

EME015	ELECTED MEMBERS – ACCESS TO INFORMATION		
POLICY OWNER:	Council		
DEPARTMENT:	Office of the CEO		
CREATION DATE:	23/08/2022	REVIEW SCHEDULE:	Annually
RELATED PROCEDURES:	N/A		
RELATED FORMS:	N/A		
RELATED DELEGATIONS:	N/A		
RELATED POLICIES:	N/A		
LEGISLATION:	s.5.92(1)(2) Local Government Act 1995		
DOCUMENT CONTROL			
DATE REVIEWED:	REVIEWED BY:	CHANGES (IF ANY):	ENDORSED BY COUNCIL:
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23
26/03/2024	Council	Nil	OCM 07/03/24

EME015 Elected members - Access to Information

OBJECTIVES

To outline Elected Members rights to information necessary for the exercising of their responsibilities.

To provide a process on how Elected Members can access Council records and information.

POLICY STATEMENT/S

Elected Members have a right to inspect any record of the Council if it is relevant to the exercising of the member's responsibility in his or her civic office and is not subject to privacy, confidentiality, or legal restraint.

Each request will be treated on its merits but as a rule those records immediately seen as relevant to the exercising of an Elected Member's responsibility of civic office are:

- a. Matters before a Council Meeting, either currently or within the current term of the Council; and/or
- b. Matters known by the CEO to come before Council soon.

Elected Members can request access to other documents of the Council either by a Notice of Motion to the Council or a Freedom of Information (FOI) application.

Elected Members who have a personal or pecuniary interest in a document of Council have the same rights of access as any other person.

Access by the Shire President

Access will be provided to documents and files necessary for the Shire President's role.

This includes files relevant to correspondence received directly by the Shire President and is subject to the same viewing rules as other Elected Members.

The Shire President is subject to the same requirements of access as apply to other members.



Access to Computer System

Elected Members shall have the same access to the content of the Council's computer system as do members of the public.

Members also have access to office productivity tools in the computer system to assist in word processing, email, internet etc. but do not include access to Council records databases.

Notes

The right of Elected Members to have access to records is for the purpose of exercising the office of member. It does not carry with it the right to disclose any information obtained by a member to another person unless it is already in the public domain.

An Elected Member has no authority to release documents on behalf of Council.

The Shire President shall not cause the by-passing of the general access provisions by providing to another Elected Member information made available through the Shire President's role.

Elected Members shall not cause the by-passing of FOI provisions by providing to a member of the public information made available to Elected Members as an elected representative.

The CEO will provide guidance and assistance to Elected Members in determining whether a document is confidential and/or not to be released.