



Council Member Access to Documents - Policy and Procedure	
Type	Governance
GDS Category	Governance
Responsible Officer	Chief Executive Officer
Policy Adopted	November 2021
Review Period	4 years within 12 months of a periodic election
Last Reviewed	
Next Review Date	
Policy Version Number	1
Applicable Legislation	<ul style="list-style-type: none"> Section 61 of the Local Government Act 1999
Related Documents	<ul style="list-style-type: none"> Code of Practice – Access to Council and Committee Meetings and Documents
Public Consultation Required	No
Purpose	To enable Council Members to have appropriate access to relevant Council documents

1. Introduction

Under section 61 of the Local Government Act, a Council Member is entitled, at any reasonable time, to have access to any relevant council document, where it is in connection with the performance and discharge of the functions and duties of the member.

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 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. Policy

In general, a Council member will be provided access to any documents held by Council unless they are demonstrably 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 must be maintained under section 116 of the Local Government Act and be made available for a Council member's inspection upon request, in accordance with section 118.

4. Procedures

A request for access to a Council document under section 61 must be directed in the first instance to the Chief Executive Officer. The request may be made in person, by phone or in writing, including by email. The request should identify the document being sought with enough detail for the document to be identified and retrieved and state the reasons for the request.

4.1 Consideration of Request

A Council member will be provided access to a document if they are held by Council, unless it is demonstrably irrelevant to a member's function or duties. Where access to a document is not provided, the reason is to be provided to the Council member in writing.

4.2 Provision of Access to Documents

The form of access to a document will be negotiated with the Council member to accommodate the particular needs of the member and administrative efficiency. Where the document is publicly available, for example it is 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 a document (for example, 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 the Whyalla Civic Centre.

Email advice confirming the 'view only' access arrangements will be sent to the member. A Council member may seek to have the decision to only grant 'view only' access reviewed by the Chief Executive Officer and Mayor. Where the document may be of a wide interest, a copy of the email advice will be sent to all Council members.

5. Meeting Procedure Regulation 18

Meeting Procedure regulation 18 enables a Council member to require the CEO to 'table' a document relating to a motion that is before the meeting, and the CEO must table the document within a reasonable time or at a time determined by the Presiding Member taking into account the wishes of the meeting. If the member requiring the tabling of a documents indicates that he or she is unwilling to vote on the motion until the document is tabled, then the motion must not be put to the vote until the document is tabled.

The Chief Executive Officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under Section 90 or Section 91 of the Act. The minutes of the meeting must record any request for documents tabled as well as any documents tabled. If the required documents are not tabled at the meeting in which the request is made, a formal motion should be moved by a member who has not spoken, to adjourn the item to a specific time or date.

6. Requests for other information

Where the information being sought is not in the form of existing Council document, and the request requires more than a simple response, it will be treated as a request for a report to Council.

7. Policy does not restrict other rights of Council members

This policy does not limit the rights of a Council member to ask Questions on Notice (reg. 9) or give Notice of Motion (reg. 12) under the Local Government (Procedures at Meetings) Regulations 2013, or to seek answers to questions or to request that a report be prepared on certain issues.