

CP.8 Council and Committee Member and Staff Interactions and Requests for Information

<i>Responsible Department</i>	Chief Executive Officer Office
<i>Resolution Number</i>	C.4690
<i>Resolution Date</i>	15/03/2023
<i>Next Scheduled Review</i>	2024/25
<i>Related Shire Documents</i>	Policy G 1.4 Code of Conduct for Councillors, Committee Members & Candidates Corporate Business Plan Strategic Community Plan
<i>Related Legislation</i>	<i>Local Government Act 1995, Part 5, Division 7</i> and <i>Freedom of Information Act 1992.</i>

OBJECTIVE

To provide guidance to Council Members or members of a committee of the Shire of Northam in relation to the process for seeking information from records and staff.

SCOPE

Elected Members have access to certain documents over and above the rights of the general public which are provided for in Section 5.94 of the *Local Government Act 1995*.

Specific additional rights to access information by Council Members or members of a committee are provided in Section 5.92 of the *Local Government Act 1995* and granted in order to enable a Council Member and/or member of a committee to discharge adequately the functions of their elected office.

The *Local Government Act 1995* stipulates that Council Member or members of a committee may only seek such information from Shire records and files in the pursuit of Shire business. Council Members/members of a committee are not to use information for their own or another person's purpose, benefit or detriment, unconnected with Shire activities.

The policy also provides guidelines on meeting with Council staff.

Definitions

- Council Member:** means a serving elected member of Council of the Shire of Northam.
- Committee Member:** means a member of the public appointed by the local government to an endorsed committee of Council
- Local Government:** means the local government known as the Shire of Northam
- Staff:** means an employee of the Shire of Northam.

POLICY

Policy Statement

The Chief Executive Officer will ensure that Council Members/Committee Members are provided with access to documents, information and staff, which in the Chief Executive Officer's view are required to enable Council Members/Committee Members to fulfil their functions and/or duties.

Council Members/Committee Members must have the approval of the Chief Executive Officer, or relevant Executive Manager, to meet with staff in relation to Council business.

In the event a Council Member/Committee Member forms a view that they require access to additional documents, information or staff not already specifically provided, the following guidelines are to be adhered to;

- Council Members/Committee Members wishing to obtain information on a Council matter or wishing to arrange a meeting with Shire staff, relating to the business of the Shire, must seek the approval of the Chief Executive Officer.
- Where research may be required to satisfy the Council Member's enquiry, it is preferable that the Council Member/Committee Members give appropriate advance notice of their requirements. Council Members/Committee Members with such a request should put their request in writing and forward it to the Chief Executive Officer or the appropriate Executive Manager.
- The Chief Executive Officer or Executive Manager is to ascertain from the Council Members/Committee Members seeking access to such information the precise nature of the request, the information being sought, and the reason why the information is requested. If the request establishes motivation outside the general guidelines of assisting the Council Members/Committee Members in the proper discharge of their responsibilities, the Chief Executive Officer may refuse such a request, in accordance with division 7 of the *Local Government Act 1995* and part 7 of the *Local government (Administration) Regulations 1996*.
- 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 refuse to comply with the request.
- Following any such refusal by the Chief Executive Officer to provide information, if the Council Member/Committee Members still wishes to pursue

access to the information, the Council Member/Committee Members is entitled to:

- Lodge an application under the *Freedom of Information Act 1992*: and/or
- Present a Notice of Motion to an ordinary meeting of Council, requesting that Council consider directing the Chief Executive Officer to provide the specifically requested information. Council will then make a determination as to whether to approve access to the specifically identified information based on:
 - An explanation provided by the Chief Executive Officer for not providing the requested information, and;
 - The appropriate provisions of the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*.

Financial/Budget Implications

The examination of any such information requested is to be at the Shire Administration Centre, located at 395 Fitzgerald Street, Northam during reasonable times, such as normal office hours, and is to be free of charge, unless obtained under provisions of the *Freedom of Information Act 1992*.

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.

Conformity with Strategic Community / Corporate Business Plan

Performance Area: Performance.

Objective 13.1: Provide strong, open and accountable leadership and be more visible and relevant for community members.