

Board member access to information and premises

Purpose

This policy establishes the protocols to be followed so that access to Riverina Water County Council (Riverina Water) information and staff by board members is facilitated through appropriate channels.

It also provides direction regarding board members' access to council offices.

Policy Statement

Board members must have access to information and staff in order to ensure the smooth functioning of the council. Riverina Water is committed to cooperation and collaboration between council staff and board members and makes a clear distinction between enquiries of a civic and of a personal nature.

Scope

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

Definitions

Board member	Councillor who represents their member council on the Riverina Water board
Documents	Files and correspondence; public registers; development and other applications
GIPA	<i>Government Information (Public Access) Act 2009</i>
Open access information	Information that is to be proactively released to the public. Includes policy documents, disclosure logs, register of government contracts
Public Contact staff	Staff who directly have dealings with members of the public and

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	customers - most often customer service staff
Public Officer	Officer nominated by the CEO to deal with requests from the public concerning the council's affairs including assistance to gain access to public documents of the council

1 Access to Information

1.1 Board member open access to 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 office of the Chief Executive Officer (CEO).

The Public Officer is responsible for ensuring that members of the public and board members can gain access to the documents that are deemed open access.

1.2 Right of access to information

The CEO must provide board members with information sufficient to enable them to carry out their civic functions.

A board member may request the CEO 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 Board. Board members 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 Board.

Information provided to a particular board member in the performance of their civic duties must also be available to any other board member who requests it.

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

1.3 Refusal of access to documents

Where the Public Officer determines to refuse access to a document sought by a board member, they must act reasonably in reaching their decisions, and they must take into account whether or not the document is required by the board member to perform their civic duty. The Public Officer must then give the option of applying for the documents under GIPA. If access is still refused, the Public Officer must state the reasons for the decision as specified under the provisions of GIPA.

Board members will not be provided with access to staff records.

1.4 Responsibility/Accountability

Board members must not release information about a third party except in accordance with the provision of the *Privacy and Personal Information Protection Act 1998* (PPIPA). Information on personal information and access can be obtained in the Riverina Water Privacy Management Plan, and the Public Officer can also provide advice.

In regard to information obtained in their capacity as a council officer, board members must:

- Only access council information needed for council business
- Not use 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

1.5 Use and security of confidential information

Board members 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, board members 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 other person
- Not use confidential information with the intention to cause harm or detriment to the council or any person or body; and

- Not disclose any information discussed during confidential sessions of a Board meeting

1.6 Right of Review

If a board member is concerned about a refusal to provide information, they should firstly raise the matter with the CEO (or the Chairperson if it was the CEO who refused to provide the information) and refer to the Code of Conduct Policy 1.01

For refusal of access under GIPA, a board member may ask for an internal review, or an external review by the NSW Information Commissioner. For more information contact the NSW Privacy Commission.

2 Interaction between board members and staff

2.1 During board and council committee meetings

Board members at board and council committee meetings can ask questions of other board members by going through the Chairperson, ask questions of council staff by going through the Chairperson and then the CEO, and bring forward Notices of Motions, Questions on Notice and matters of urgency where relevant notice has been provided and procedure followed (see Code of Meeting Practice Policy 1.02).

As defined by the Code of Meeting Practice, board members may put a question through the Chairperson to the CEO at a board meeting, to ask a member of staff to clarify a matter that is before the Board.

2.2 Access to staff outside Board meetings

The CEO is responsible to the Board for the performance of all staff and day to day management of the 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 Board and committee meetings, be directed to the CEO or to person(s) nominated by the CEO.

Persons nominated by the CEO include the Director Engineering and the Director Corporate Services. Only the CEO and Directors can provide advice to board members and any other officer nominated by the CEO and/or Directors, 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 CEO. 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 lodged with Council and the CEO must include the Notice of Motion in the Business Paper for the next meeting of the Board.

If a board member is concerned about any refusal to provide information, the matter should be raised with the CEO. If the board member is still dissatisfied, they should request the information by way of a Question on Notice to the Board.

Board members who have lodged a Development Application or connection request must not discuss their application with members of staff unless the relevant Manager, Director or CEO is present. All enquiries must be directed through the CEO or Director. Discussions must be documented.

Board members (including the Chairperson) should not approach members of staff directly for information or advice, other than public contact staff or the Executive Assistant to the CEO, and then only for routine administrative matters.

The Chairperson may communicate with council staff in the course of fulfilling their responsibilities as Chairperson, and the CEO is responsible for keeping the Chairperson informed of all matters relevant to those responsibilities.

Staff members are not to approach board members directly other than for routine administrative matters. Any other contact with board members must be arranged through the CEO or their delegate.

Staff members are not to lobby board members on policy issues.

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

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

3 Access to council offices

As a board member of Riverina Water, board members are entitled to have unimpeded access to all public areas and the Pat Brassil AM Meeting Room.

Board members 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.

Board members may not enter staff only areas unless with the permission of the CEO or Directors.

Interactions between board members and staff are required to be respectful and courteous and in line with the Code of Conduct Policy 1.01

Policy Implementation

This policy will be reviewed once every council term and is included in board member induction. Managers are to ensure their staff are aware of this policy and to discuss any matters arising from this policy if, and when, they occur.

Non Compliance

Board members and staff are responsible for ensuring that any breaches of this policy are reported to the CEO.

Where the breach relates to the conduct of a board member, the CEO is responsible for immediately reporting the matter to the Chairperson. Where the breach related to the conduct of the Chairperson, the CEO is responsible for reporting this matter to the Board.

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

Policy number	1.09
Responsible area	Governance
Approved by	Riverina Water Board
Approval date	23 Feb 2022 - Res 22/017
Legislation or related strategy	Local Government Act 1993 Local Government Regulations 2021
Documents associated with this policy	Code of Conduct Policy 1.1 Code of Meeting Practice Policy 1.02 Good Conduct and Administrative Practice Guidelines for Councils (NSW Ombudsman) The Government Information (Public Access) Act 2009

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Review schedule	Every 4 years. Next review Nov 2026

Policy details may change prior to review date due to legislative or other changes, therefore this document is uncontrolled when printed.

END OF POLICY STATEMENT