

**COUNCILLOR'S ACCESS TO INFORMATION AND  
INTERACTIONS WITH STAFF AND ACCESS TO  
COUNCIL PREMISES POLICY**

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<b>RESPONSIBLE OFFICER</b>		General Manager	

## **POLICY STATEMENT**

Riverina Water County Council is committed to:

- Cooperation and collaboration between Council staff and its elected members;
- On-going professional development of elected members;
- Clear distinction between enquiries of civic and personal nature.

### **Objective**

The objectives of this policy are to:

1. Provide a standard approach by which Councillors can access Council records.
2. Ensure accessibility to Councillors of all documents that are required by them to undertake their statutory responsibilities.
3. Ensure that Councillors receive accurate and timely advice to aid them in the performance of their civic responsibilities.
4. Facilitate the appropriate level of access to staff.
5. Facilitate a harmonious and respectful relationship between Councillors and staff, taking into account the differing roles that they are required to undertake as defined in the Local Government Act.
6. Complement the Council's Code of Meeting Practice and the Council's Code of Conduct.

### **Legislative Compliance – Intent**

Councillors must have access to information and staff in order to ensure the smooth functioning of the Council. This policy establishes the protocols to be followed so that access to information and staff is facilitated through appropriate internal channels or legally available channels.

Provide direction on Councillors' rights of access the Council Administration Office.

### **Scope**

This policy applies to all Councillors of Riverina Water County Council.

This policy applies to all employees, contractors and volunteers working on behalf of the Riverina Water County Council in whatever capacity.

### **Definitions**

Councillors refer to all elected representatives of Riverina Water County Council as defined by the Local Government Act 1993.

The role of the Council is to determine the strategic direction and determine the policy framework of the Council.

The role and function of the General Manager is to effectively manage the organisation, direct staff and implement Council's policies and strategic objectives.

Statutory Provisions relating to Access to Council records are contained in the Local Government Act (LGA), the Government Information (Public Access) Act 2009 (NSW) and the Privacy and Personal Information Protection Act (PIPPA).

Council's Public Officer is the General Manager.

Junior Staff are defined as any staff member below the level of manager.

**Public contact staff refers to:**

Customer Service staff

**Documents refer to:**

- Files/correspondence
- Public Registers
- Development and other Applications

**Provisions**

Councillor Access Information

Open Access Information – Section 6 (1) of the Government Information (Public Access) Act 2009 (GIPA) provides that the Council must make government information that is open access information publicly available. Open access information is made available through Council's website or it may be viewed by appointment during office hours. Appointments can be made through the General Manager.

The General Manager/Public Officer is responsible for ensuring that members of the public and Councillors can gain access to the documents that are publically available.

Rights of Access to Information – The General Manager must provide Councillors with information sufficient to enable them to carry out their civic office functions.

A Councillor may request the General Manager to provide them with access to a document or other record of Council relating to a matter which is, or is to be, or has been, under consideration of the Council. Councillors are entitled to access all files, records or other documents where that document is identified as Open Access under GIPA or to a matter currently before the Council.

Councillors can request access to other documents of the Council by a GIPA application.

Information provided to a particular Councillor in the performance of their civic duties must also be available to any other Councillors who request it.

Councillors who have a personal (as distinct from civic) interest in a document of Council have the same rights as any other person. Councillors can request access to other documents of the Council by making an application under GIPA.

Refusal of Access to Documents – Where the General Manager/Public Officer determines to refuse access to a document sought by a Councillor, they must act reasonably in reaching this decision, and they must take into account whether or not the document sought is required for the Councillor to perform their civic duty. The General Manager/Public Officer must then give the option of applying for the documents under the GIPA and if access is still refused must state the reasons for the decision (as specified under the provisions of GIPA). Councillors will not be provided with access to staff records.

Responsibility/Accountability - Councillors must not release personal information about a third party except in accordance with the provisions of the Privacy and Personal Information Act.

Information can be obtained in Council's Privacy Management Plan and the Public Officer can also advise on this.

In regards to information obtained in the capacity as a Council Official, Councillors must:

- Only access Council information needed for Council business;
- Not use that Council Information for private purposes;
- Not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for themselves, or any other person or body, from information to which they have by virtue of their office or position with Council; and
- Only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

Councillors and staff are responsible for ensuring that any breaches of this policy are reported to the General Manager.

Where the breach relates to the conduct of a Councillor, the General Manager is responsible for immediately reporting the matter to the Chairperson and where the breach relates to the conduct of the Chairperson, the General Manager is responsible for reporting this to Council.

Where the breach relates to the conduct of staff the General Manager is responsible for taking appropriate disciplinary action if the breach is proven.

Use and Security of Confidential Information – Councillors must maintain integrity and security of confidential documents or information in their possession, or for which they are responsible.

In addition to their general obligations relating to the use of Council information, Councillors must:

- Protect confidential information;
- Only use confidential information for the purpose it is intended to be used;
- Not use confidential information gained through their official position for the purpose of securing a private benefit for themselves or any person;
- Not use confidential information with the intention to cause harm or detriment to the Council or any other person or body; and
- Not disclose any information discussed during confidential session of a Council Meeting.

### **Right of Review**

If a Councillor is concerned about any refusal to provide information, he/she should firstly raise the matter with the General Manager (or the Chairperson if it was the General Manager who refused to provide the information) and refer to the Code of Conduct Policy.

For refusal of access under GIPA a Councillor may ask for an internal review or an external review by the Information Commissioner. For more information go to [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au).

### **Interaction between Councillors and Staff**

During Meetings - Interaction between Councillors and staff at Council meetings and committee meetings is regulated by:

- Section 360 of the Local Government Act;
- Part 10 Divisions 1 to 4 of the Local Government (General) Regulation;
- Council's Code of Conduct; and

- Council's Code of Meeting Practice.

Councillors at Council Meetings can ask questions of other Councillors by going through the Chairperson, ask questions of Council staff by going through the Chairperson and then the General Manager and bring forward Notices of Motion, Questions on Notice and matters of urgency where relevant notice has been provided and procedure followed.

As defined by Council's Code of Meeting Practice, at a Council Meeting, Councillors may put a question through the Chairman to the General Manager to a member of staff to clarify a matter that is before the Council.

### **Access to staff outside of Meetings**

The General Manager is responsible to the Council for the performance of all staff and day to day management of Council. Therefore, it is appropriate that all requests for information and approaches to staff on matters not generally available to the public and which are outside the forum of Council and Committee meetings, be directed to the General Manager or to person(s) nominated by the General Manager.

Persons nominated by the General Manager include the Director of Engineering. Only the General Manager and Director can provide advice to Councillors and any other officer nominated by the General Manager and/or Director, from time to time.

Requests for actions, services or maintenance may be made by contacting the Council Office or in writing and submitting it to the General Manager. Staff should ensure that all requests form part of Council records for as long as required.

When a detailed report is required, a Notice of Motion should be made to Council.

If a Councillor is concerned about any refusal to provide information, the matter should be raised with the General Manager. If the Councillor is still dissatisfied they should request the information by way of a Question on Notice to the Council.

Councillors who have lodged a Development Applicant or connection request must not discuss their application with junior staff unless the relevant Manager, Director or General Manager is present. All enquiries must be directed through the General Manager or Director. Discussions must be documented.

Councillors shall not approach junior members of staff directly for information or advice, other than public contact staff and then only for routine administrative matters.

The Chairperson may communicate with Council staff in the course of fulfilling the Chairperson's responsibilities and the General Manager is responsible for keeping the Chairperson informed of all matters relevant to those responsibilities.

Staff members will not approach Councillors directly on other than routine administrative matters. Any other contact with Councillors must be arranged through the Director of Engineering or the General Manager.

Staff members will not lobby Councillors on policy issues.

Councillors must not attempt to direct or influence staff as to the performance of their work.

Councillors must not request staff to undertake work of a personal nature for them or any other person.

## **Councillor Access to Council Offices**

As elected members of the Council, Councillors are entitled to have unimpeded access to all public areas and meeting room.

Councillors who are not in pursuit of their civic duties only have the same rights of access to Council buildings and premises as any other member of the public.

Appropriate protocols with respect to meeting OH&S requirements need to be followed in this instance with building entry sign-in being required as is the case for any other member of the public.

Councillors may not enter "staff only" areas unless with the permission of the General Manager or Director of Engineering.

Appropriate interactions between Councillors and staff and vice versa are required to be respectful and courteous and in line with Council's Code of Conduct obligations.

## **Related Policies/Codes/Guidelines**

The Policy should be read in conjunction with:

- The Code of Conduct
- The Code of Meeting Practice
- Local Government Act 1993
- Local Government (Meeting) Regulations
- Under Careful Consideration: Key Issues for Local Government (ICAC)
- Good Conduct & Administrative Practice-Guidelines for Councils (NSW
- Ombudsman)
- The Government Information (Public Access) Act 2009 (NSW)
- Office of Local Government Circular to Councils 30/10
- Privacy and Personal Information Protection Act 1998
- State Records Act 1996