

Council Policy



Policy Title:	Councillor Access to Information
Policy Number:	1.16
Focus Area:	CS1 Leading and Advocating for our Community
Responsibility:	Governance and Risk
Meeting Adopted:	18 February 2020 [Resolution 180220/15]

OBJECTIVE

The aim of this policy is to outline the requirements for Councillor access to information. The objectives are:

1. To provide guidance for Councillors and staff in respect to access to information by Councillors;
2. To provide the basis for which access to information is provided;
3. To identify how access is obtained/provided; and
4. To outline available review/further action processes.

SCOPE

This policy applies to Councillors and staff of Richmond Valley Council.

POLICY

Framework for Providing Access

This policy has been prepared with reference to the provisions of the *Local Government Act 1993*, the Office of Local Government Circular No. 10-30 (2 December 2010), Council's Code of Conduct adopted 19 February 2019 and the *Government Information (Public Access) Act 2009* (GIPA Act).

As a general rule, Councillors will be given access to council information that is reasonably necessary for exercising the functions of their civic office and to carry out their functions.

In making access decisions it will be recognised that the General Manager is responsible for the day to day operation of the council. As such, staff, personnel, legal, operational and privacy related information may not be made available to Councillors.

When making a request for information, Councillors should outline the request carefully and should precisely detail the information, or the nature of the information, sought.

For the purpose of determining access to information, the following factors are relevant:

Information not involving access to documents

Requests for information can be made either verbally or in writing. Such requests would generally involve seeking information/clarification on matters relating to civic office. These requests are to be made in compliance with the adopted Code of Conduct.

Information involving access to documents

Requests for information need to be in writing and for purposes of ensuring proper maintenance of records, the Request to Access Building and Development Records form used as part of *Government Information (Public Access) Act 2009* processes, will be utilised. The form is available for download from Council's website. An email request is also deemed sufficient.

Requests will need to be submitted to the General Manager in the first instance.

When dealing with a request by a Councillor for information, the General Manager must act reasonably and with reference to this policy and other legislative requirements. In reaching a decision, the General Manager should take into account whether or not the document sought is required for the Councillor to perform their civic duty. If a request for access is refused, written reasons for the refusal are to be provided.

Where it is considered that significant resources will be required to respond to a request for information, the General Manager shall advise the Councillor and provide details of the estimates of time and/or costs that are likely to be incurred in providing the information. An indication of what other matters will not be able to be attended to as a result of compiling the requested information can also be given.

Documents and other information subject of a valid request will be made available to the applicant within ten working days of the application being received. If this timeframe is unable to be achieved, advice to the applicant is to be provided of the anticipated timeframe.

Should a Councillor be refused access they can request a review of the decision. In that regard the General Manager shall request the Public Officer have input into the matter prior to providing a further determination to the Councillor.

In addition, Councillors should be aware that the NSW Ombudsman and the Office of Local Government have complaint handling functions that can be utilised. Councillors who have been refused access are also entitled to lodge a request under the GIPA Act. The GIPA Act provides three options for review:

- § Internal review;
- § External review by the Information Commissioner; and
- § External review by the Administrative Decisions Tribunal.

Councillors who have a private (as distinct from civic) interest in a document of Council have the same rights of access as any member of the public.

REVIEW

This policy will be reviewed by Council at the time of any relevant legislative changes, compliance requirements or at least every four years.

Version Number	Date	Reason / Comments
1	19/04/2011	New policy
2	18/02/2020	Content and format update (previously CPOL 1.1.23).