries & Sand Pits, Cemeteries, Water and Sewerage.

#### Objectives:

The objective of this activity is to provide assets and systems appropriate for the needs of the Murray River community, ensuring the provision of adequate water supply, sewerage collection and treatment services, safe effective rural and urban road networks and bridges and provision of adequate parks, garden and recreational reserves and buildings.

### Corporate & Human Resources

#### Services/Functions:

Financial Management, Human Resources, Information Technology Services, WH&S.

#### Objectives:

The objective of this activity is to facilitate quality management of our human resources, financial resources and ensure that best practice is achieved.

### Environmental & Planning

#### Services/Functions:

Waste Management, LEP, Development Approvals, Health Inspections, Heritage, Land Use Issues, Flood Mitigation, Dog & Stock Control, Bush Fire, SES, Noxious Plants and Pests.

Objectives:

The objective of this activity is to provide commitment to the balanced sustainable development of the Council that recognises environmental requirements, our heritage, access to rivers and streams and maintenance of the natural environment and rural lifestyle

## **Economic & Community Development**

Services/Functions:

Tourism, Libraries, Grants, Health & Medical, Youth, Childcare, Aged and Disability Services, Art & Culture, Caravan Parks & Camping and Education.

Objectives:

The objective of this activity is to seek to develop the potential within the Council area through business development, population expansion and tourism growth and to provide, promote and facilitate a range of health and welfare services, community services and educational services for our communities.

These activities and functions are undertaken during the year as part of Council's routine operations and specific activities. They have been established as part of Council's endeavours to plan for the future and to set directions so that the needs of both Council and the community are well co-ordinated, planned and activated in a cost effective manner.

Each Directorate has areas of responsibility within the six principal activities and the objectives for achieving their performance targets are based on the following Key Performance Indicators:

### **Implementation**

To be achieved through the allocation of available physical, human and financial resources. Improved work practices and strategies will be utilised wherever possible.

### **Assessment of performance**

Will take place on a regular basis through quarterly reviews to Council, regular reports to Council's Executive Management Team and internal controls on quality, quantity and timely execution of duties.



### 3. How Council Functions Affect Members of the Public

The services that the Council delivers to the public are at a local level. This means that much of the Council's operations affect members of the public.

Key functions of the Council that affect members of the public are detailed below:-

Function	Type of effect	Details
<b>Rates &amp; Charges</b>	Financial	The Council raises rates and charges on land owners for the provision of specific and general purposes.
<b>Health</b>	Business cleanliness	Undertaking inspections of premises to ensure that relevant health standards are maintained.
<b>Building</b>	Building approvals	Approving the construction of building works.
<b>Planning</b>	Development approvals	Under the Local Environmental Plan (LEP) and Development Control Plans (DCPs), Council controls what type of development takes place on land.
<b>Noxious Weeds Control (Delegated)</b>	Plant control	Inspection of properties and the issuing of notices to ensure that noxious weeds control is maintained at a satisfactory level.
<b>Disaster Control</b>	Emergency provisions	In consultation with other organisations such as the Police, Rural Fire Services, Community Strategic Plans have been developed to handle disasters.
<b>Animal Impounding</b>	Animal control	By discussions with animal owners, imposing fines, impounding, selling and destroying animals, the Council controls straying animals.
<b>Local Law Enforcement</b>	Includes parking control, licensing of signs, side walk cafes	For public safety, aesthetic and public access reasons, the Council controls the mentioned functions.
<b>Water Supply</b>	Provision of water for residential and commercial purposes	The Council provides water for domestic, recreation, aesthetic and business purposes.
<b>Sewerage</b>	The disposal and treatment of sewerage	The Council operates sewerage services for the safe and healthy disposal and treatment of sewerage.
<b>Waste Management</b>	Provision of garbage and tip services	The Council provides waste services, including access to tips and kerb side collection.
<b>Community Services</b>	Service provision	The provision of Home Support (CHSP) and other community services.

Council's decision making functions which affects the public are based on the following:

- to provide directly or on behalf of other levels of Government, after due consultation, adequate equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of members of the public, users of facilities and services and Council staff in the development, improvement and co-ordination of Local Government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State Government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the Council is affected; and
- to be a responsible employer.
- 

#### 4. Arrangements to Enable Public Participation

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

##### 4.1 Representation

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their Council to make decisions on their behalf. In New South Wales, Local Government elections are held every four (4) years.

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 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.

## 4.2 Personal Participation

Members of the public are able to provide submissions on draft policies, strategies and plans that are placed on public exhibition, complete community surveys, customer requests or complaints forms, attend community forums and become involved in ratepayer associations, advancement groups or S355 Committees of Council or become a volunteer.

The public are also able to attend Council meetings. . Dates, locations and times can be found on Council's website at [www.murrayriver.nsw.gov.au](http://www.murrayriver.nsw.gov.au).

Public attendance to these meetings is governed in accordance with Council's Code of Meeting Practice.

The Ordinary Meetings of Murray River Council will be held as per the schedule below, between Barham, Mathoura and Moama (unless otherwise advertised), according to the adopted meeting schedule.

DATE	TIME	LOCATION
Tuesday 16 <sup>th</sup> October 2018	6:00 pm	Moama
Tuesday 27 <sup>th</sup> November 2018	1:00 pm	Barham
Tuesday 11 <sup>th</sup> December 2018	1:00 pm	Mathoura
Tuesday 22 <sup>nd</sup> January 2019	6:00 pm	Moama
Tuesday 26 <sup>th</sup> February 2019	1:00 pm	Barham
Tuesday 26 <sup>th</sup> March 2019	1:00 pm	Mathoura
Tuesday 23 <sup>rd</sup> April 2019	6:00 pm	Moama
Tuesday 28 <sup>th</sup> May 2019	1:00 pm	Barham
Tuesday 25 <sup>th</sup> June 2019	1:00 pm	Mathoura
Tuesday 23 <sup>rd</sup> July 2019	6:00 pm	Moama
Tuesday 27 <sup>th</sup> August 2019	1:00 pm	Barham
Tuesday 24 <sup>th</sup> September 2019	1:00 pm	Mathoura

### VENUES

BARHAM	Riverside Reception Centre 15 Murray Street
MATHOURA	Multi-Function Room, Mathoura Visitor & Business Centre, Cobb Highway
MOAMA	Tatalia Room, Upper Level, Rich River Golf Club, 24 Lane, Moama

## 5. Government Information held by Council

Murray River Council is committed to the principle of open and transparent government. 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.

Council holds information, in various formats, in respect of a wide range of functions undertaken by it and information which is pertinent to different issues relating to the Murray River Council area.

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

Any applications made under the GIPA Act will be processed in accordance with the requirements of the Act.

### 5.1 Mandatory Proactive Release — Open Access Information

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 this Act and will be published on Council's website:

- 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 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 Act also stipulates that the following additional documents are to be provided as open access information by Council:

#### Information about Council

- Code of Conduct as prescribed under Section 440 (1) of the Local Government Act (LGA)
- Code of Meeting Practice
- Annual Report
- Annual Financial Report
- Auditor's Report
- Community Strategic Plan

- Delivery/Operational Plan
- Payment of Expenses and the Provision of Facilities to Councillors' Policy
- Annual reports of bodies exercising functions delegated by Council
- Any codes referred to in the LGA
- Returns of the interests of Councillors, designated persons and delegates
- Agendas and Business Papers for Council and Committee Meetings
- Minutes of Council and Committee Meetings
- Departmental Representative Reports presented at a meeting of Council
- Council's Land Register
- Register of Investments
- Register of Delegations
- Register of current Declarations of Disclosures of Political Donations
- Register of Voting on Planning Matters

## **Plans and Policies**

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

## **Information about Development Applications**

Development Applications and any associated documents received in relation to a proposed development including the following:

- 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 specification and configurations, and commercially sensitive information.

This clause 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.

### **Approvals, Orders and Other Documents**

- Applications for approvals under Part 1 Chapter 7 of the LGA
- 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 LGA, and any reasons given under section 136 of the LGA
- 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. Performance improvement orders issued to Council under Part 6 of Chapter 13 of the LGA

## **5.2 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 information frequently requested or information of public interest that has been released as a result of other requests.

## **5.3 Informal Release**

Access to information, which is not available as Mandatory Public Release (open access) or Proactive Release, may be provided through Informal Release.

As per proactive release methods, 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.

Application should be made to Council by submitting an Access to Information application form, available on Council's website [www.murrayriver.nsw.gov.au](http://www.murrayriver.nsw.gov.au) or by contacting Council on 1300 087 004.

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

## 5.4 Formal Access

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 to Information Application to be submitted.

Application should be made to Council in writing by submitting the Access to Information Application form, available on Council's website, and should be accompanied by the GIPA prescribed application fee of \$30.00. Additional \$30.00 hourly processing charges may be applicable.

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.

An 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.

## 5.5 Public Interest Test

In deciding which information to release, Council will apply the public interest test having regard to our obligations to promote the objectives of the GIPA Act and to any relevant guidelines issued by the Information Commissioner.

The public interest test involves three steps:

- Identifying the relevant public interest considerations for disclosure.
- Identifying any relevant public interests against disclosure.
- Assessing whether the public interest against disclosure outweighs the public interest in favour.

## 5.6 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.

As set out in Clause 5.4 above, Formal Access Applications require payment of \$30.00 application fee and \$30.00 hourly processing charges may apply.

## 5.7 Copyright

Nothing in the regulations requires or permits Council to make open access information available in any way that would constitute an infringement of copyright (Section 6.6 GIPA Act).

Access to copyright 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. These documents include Plans/Drawings, consultant reports, Statements of Environmental Effects and other miscellaneous reports submitted with a DA (please note that this list is not definitive).

## 6. Public Access to Information and Amending Council Documents

As mentioned previously, Council has a vast range of documents that can be accessed in varying ways. Most documents can be inspected at and obtained from one of Council's office between the hours of 9.00 am and 4.00 pm, Monday to Friday (except public holidays). For further enquiries about any document/s Council's office in charge of GIPA – the Manager Risk, should be contacted. If you experience any difficulty in obtaining documents or information, you should contact the Public Officer.

### Public Officer — Right of Information Officer

Council has appointed a Public Officer, which is a requirement under the GIPA Act. Amongst 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 documents of the Council. The Public Officer is also Council's Right to Information Officer and, as such, is responsible for determining applications for access to documents or for the amendment of records.

Council has in place a Privacy Management Plan for dealing with private or personal information.

If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer.

Also, if you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Public Officer in the first instance. Enquiries should be addressed as follows:

The Public Officer  
Murray River Council  
PO Box 21  
MATHOURA NSW 2710