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Policy Name: **Council Member Access to Information Policy**

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Name of Council	District Council of Coober Pedy
File reference	
Responsibility:	Governance
Version:	1
Effective date:	
Last revised date:	
Minutes reference:	
Next review date:	
Applicable Legislation:	<i>Local Government Act 1999, s270</i>
Related Policies:	Customer Complaint Policy Whistleblowers Protection Policy Fraud & Corruption Prevention Policy

## 1. INTRODUCTION

Council members require access to certain information in order to perform their functions and duties, in particular to assist them in making informed decisions. The Local Government Act 1999 (the LG Act) provides the legislative basis for this access.

This policy seeks to facilitate appropriate access by Council members to relevant documents and other information held by Council.

## 2. Policy Objectives

The objectives of this policy are:

- to promote the accessibility of information to Council members
- to balance the important considerations of access to information by Council members, and the need to carefully manage sensitive, personal, private and confidential information, the public availability of which may cause detriment to the Council, the community or another party; and

- to facilitate informed decision making in an environment of mutual trust and respect for the respective functions, roles and responsibilities of Council members and staff.

### **3. LEGISLATION**

The primary legislative provisions regarding Council members' access to information are Section 61 of the LG Act and Regulation 19 of the Local Government (Procedure at Meetings) Regulations 2000. Essentially this entitles a member of Council "*without charge, to access any relevant council document*" "*at any reasonable time, in conjunction with the performance or discharge of the functions or duties of the member*".

Section 59 of the LG Act sets out the role of a Council member. Section 62(3) of the LG Act covers improper use of information. Section 251(1) of the Criminal Law Consolidation Act 1935 addresses the issue of abuse of public office.

### **4. POLICY**

In general, a Council member will be provided access to all documents held by Council unless they are irrelevant to the member's function or duties.

Council members will not be granted access to documents regarding the personal affairs of Council staff, except for the Register of Interests that is required to be maintained under Section 166 of the LG Act and be made available for Council members' inspection upon request (LG Act, Section 118).

### **5. Procedures**

A request for access to a Council document under Section 61 of the LG Act may be directed in the first instance to the Chief Executive. The request may be made in person, by phone or in writing, eg by email. The request should identify then document/s being sought with enough detail for the document/s to be identified and retrieved, and state the reason(s) for the request.

### ***5.1 Consideration of Request***

Unless there is a clear reason to the contrary, a Council member will be provided access to the document/s if they are held by Council. Where access to a document is not provided, the reason is to be provided to the Council member in writing.

### ***5.2 Provision of Access to Documents***

The form of access to the document/s will be negotiated with the Council member to accommodate the particular needs of the member and administrative efficiency. Where the document is publicly available, eg posted on Council's website, the member may be provided with a hard copy or sent a link to the relevant page on the website.

Where access is granted to a document that is not publicly available and there is no sensitivity to the document, a copy of the document will be provided to the member in an agreed form.

Where there is a degree of sensitivity or there are other reasons to restrict distribution of the document/s (eg if the documents contain legal advice, confidential information or internal corporate information) access may be limited to 'view only' access at a mutually convenient time at District Council of Coober Pedy. Email advice confirming the 'view only' access arrangements will be sent to the member.

## **6. Meeting Procedure Regulation 19**

Meeting Procedure Regulation 19 has the effect of requiring the 'tabling' of a document before a vote of the Council or Committee on a matter related to that document. The determination of the application of Meeting Procedure Regulation 19 is the responsibility of the Presiding Member at the meeting, if necessary advised by the Chief Executive. Where the Presiding Member refuses to require a document to be 'tabled', the refusal and the reasons for the refusal are to be recorded in the minutes of the meeting. The determination of the Presiding Member in relation to Meeting Procedure Regulation 19 may be changed by resolution of the relevant meeting.

## **7. Requests for other information**

Where the information being sought is not in the form of existing Council document/s, and the request requires more than a simple response, it will be treated as a request for a report to Council. The timeframe for reporting will be driven, to an extent, by the time required to research the information and prepare the report in a way that responds effectively to the issues raised and the urgency of the matter.

## **8. Other issues**

This policy does not limit the rights of a Council member to use the Questions on Notice (Reg 10) or the Notice of Motion (Reg 13) provisions of the Local Government (Procedures at Meetings) Regulations 2000 to seek answers to questions or to request that a report be prepared on certain issues.

Nor does this policy restrict a Council member from exercising their rights as a citizen to use the provisions of the Freedom of Information Act 1991 to seek access to certain documents held by Council.