

POLICY NO.	M.23
POLICY SUBJECT	Provision of Information for Councillors
ADOPTION DATE	29 June 2000
LAST VARIATION DATE	24 November 2016 (C.09/1116)
LAST REVIEW DATE	26 November 2020 (C.05/1120)

Purpose of Policy:

This Policy will –

- Provide clear communication channels to ensure the timely provision of accurate information
- Recognise the particular circumstances of the Council and intent of the Act
- Require adequate training of staff and Councillors on the need for the Policy and its requirements

Objectives:

The objectives of this Policy are to –

1. Provide a documented process on how Councillors can access Council records.
2. Ensure Councillors have access to all documents necessary for them to exercise their statutory role as a member of the governing body of the Council.
3. Provide direction on Councillors' rights of access to Council building.

Inappropriate Interactions – Information

Council's Policy is that the following interactions are inappropriate:

- Councillors approaching members of staff other than at Executive Manager level for information on sensitive, confidential or controversial matters.
- Members of staff approaching Councillors directly during working hours (rather than via the executive, staff representative or union delegate) on staffing or political issues.
- Councillors approaching staff outside the Council premises or outside hours of work to discuss Council business.
- Staff refusing to give appropriate information available to other Councillors to a particular Councillor.
- Councillors who have a Building Application or Planning Application before Council discussing the matter with staff outside appropriate forums.
- Staff being asked to complete tasks, answer questions or provide documents to Councillors who are overbearing or threatening.

- Councillors directing or pressuring staff in the performance of their work, or recommendations they should make.
- Staff providing advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- Councillors or staff making any adverse comments about another member of the organisation (including Councillors) outside an appropriate forum.

Confidential or Sensitive Information

At times confidential or sensitive information will be provided to Councillors. The use of such information is regulated by Council Policies and the Local Government Act Section 5.93 which reads:

“A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person;*
or
- (b) to cause detriment to the local government or any other person.*

Penalty: \$10 000 or imprisonment for 2 years.”

Confidential or sensitive information shall wherever possible be tabled at Council and Committee Meetings and be collected at the same meeting. Copies of confidential or sensitive information shall not be made without the express permission of the CEO.

Access to Council Records by Councillors

The Local Government Act provides that the Council must provide access to the current version of certain Council documents free of charge to all members of the public. These documents are listed in Section 5.94 of the Local Government Act (noting that access is limited by virtue of Section 5.95 of the Local Government Act).

Official Council documents will always remain the property of the Council.

In addition to these documents/information, the Local Government Act also allows a person performing the function of a member of the Council (or Committee as the case may be) (refer Section 2.7 of the Local Government Act), access to other documents via Section 5.92 which reads:

” (1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

- (2) Without limiting subsection (1), a council member can have access to —*
 - (a) all written contracts entered into by the local government; and*
 - (b) all documents relating to written contracts proposed to be entered into by the local government.”*

Functions of Local Government's are described in Part 3 of the Local Government Act; Division 2 deals with the legislative functions (ie; Local Laws) and Division 3 deals with the Executive Functions (ie; providing services and facilities).

Access to a Council file, record or other document can only be provided according to this Policy to ensure that access is obtained in ways that are legal and appropriate. This Policy does not limit or restrict statutory or common-law rights of access.

Councillors can request the CEO or a person nominated by the CEO to provide access to a particular Council record.

Members of the Council who have a personal (as distinct from civic) interest in a document of Council have the same rights of access as any other person.

Councillors are entitled to access to all Council files, records, or other documents where that document is identified in Section 5.94 and 5.92 of the Local Government Act or to a matter currently before the Council.

Councillors can request access to other documents of the Council whether by a Notice of Motion or a Freedom of Information application.

Access to Council Premises

- As elected members of the Council, Councillors shall have access to the Council Chamber and Committee Rooms for the performance of their duty.
- Councillors who are not in pursuit of their authorised/statutory duties have the same rights of access to Council buildings and premises as any other member of the public.