



## Agency Information Guide

### 1. Introduction

The purpose of this document is to outline the Riverina Joint Organisation's approach to disclosing or releasing information about our structure, functions and policies that are of public interest.

Section 20 of the *Government Information (Public Access) Act 2009 (NSW)* requires agencies such as Joint Organisations to develop and adopt a publication guide as part of its mandatory open access information. The Act states that the Publication Guide shall:

- describe the structure and functions of the agency;
- describe the ways in which the functions affect members of the public;
- specify arrangements that exist to enable members of the public to participate in the formulation of the agency's policies and functions;
- identify various kinds of government information held by the agency; and what information will be made publicly available.

### 2. Structure and Functions of the Joint Organisation

The Riverina Joint Organisation was proclaimed in 2018. The Member Councils of the Riverina Joint Organisation are:

- Bland Shire Council
- Coolamon Shire Council
- Cootamundra-Gundagai Regional Council
- Greater Hume Shire Council
- Junee Shire Council
- Lockhart Shire Council
- Temora Shire Council
- Wagga Wagga City Council

Each Member Council is entitled to one vote.

The Riverina JO's Associate Members are;

- Goldenfields Water County Council
- Riverina Water County Council
- Director, Riverina Murray, Department of Regional NSW

- General Managers of the Member Councils

Associate members have no voting rights.

The principal functions of the Riverina JO are to:

- Establish regional strategic priorities and develop strategies and plans to deliver those priorities;
- Promote regional leadership and be an advocate for our regional strategic priorities; and
- Identify and take up opportunities for intergovernmental co-operation on matters relating to the Joint Organisation area.

### **Governing Board**

The Governing Board of the Riverina JO is comprised of voting and non-voting members and an independent Chairperson who is elected from the voting members. The council from which the Chairperson is drawn nominates a replacement delegate to the Board who would usually be the Deputy Mayor.

Voting members are the Mayors (or their alternates when a Mayor is unable to attend the meeting) of the full Member Councils. Each Member is entitled to one vote.

Our Associate Members do not have voting rights.

The role of the Board is to direct and control the affairs of the JO. The Board is to consult with the Chief Executive Officer in directing and controlling the affairs of the JO.

### **Chairperson**

The Chairperson is a Mayor who is elected to the office of Chairperson by the voting representatives on the Board who are Mayors. The elected Chairperson cannot represent their Member Council and does not have a vote.

The Chairperson is the JO's spokesperson on strategic matters and will represent the JO at regional forums where possible. The Chairperson is also responsible for the conduct of Board meetings.

### **Chief Executive Officer**

The Riverina JO employs a Chief Executive Officer who is responsible for the day-to-day management of the JO in accordance with strategic regional priorities, and other plans, programs, strategies and policies of the JO and to implement without delay the lawful decisions of the JO Board. The CEO is also the JO's Public Officer.

### **Advisory Committees and Working Groups**

The Riverina JO may establish Advisory Committees and Working Groups as it considers necessary. The Riverina JO has two working groups.

### **3. The Vision and Values of the Riverina Joint Organisation**

The JO has adopted a set of visions and values that form the foundation for all activities conducted by the JO.

#### **Our Vision is:**

Strong regions, progressive local government, vibrant communities

#### **Our Values are:**

Integrity, honesty, respect, accountability, regionally-focused, collaborative

### **4. Principal Activities of the Riverina Joint Organisation**

The JO is governed by a number of Acts and Regulations to which it must be compliant. These include the provision of:

- Annual Performance Statement
- Audited Financial Reports
- Public Interest Disclosures
- Statement of Strategic Regional Priorities

### **5. Impact of Riverina Joint Organisation Functions on the Public**

The Riverina JO is a membership-based organisation servicing the needs of its Member Councils. The functions it undertakes have limited impact on members of the public. Below is a broad outline of the ways in which the functions of the Riverina JO may affect the public.

#### **Service**

This function affects the public in the following instances;

- Tendering for contracts
- Provision of education and information services

#### **Regulatory and Enforcement**

*The Local Government Act 1993 (NSW)* makes provision for the delegation of regulatory and enforcement actions to the JO by Member Councils. The Riverina JO Member Councils have not delegated any regulatory or enforcement functions to the JO.

#### **Ancillary**

This function may affect some members of the public as the JO has the right of entry onto land and inspect. However, this would only occur in relation to delegation of regulatory or enforcement functions of which the JO has none.

### **Revenue**

The Riverina JO's revenue is derived through the membership fees of the Member Councils, and fees generated through additional services provided to the Member Councils. This function affects the public as membership fees are drawn from Member Council rates revenue. The JO may also receive grants from the State and Federal Governments. This function only affects the public if the grant is for delivery of projects into the community.

### **Administrative**

This function may not affect the public directly, however the impact of this function on the efficient and effective delivery of projects undertaken by the JO may affect the public.

### **Community Planning and Development**

This function includes matters such as the facilitation of community and business activity within the JO Member Councils' communities and advocating for their needs with other levels of government.

## **6. Public Participation in the Riverina Joint Organisation**

The JO Board meets on the fourth Friday of every second month at 9:00am. These meetings are open to the public. The venue for the meetings and meeting schedule are on the JO website.

All agendas and meeting minutes of the Board meetings are available on the Riverina JO website at <https://riverinajo.nsw.gov.au/meetings>

Public exhibitions are another way for members of the public to participate. The Riverina JO invites feedback from the public in regard to proposed policies, plans and projects via the Contact Us form on the JO website <https://riverinajo.nsw.gov.au/contact-us> or in writing to the Chief Executive Officer.

Information provided to the JO in correspondence from members of the public may be made publicly available in accordance with the GIPA Act.

## **7. Open Access Information held by the Riverina JO and How to Access it**

The Riverina JO holds information in various formats in respect to the functions undertaken by it.

The *Government Information (Public Access) Act 2009 (NSW)* ('GIPA Act') requires that Joint Organisations provide the public with a general right of access to information held by the JO as long as it does not infringe privacy, or other laws, or there aren't public interest considerations against disclosure.

## **Mandatory Proactive Release (Open Access)**

The following JO information is prescribed as mandatory Open Access information in accordance with the GIPA Act;

- The JO's Agency Information Guide (available on the JO's website)
- Information about the JO contained in any document tabled in Parliament by or on behalf of the JO, other than any document tabled by order of either House of Parliament
- The JO's policy documents (available on the JO's website)
- The JO's disclosure log of Formal Access Applications
- The JO's register of government contracts
- The JO'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
- Such other government information as may be prescribed by the GIPA regulations as open access information

## **Information about the Riverina JO**

Schedule 1 of the GIPA Act also stipulates that the following additional documents are to be provided as open access information by the JO:

- Code of Conduct
- Procedures for the administration of the Code of Conduct
- Code of Meeting Practice
- Annual, Audit and Financial Reports (N/A)
- Agendas, Minutes and Business papers for all Board Meetings
- Board Expenses and Facilities Policy
- JO Charter
- Revenue Policy
- Statement of Strategic Priorities

These documents are provided on the JO website.

The following information requires an informal request for access to information:

- Disclosures of Interest return forms of designated persons

## **Proactive Release**

The Riverina JO will proactively release information that is not mandatory under the GIPA Act in order to provide the public with as much information as possible, unless there is overriding public interest against it.

## **Informal Access Applications**

Under the GIPA Act, a Joint Organisation may provide information through a process of informal release.

The JO may impose conditions on the release of such information, for example redacting information that may be considered as having overriding public interest against it.

There are no fees involved in an informal request for information, however reasonable photocopying fees may apply.

Informal requests should be made in writing to [eo@riverinajo.nsw.gov.au](mailto:eo@riverinajo.nsw.gov.au) or P O Box 646, Wagga Wagga NSW 2650

### **Formal Access Applications**

A Formal Access application is referred to as a GIPA Application and is required where the information sought is not available by means of any of the channels mentioned above.

Prior to making a formal application, the applicant should check to see if the information that they are seeking is not available on the JO website or could be made available through an informal request.

Formal Access Applications must comply with the following requirements:

- be made in writing and sent by post or lodged at the Riverina JO office;
- clearly indicate that it is a Formal Access application made under the GIPA Act;
- be accompanied by a \$30 fee (direct deposit or cheque only);
- state the name of the applicant and a postal or email address as the address for the correspondence in connection with the application;
- include such information as is reasonably necessary to enable the government information applied for to be identified.

There is a Formal Access to Information form available on the Riverina JO website, and all access to information requests are to be addressed to the Chief Executive Officer at P O Box 646, Wagga Wagga NSW 2650, or emailed to [eo@riverinajo.nsw.gov.au](mailto:eo@riverinajo.nsw.gov.au) or lodged at 81-83 Johnston St, Wagga Wagga.

## **8. Applicable Charges for Formal Access Applications**

Where the Riverina JO receives a formal access request for information and documents under the GIPA Act, the following charges will apply;

- \$30 to lodge a formal application requesting the documentation, which is payable at the time of lodgement (payable by direct debit or cheque only)
- No additional charge where the request is determined by the Riverina JO to be a minor request that the JO determines will take 60 minutes or less to fulfil
- \$30 per hour where the request is determined to be a major request that the JO determines will take more than 60 minutes of staff time to fulfil. In the instance of this, it will be discussed with the applicant prior to processing.

## **Discount in Processing Charges**

Some applicants may be entitled to a 50% reduction in processing charges if they can provide supporting evidence on the grounds of the following:

### **Financial Hardship**

The applicant must be a holder of a Pensioner Concession card issued by the Commonwealth, a full-time student, or a non-profit organisation (including a person applying for or on behalf of a non-profit organisation).

### **Special Benefit to the Public**

The applicant must provide specific details on why the information being accessed is of special benefit to the public.

## **9. Further Information about Formal Access Applications**

A Formal Access application will be deemed invalid if it does not meet the following criteria;

- has been made in writing;
- specify that it has been made under the GIPA Act;
- state an Australian Postal address;
- be accompanied by the \$30 fee (payable by direct debit or cheque only);
- provide sufficient detail to enable the JO to identify the information requested.

### **Copyright**

Some information requested may be subject to copyright laws. Any access to copyright documents will be granted by way of inspection only, unless written consent of the copyright owner has been given.

### **Public Interest Test**

The Riverina JO must consider the public interest in making a decision for or against disclosure. The public interest test is an assessment of the public interest considerations in favour of, and against disclosure. There is an overriding public interest against disclosure if (and only if) the public interest considerations against disclosure (if any), on balance, outweigh the public interest considerations in favour of disclosure.

### **Review of Decisions**

In the case of a Formal Access application being refused, the JO will provide the applicant with reasons for the refusal in writing.

If the applicant is dissatisfied with the JO's determination of their application, they may seek to have their decision reviewed either by;

- Internal review – this is a review by a JO officer more senior than the original decision maker. Applicants have 20 working days from receiving notice of a decision to ask for a review, and a \$40 fee is payable by the applicant.
- External Review by the Information Commissioner – the applicant has 8 weeks from receiving notice of a decision to ask for a review.
- External Review by NSW Civil Administration Tribunal – the applicant has 8 weeks from receiving notice of a decision from the JO to ask for a review, or 4 weeks after the completion of a review by the Information Commissioner.

### **Third Party Consultation**

In accordance with section 54 of the GIPA Act, the JO must consult where the information requested concerns;

- Personal information;
- Business interests;
- Research that has been carried out; or
- The affairs of another state or the Commonwealth government

Consultation must take place if the information is such that the person may have reasonable concerns about disclosure and those concerns are relevant to the public interest test.

### **Disclosure Log**

The GIPA Act requires that the JO maintain a Disclosure Log that lists information about Formal Access applications made if the information released is considered to be of interest to the wider public.

### **Public Officer**

The Local Government Act requires that the JO appoints a Public Officer, who is also the Chief Executive Officer. The Public Officer's duties may include;

- Dealing with requests from the public concerning the affairs of the JO
- Accepting the service of documents on behalf of the JO
- Receiving submissions made to the JO
- Assisting the public to gain access to public documents

### **NSW Information and Privacy Commission**

The NSW Information and Privacy Commission is responsible for overseeing the application of the PPIP Act, HRIP Act and GIPA Act.

Further information about the right to information can be sourced from the Information and Privacy Commission NSW.

Freecall: 1800 472 679



Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

Website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

### **Review and Adoption**

This Guide may be reviewed at any time or as required in the event of legislative changes. The JO is required to review and adopt a new Agency Information Guide at intervals not more than 12 months.

The 2021 version of this Guide was adopted at the 12 November 2021 Board Meeting

This Guide has also been provided to the Information Commissioner in accordance with section 22 (1) of the Act.