



"Making an even better Berrigan Shire"

AGENCY INFORMATION GUIDE 2022-2023

Government Information (Public Access) Act 2009

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1. What is the Agency Information Guide?

Berrigan Shire Council's *Information Guide* describes who we are and what we do.

It also describes how members of the public, community organisations, the media, and government agencies can interact with us, access information held by us and change information believed to be incorrect.

This Agency Information Guide has been produced by Berrigan 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 Berrigan Shire Council
- The way in which the functions of Berrigan Shire Council affect members of the public
- The avenues available to the public to participate in policy development and the exercise of Berrigan Shire Council functions
- The type of information available from Berrigan Shire Council and how this information is made available

The Agency Information Guide is available:

- For download via Council's website www.berriganshire.nsw.gov.au
- Hardcopy from Council's Administration Office – 56 Chanter Street, Berrigan

Karina Ewer
Chief Executive Officer
03 November 2022

2. Introduction – About the Berrigan Shire Council

Berrigan Shire (pop 8416) on the New South Wales and the Victorian border is three hours north of Melbourne (270 km) and 7 hours (670 km) south-west of Sydney. A rural community with Murray River tourism and exceptional recreation, social and health services, and facilities in its four towns (Berrigan, Barooga, Finley and Tocumwal) the Shire's towns also service surrounding dry land and irrigated farming districts.

European settlement dates from the late 1840s with land used mainly for cropping and grazing. When the Shire of Berrigan was established in 1906 the fortunes of and the population of the Shire, in its early years fluctuated in response to economic and environmental conditions. This uncertainty, however, changed with the expansion in the 1960s of irrigated agriculture.

Today continued development is most evident in the Murray River (NSW and Victorian) border townships of Barooga and Tocumwal. These are towns and communities that attract families to rural lifestyle blocks and also retirees from metropolitan Melbourne. While the towns of Berrigan and Finley remain important sub-regional service centres servicing the outlying communities (e.g.: Blighty, Jerilderie, Saverlake) of the neighbouring LGAs of Edward River, Murrumbidgee and Federation Councils.



2.1 Responsible Area

Corporate Services: Deputy Chief Executive Officer/Director Corporate Services, Matthew Hansen, Information and Records Officer

2.2 Council Review and Adoption Dates:

Version Control	Date of Adoption	Minute No.
Version 1	17 November 2010	291/2010
Version 2	14 December 2011	284/2011
Version 3	21 November 2012	275/2012
Version 3	20 November 2013	308/2013
Version 5	19 November 2014	282/2014
Version 6	18 November 2015	265/2015
Version 7	16 November 2016	298/2016
Version 8	15 November 2017	221/2017
Version 9	21 November 2018	234/2018
Version 10	20 November 2019	107/2019
Version 11	18 November 2020	272/2020
Version 12	17 November 2021	277/2021
Version 13	16 November 2022	294/2022



3. Structure and Functions of Council

Berrigan Shire was established in 1906 and is governed by the body of Councillors who are elected by the residents and ratepayers of Berrigan Shire every four years.



3.1 Role of Governing Body

The role of the councillors is to:

- Represent the community and advocate its viewpoint
- Formulate policy and strategic direction and make decisions that will benefit the community as a whole
- Represent the collective interests of residents, ratepayers and the local community.
- Set and approve the Council budget
- Make considered and well-informed decisions as a member of Council
- Oversee the implementation of policy and key strategic plans and review the performance of the organisation
- Facilitate communication between the local community and Council
- Uphold and represent accurately the policies and decision of Council

3.2 Role of the Mayor

The Mayor is elected to represent the Berrigan Shire Council:

- To be the leader of Council and a leader in the local community.
- The mayor presides over the council meetings and manages the conduct of participants at council meetings.
- The mayor presides over regular General Council meetings, where councillors debate and vote on motions, and manages the conduct of participants at these council meetings.

- To advance community cohesion and promote civic awareness.
- To carry out the civic and ceremonial functions of the Mayoral Office.
- To lead performance appraisals of the Chief Executive Officer.
- 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 partnership between Council and key stakeholders.
- To advise, consult with and provide strategic direction to the Chief Executive Officer in relation to the implementation of the strategic plans and policies of Council.
- In conjunction with the Chief Executive Officer, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community.



Berrigan Shire Council Mayor
Cr Matthew Hannan

3.3 Role of the Chief Executive Officer

The Chief Executive Officer (CEO) of Berrigan Shire Council is the most senior employee (or principal officer) of Council and the only member of staff selected and appointed by Councillors.

The primary responsibility of the CEO is:

- 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 appoint staff in accordance with organization structure determined under this Chapter and the resources approved by Council.
- To implement Council's workforce management strategy.
- To exercise any of the functions of Council that are delegated by Council to the Chief Executive Officer.



Berrigan Shire Council Chief Executive Officer
Karina Ewer

3.4 Berrigan Shire Council Vision

In 2032 we will be recognised as a Shire that builds on and promotes our natural assets and advantages to create employment and economic activity to attract residents, families and tourist.

3.5 Berrigan Shire Council Values

The Berrigan Shire Council values are embedded into the Council business that is undertaken each day; they add meaning to the work we do and provide a basis for consistent planning and decision making across the organisation.

The Berrigan Shire Council values are:

- Integrity
- Leadership
- Selflessness
- Objectivity
- Accountability
- Openness
- Honesty
- Respect
- Trust and Teamwork
- Advocacy
- Partnership

3.6 Senior Staff

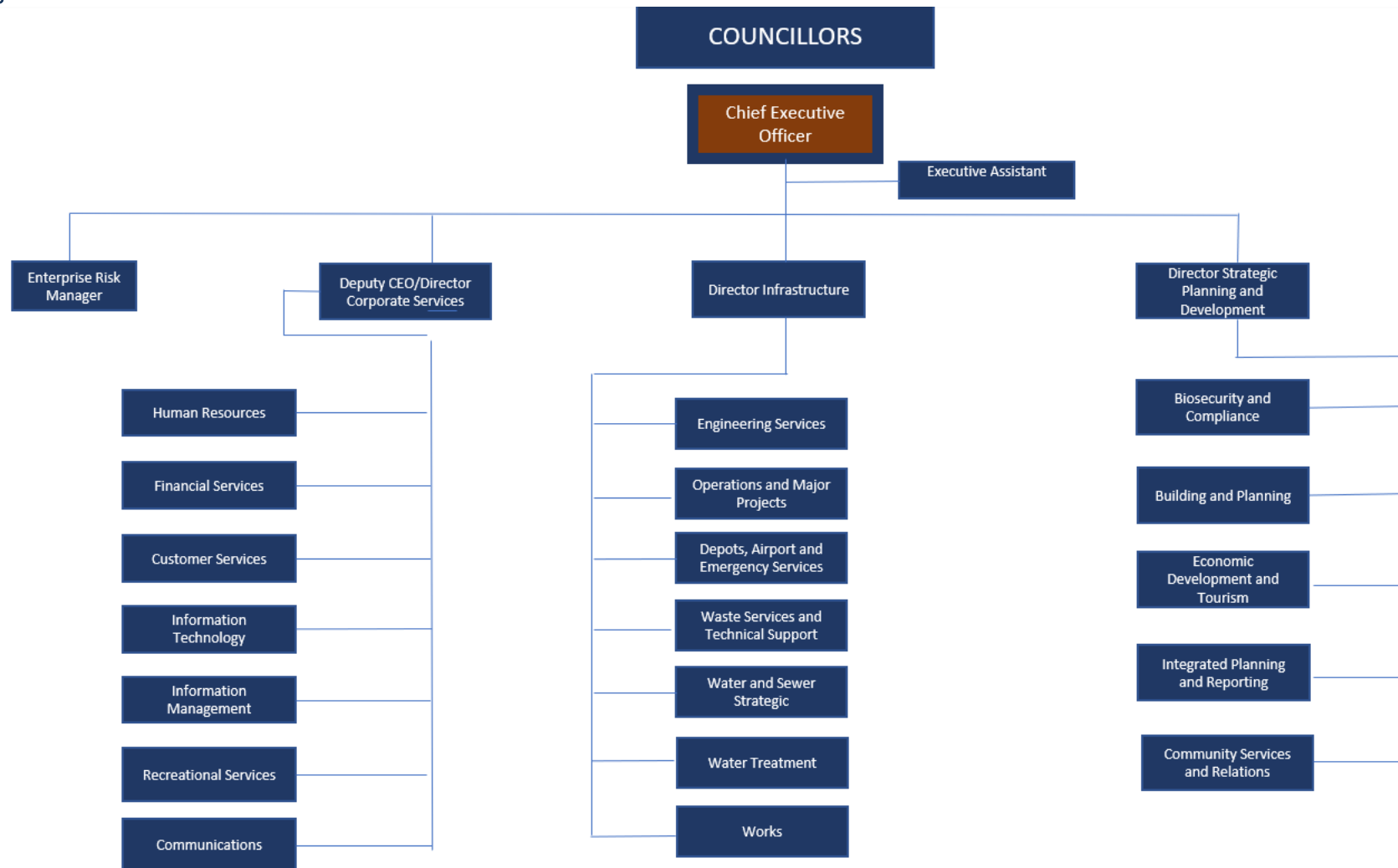
To assist the Chief Executive Officer in the exercise of these function, there are three Divisions of Council, headed by Directors:

Deputy CEO /
Director Corporate Services

Director Infrastructure

Director Strategic Planning
& Development

3.7 Organisational Structure Chart



3.8 Council Functions

3.8.1 Legal Identity

Berrigan Shire Council is constituted and operates under the provisions of the *Local Government Act* 1993. The Council is responsible for providing local government representation and services for the residents of Berrigan Shire.

Along with 134 other Councils, Berrigan Shire was proclaimed by the New South Wales State Government on 6 March 1906. Berrigan Shire Council is one of the few remaining of those initial 134 to still exist within substantially the same boundaries since that date.

Located on the Murray River in the Southern Riverina, the Shire area covers approximately 2,100 square kilometres and is home to more than 8,700 residents.¹ It includes the four distinct communities of Barooga, Berrigan, Finley and Tocumwal.

3.8.2 Integrated Planning and Reporting

Berrigan Shire's preferred future is established in *Berrigan Shire 2032*, the Shire's Community Strategic Plan. This plan was developed in conjunction with our community under the Integrated Planning and Reporting (IP&R) framework established by the Office of Local Government.

In Berrigan Shire 2032, the community set out its vision for the future

In 2032 we will be recognised as a Shire that builds on and promotes our natural assets and advantages to create employment and economic activity to attract residents, families and tourists.

As well as *Berrigan Shire 2032*, the IP&R framework includes a suite of other plans, strategies and reports that are used by the Council to support the provision of a range of services, programs and initiatives on behalf of residents and others and advances Berrigan Shire as a lifestyle and investment destination of choice.

You can view the Council's suite of plans and strategies under the IP&R framework at the Council Administration Office and on the Council website at:

<https://www.berriganshire.nsw.gov.au/index.php/council-governance/management-plans-codes-reports>

3.8.3 Our Purpose

The aim of the Berrigan Shire Council is to develop our community and assist where we can, to help it grow and achieve the community's vision. We work alongside our community and use our skills, our staff and our resources to contribute to the improvement of the entire Shire.

We are one team focused on the one purpose of ***"Making an even better Berrigan Shire"***.

¹ Australian Bureau of Statistics Regional Population 2019-20 (30 March 2021)

3.8.4 Local Government and the Public

As a service organisation, the majority of the activities of Berrigan Shire Council may have an impact on you. The following is an outline of how the broad functions of the Council may affect you and others.

The Council exercises its functions under the [Local Government Act 1993](#). [Section 21 of this Act](#) confers or imposes the following functions on Council:

- Non-regulatory or service functions (Chapter 6)
 - Regulatory functions (Chapter 7)
 - Ancillary functions (Chapter 8)
 - Revenue functions (Chapter 15)
 - Administrative functions (Chapters 11, 12 and 13)
 - Enforcement functions (Chapters 16 and 17)
-
- **Service functions** involve the Council providing services and facilities to the public. This includes the provision of public infrastructure such as roads, water supply and sewerage systems, waste collection and recycling services, community infrastructure such as libraries, halls and recreation reserves and human services such as Home and Community Care.
 - **Regulatory functions** place restrictions on the use of land and on some other activities in order to mitigate any adverse effect on community amenity and the environment and to protect the life and safety of the public. Members of the public must be aware of, and comply with, such functions.
 - **Ancillary functions** include, for example, the resumption of private land and the power for the Council to enter onto a person's land. In general, these activities will only affect the owners of the property.
 - **Revenue functions** have a direct effect on the public in that the Council can compel landholders in the Shire to pay rates and charges lawfully made by the Council. The Council's revenue functions have an indirect effect on the public in that revenue raised by the Council is used to fund the services and facilities provided to the community.
 - **Administrative functions** do not affect the public directly but the impact of these functions on the efficient and effective provision of services by the Council may affect the public.
 - **Enforcement functions** such as impoundment of wandering stock directly affects those members of the public who are in breach of certain legislation. It has an indirect effect on the wider community through the maintenance of community amenity.
 - **Community support functions** include such matters such as facilitation of community and business activity within the Shire and advocating for the needs of the community with other levels of government.

As well as the *Local Government Act*, the Council has functions conferred or imposed on it by or under other Acts, which include:

<i>Biodiversity Conservation Act 2016</i>	<i>Environmental Planning and Assessment Act 1979</i>	<i>Modern Slavery Act 2018</i>	<i>State Emergency Service Act 1989</i>
<i>Biosecurity Act 2015</i>	<i>Data Sharing (Government Sector) Act 2015</i>	<i>Native Title (New South Wales) Act 1994</i>	<i>State Records Act 1998</i>
<i>Boarding Houses Act 2012</i>	<i>Dividing Fences Act 1991</i>	<i>Ombudsman Act 1974</i>	<i>Strata Schemes Development Act 2015</i>
<i>Building Professionals Act 2005</i>	<i>Environmental Planning and Assessment Act 1979</i>	<i>Pesticides Act 1999</i>	<i>Strata Schemes Management Act 2015</i>
<i>Child Protection (Working with Children) Act 2012</i>	<i>Fair Work Act 2009 (Cth)</i>	<i>Plumbing and Drainage Act 2011</i>	<i>Surveillance Devices Act 2007</i>
<i>Children and Young Persons (Care and Protection) Act 1998</i>	<i>Fire and Emergency Services Act 2017</i>	<i>Privacy and Personal Information Protection Act 1998</i>	<i>Swimming Pools Act 1992</i>
<i>Children (Education and Care Services National Law Application) Act 2010</i>	<i>Fluoridation of Public Water Supplies Act 1957</i>	<i>Protection of the Environment Operations Act 1997</i>	<i>Transport Administration Act 1988</i>
<i>Children's Guardian Act 2019</i>	<i>Food Act 1989</i>	<i>Public Health Act 1991</i>	<i>Trustee Act 1925</i>
<i>Civil Liability Act 2002</i>	<i>Government Information (Public Access) Act 2009</i>	<i>Public Interest Disclosures Act 1994</i>	<i>Unclaimed Money Act 1995</i>
<i>Coastal Management Act 2016</i>	<i>Graffiti Control Act 2008</i>	<i>Public Works and Procurement Act 1912</i>	<i>Privacy and Personal Information Act 1998</i>
<i>Community Land Development Act 1989</i>	<i>Government Information (Public Access) Act 2009</i>	<i>Radiocommunications Act 1992 (Cth)</i>	<i>Waste Avoidance and Resource Recovery Act 2001</i>
<i>Community Land Management Act 1989</i>	<i>Health Records and Information Privacy Act 2002</i>	<i>Recreation Vehicles Act 1983</i>	<i>Water Act 1912</i>
<i>Companion Animals Act 1998</i>	<i>Heritage Act 1977</i>	<i>Road Transport Act 2013</i>	<i>Water Management Act 2000</i>
<i>Copyright Act 1968</i>	<i>Impounding Act 1993</i>	<i>Roads Act 1993</i>	<i>Workers Compensation Act 1987</i>
<i>Contaminated Land Management Act 1997</i>	<i>Land Development Contribution Management Act 1970</i>	<i>Health Records and Information Protection Act 1998</i>	<i>Work Health and Safety Act 2011</i>
<i>Conveyancing Act 1919</i>	<i>Library Act 1939</i>	<i>Rural Fires Act 1997</i>	<i>Workplace Injury Management and Workers Compensation Act 1998</i>
<i>Crown Land Management Act 2016</i>	<i>Liquor Act 2007</i>	<i>Smoke-free Environment Act 2000</i>	<i>Workplace Surveillance Act 2005</i>
<i>Data Sharing (Government Sector) Act 2015</i>	<i>Local Land Services Act 2013</i>	<i>State Emergency & Rescue Management Act 1989</i>	
<i>Dividing Fences Act 1991</i>	<i>Local Government Act 1993</i>		

4. Participation in Local Government

4.1 Representation

Local government in New South Wales is based on the principle of representative democracy. This means that eligible voters elect representatives to their local Council to make decisions on their behalf. In New South Wales, elections are held every four years.

Berrigan Shire Council is represented by a publicly elected Council that is responsible for providing leadership in the development and implementation of a program of actions that contribute to the Shire community's vision.

Berrigan Shire Council is represented by eight councillors, headed by a Mayor. Berrigan Shire Council is a unitary body and is not divided into wards. Each Councillor is elected by, and represents, the Shire as a whole.

Councillors serve a four-year term; the current Council was elected in December 2021. Berrigan Shire is not divided into wards and councillors are elected at large. The next election is scheduled for September 2024.²

The Mayor is elected by the Councillors from among their number and serves for a 2-year term. The current Mayor was elected in January 2022. The next Mayoral election will be held in September 2023.³

4.2 The role of the Council is to:

1. Represent the community and advocate its viewpoint
2. Make considered and well-informed decisions as a member of Council
3. Formulate policy and strategic direction and make decisions that will benefit the community as a whole
4. Oversee the implementation of policy and key strategic plans and review the performance of the organisation
5. Represent the collective interests of residents, ratepayers and the local community.
6. Facilitate communication between the local community and Council
7. Set and approve the Council budget
8. Uphold and represent accurately the policies and decisions of Council, and
9. Make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

² The scheduled 2020 NSW local government elections were deferred until December 2021 because of the COVID-19 pandemic. The next Council term will be two years and nine months.

³ The initial Mayoral term is 1 year and nine months.

4.3 Making Representations to Councillors

Residents are able to raise issues with the elected Councillors. The Councillors, if they agree with the issue, may pursue the matter on the behalf of the resident which allows members of the public to influence the development of policy.

Residents may contact Councillors by phone or email via the following contact details:

Cr Matthew Hannan (Mayor) M: 0409 893 142 E: matthew.hannan@berriganshire.nsw.gov.au	Cr Carly Marriott (Deputy Mayor) M: 0407 305 900 E: carly.marriott@berriganshire.nsw.gov.au
Cr Julia Cornwell-McKean M: 0419 256 514 E: julia.cornwellmckean@berriganshire.nsw.gov.au	Cr Ted Hatty M: 0409 839 206 E: ted.hatty@berriganshire.nsw.gov.au
Cr Sarah McNaught M: 0419 241 865 E: sarah.mcnaught@berriganshire.nsw.gov.au	Cr Renee Paine M: 0419 254 191 E: renee.paine@berriganshire.nsw.gov.au
Cr Roger Reynoldson M: 0428 852 063 E: rogerr@berriganshire.nsw.gov.au	Cr John Taylor M: 0409 414 936 E: johnt@berriganshire.nsw.gov.au

5. Council Meetings

Berrigan Shire Council holds an ordinary meeting of the Council on a monthly basis. This is ordinarily scheduled for the third Wednesday of the month, commencing at 9.15am.

The venue for the meeting is the Berrigan Shire Council Chambers, 56 Chanter Street, Berrigan.

The Council may choose to vary the time, date or venue of meetings or hold an extraordinary meeting.

Council meeting times are shown on the Council website and are also advertised in the Southern Riverina News and the Cobram Courier.

Ordinary meetings of the Council are open to the public, except as allowed for in the *Local Government Act 1993*. An audio recording of each Council meeting is also available on the Council website.



6. Public Participation

Council's Community Engagement Framework (2016) strengthens Council's commitment to supporting the participation of individuals, groups and communities in Council planning and decision making. It guides the development of Council's Community Strategic Planning engagement strategies and consultation on local issues.

Opportunities exist for you and other members of the community to participate in all facets of the governance of the Council. There is participation through the formal decision-making structures and through the many support units and groups that contribute to the Council's affairs.

Outside the formal structures of decision-making, Council has a procedure for receiving and responding to complaints and suggestions from the public about the Council and its functions. You are also encouraged to contact Councillors to put forward your views regarding issues relating to the Council.

Many Council plans, codes and policies are placed on display for public comment before final adoption by the Council. Notification of requests for public comment is made on the Council website (<http://www.berriganshire.nsw.gov.au>) and in the Southern Riverina News and the Cobram Courier.

These draft plans and codes also available on the Council website and the Council administration office. They also are available for perusal at and the Barooga, Berrigan, Finley and Tocumwal branches of the Berrigan Shire Library Service.

You, and other members of the public, are invited to join the various committees of management that operate facilities such as recreation reserves, public halls and parks and gardens. Other committees open to the public include various advisory and support groups on issues such as youth, public libraries and community assistance.

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 or bodies are:

- Australia Day
- Barooga Advancement Group
- Barooga Community Botanical Gardens
- Barooga Recreation Reserve
- Berrigan Conservation & Tidy Towns
- Berrigan Sportsground
- Berrigan War Memorial Hall
- Berrigan War Memorial Swimming Pool
- Finley Log Cabin Museum and Mary Lawson Memorial Wayside Rest
- Finley Recreation Reserve
- Finley School of Arts
- Finley Showground Sporting Complex
- Finley War Memorial Hall

- Finley War Memorial Swimming Pool
- Retreat Public Hall
- Tocumwal Foreshore
- Tocumwal Rail Preservation
- Tocumwal Recreation Reserve
- Tocumwal Swimming Pool
- Tocumwal War Memorial Hall

7. Council Information and Access to Information

7.1 List of Council documents available to the public

The *Government Information Public Access Act 2009* (GIPA Act) and associated regulation provides you with a general right of access to information held by the Council as long as it does not infringe privacy, other laws, or there are public interest considerations against disclosure.

A range of information about the Council and its operations is available on the Council's website and/or the Council administration office in Berrigan.

You are entitled to inspect these documents held by the Council on the Council's website – unless there is an unreasonable additional cost to the Council to publish these documents on the website – or at the offices of the Council during ordinary office hours or at any other place as determined by the Council.

Any current or previous document of this type may be inspected by you free of charge. Copies can be supplied for reasonable copying charges.

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:

- Council's Agency Information Guide ([available on Council's website](#))
- 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 ([available on Council's website](#))
- Council's Disclosure Log of Formal Access Applications ([available on Council's website](#));
- Council's Register of Government Contracts ([available on Council's website](#));
- 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:

1. Information about Council and Council meetings

-
- a. Code of meeting practice
 - b. Agendas, minutes and business papers for any meeting of the Council or any committee of the Council
 - c. Councillors expenses and facilities policy
2. Council Administration
 - a. Berrigan Shire Council Code of Conduct
 - b. Annual Report, Financial Statements and Auditor's Report
 - c. Equal Employment Opportunity Management Plan
 - d. Land Register
 - e. Investment Register
 - f. Delegations Register
 - g. Register of voting on planning matters
 - h. Register of graffiti removal work
3. Plans and policies
 - a. A range of Council policies are available [on the Council's website](#)
 - b. Other Council plans, strategies and reports can be found at: ([available on the Council's website](#))
4. Development and Planning
 - a. Environmental planning instruments and development control plans
 - b. Development Applications and associated documents
5. Other documents
 - a. Leases and licences for use of public land classified as community land
 - b. Register of contracts
 - c. Register of gifts
 - d. Returns of the interests of Councillors, designated persons and delegates
 - e. Register of current declarations of disclosures of political donations

7.2 How to Access Information the Council holds

Under the GIPA Act the Council has an obligation to provide greater accessibility to government information for the public.

Documents available for free can be found on the Council's website (<http://www.berriganshire.nsw.gov.au>) or collected in person at the Council's office in Berrigan during office hours.

You may come to the Council's office at 56 Chanter Street, Berrigan, and view the Council's open access information during office hours (8.00am to 5.00pm Monday to Friday excluding public holidays).

7.3 Access to and Amendment of Council Records

Any person can request to view his/her own personal record and can request the alteration of certain information that is held by the Council in connection with its administrative functions

and if the information is, in the person's opinion, incomplete, incorrect, out of date or misleading. Any records of a legal or accounting nature cannot be altered without proper approval or advice.

The Deputy Chief Executive Officer has been appointed as the Council's Public Officer and Right to Information Officer. Among other duties, the Deputy Chief Executive 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 Deputy Chief Executive Officer is also 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.

The Council endeavours to make as much information as possible available proactively or upon request, unless there is an overriding public interest against disclosure. In some cases, it may be necessary to lodge a formal access application. Access forms are available on the Council's website or by contacting the Council's Public Officer.

Requests for amendment of a document of the Council which you feel is incorrect will require you to make written application to the Director Corporate Services in the first instance.

Matthew Hansen
Deputy Chief Executive Officer
Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Telephone: (03) 5888 5100
Email: mail@berriganshire.nsw.gov.au

8. Information and Privacy Commission NSW (IPC)

The Information and Privacy Commission (IPC) has been established to oversee the GIPA Act. The IPC provides information about the right to access information held by NSW government agencies, including Councils.

You can contact IPC via:

Level 15, McKell Building
2-24 Rawson Place
Haymarket NSW 2000
T: 1800 472 679
E: ipcinfo@ipc.nsw.gov.au
IPC's website: <https://www.ipc.nsw.gov.au/>

