

# Policy

## **Access to Information and Staff by Elected Members**



## Access to Information and Staff by Elected Members

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| Adopted:          | 25/03/1992 #393  |
| Last reviewed:    | 27/09/2006 #519<br>28/04/2010 #105<br>11/07/2012 #163<br>10/12/2014 #347<br>09/11/2016 #358  |
| Next review date: | 09/12/2018   |
| Legal Authority:  | Local Government Act 1995 Sections 2.7, 5.92, 5.93 and 5.94;<br>Local Government (Rules of Regulation 10 Conduct) Regulations 2007   |
| Directorate       | City Strategy  |
| Department        | Governance and Civic Services  |
| Related documents | <p>Acts/Regulations</p> <ul style="list-style-type: none"> <li>Local Government Act 1995</li> <li>Local Government (Rules of Conduct) Regulations 2007</li> <li>Freedom of Information Act 1982</li> </ul> <p>Plans/Strategies</p> <ul style="list-style-type: none"> <li>Corporate Business Plan 2016 – 2021.</li> </ul> <p>Policies</p> <ul style="list-style-type: none"> <li>Code of Conduct</li> </ul> <p>Work Instructions</p> <ul style="list-style-type: none"> <li>D09/30080[v4] GCS – WI 14 – Councillor’s Request Form &amp; Register</li> </ul> <p>Other documents</p> |

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|  | <ul style="list-style-type: none"><li>• D09/41636 Elected Members Request Register</li><li>• D09/41560[v5] Form – GCS – Elected Members Request Form</li></ul> |
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## **Policy:**

### **1. Title**

Access to Information and Staff by Elected Members

### **2. Purpose**

To outline the approach the City is to take relating to elected member access to information, records and staff.

### **3. Scope**

Elected members have access to certain documents over and above the rights of electors or creditors of the municipality which are provided for in accordance with Section 5.94 of the Local Government Act 1995.

Additional rights as provided by Section 5.92 of the Local Government Act 1995 are granted in order to enable an elected member to discharge adequately the functions of their elected office.

A member may only seek such information from City records and files in the pursuit of City business. Elected members are not to use information for their own or another person's purpose, benefit or detriment unconnected with City activities.

### **4. Definitions**

Elected member means a serving elected member of Council of the City of Kwinana.

### **5. Policy Statement**

The following points need to be considered when a request for access to information or staff is made under this Policy:

- Elected members wishing to obtain information on a Council matter or wishing to arrange a meeting with City Officer/s relating to the business of the City, must initially contact either the Chief Executive Officer or the appropriate Director.
- Where research may be required to satisfy the elected member's enquiry, it is preferable that the elected member give appropriate advance notice of their requirements. Elected members with such a request or complaint should put their request in writing and forward it to the Chief Executive Officer or the appropriate Director.

- The Chief Executive Officer or Director is to ascertain from the elected members seeking access to such information the precise nature of the request and the information being sought, and the reason why that information is requested. If the request establishes motivation outside the general guidelines of assisting the elected members in the proper discharge of their responsibilities, the Chief Executive Officer is within their rights to refuse such a request.
- Following any such refusal by the Chief Executive Officer, if the elected member still wishes to access the information, the elected member is entitled to lodge an application under the Freedom of Information Act 1982.
- If the request for information complies with the intent of this policy and the prevailing legislation, however it places an unreasonable demand on staff time and resources so as to render the research reasonably disruptive to the administration, the Chief Executive Officer may, in accordance with Section 5.95(1)(b) of the Local Government Act 1995 refuse to comply with the request.
- If access is refused, the elected member seeking access may seek review through Council. Once Council has decided, the Chief Executive Officer is to comply with the decision, and the elected member may or may not have access to such documents as specified in Council's resolutions.

## **6. Financial/Budget Implications**

The examination of any such information requested is to be at the City Administration Centre during reasonable times, such as normal office hours, and is to be free of charge.

The original form/source of the information cannot be removed for examination, however photocopies may be taken subject to the payment of appropriate fees and charges as set by Council.

## **7. Asset Management Implications**

There are no specific asset management implications associated with this Policy.

## **8. Environmental Implications**

There are no specific environmental implications associated with this Policy.

## **9. Strategic/Social Implications**

Corporate Business Plan 2016 – 2021 Mission Statement

- making informed decisions, after considering all available information.

## **10. Occupational Safety and Health Implications**

There are no specific occupational safety and health implications associated with this Policy.

## **11. Risk Assessment**

A risk assessment conducted as part of the Policy review has indicated that the risk to the City by elected members not being provided with available information from the City would result in a risk rating of High.

It is assessed that the risk rating following the implementation of this Policy would reduce the risk rating to Moderate.

Note: Changes to References may be made without the need to take the Policy to Council for review.