

GOVERNANCE

G 1.8 Elected Member and Staff Interactions and Requests for Information

<i>Responsible Department</i>	CEO Office
<i>Resolution Number</i>	TBC
<i>Resolution Date</i>	21/02/2018
<i>Next Scheduled Review</i>	2020
<i>Related Shire Documents</i>	Policy G 1.3 Code of Conduct – Elected Members & Committee Members; Corporate Business Plan Strategic Community Plan
<i>Related Legislation</i>	<i>Local Government Act 1995, Sections 2.7, 5.92, 5.93 and 5.94;</i> <i>Local Government (Rules of Conduct) Regulations 2007, Regulation 10; and</i> <i>Freedom of Information Act 1992.</i>

OBJECTIVE

To provide guidance to elected members 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 of information by council or committee members are provided in Section 5.92 of the Local Government Act 1995 and granted in order to enable an elected member and/or committee member to discharge adequately the functions of their elected office.

The Local Government Act 1995 stipulates that a member may only seek such information from Shire records and files in the pursuit of Shire business. Elected members / committee members 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

- Elected 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:** Staff means an employee of the Shire of Northam.

POLICY

Policy Statement

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

Elected 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 an elected 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;

- Elected members wishing to obtain information on a Council matter or wishing to arrange a meeting with Shire Officer/s, relating to the business of the Shire, must seek the approval of the Chief Executive Officer.
- 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 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 elected members seeking access to such information the precise nature of the request, 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 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 elected member still wishes to pursue access to the information, the elected member is entitled to:

- Lodge an application under the Freedom of Information Act 1992: and/or
- Present a Notice of Motion to a meeting of Ordinary Council, requesting that Council consider directing the Chief Executive Officer to provide the specifically requested information. The 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

Theme Area 6: Governance & Leadership.

Outcome 6.4: The elected members of the Shire of Northam provide accountable, strong and effective community leadership.