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| POLICY NO: | 79 |
| POLICY TITLE: | COUNCILLOR ACCESS TO INFORMATION & STAFF POLICY |
| SECTION RESPONSIBLE: | GOVERNANCE |
| MINUTE NO: | 1535 |
| REVIEW DATE: | 30TH JUNE, 2010 |

OBJECTIVE:

The objectives of this policy are to:

1. Provide a standard approach by which Councillors can access Council records.
2. Ensure accessibility to Councillors of all documents that are required by them to undertake their statutory responsibilities.
3. Ensure that Councillors receive accurate and timely advice to aid them in the performance of their civic responsibilities.
4. Facilitate the appropriate level of access to staff.
5. Facilitate a harmonious and respectful relationship between Councillors and staff taking into account the differing roles that they are required to undertake as defined in the *Local Government Act 1993*
6. Complement the Code of Meeting Practice and Council's Code of Code of Conduct

LEGISLATIVE COMPLIANCE – INTENT

Councillors must have access to information and staff in order to ensure the smooth functioning of the Council. This policy establishes the protocols to be followed so that access to information and staff is facilitated through appropriate internal channels or legally available channels.

Provide direction on Councillors' rights of access to Council buildings.

COUNCILLOR ACCESS TO INFORMATION & STAFF POLICY

ELIGIBILITY

This policy applies to all Councillors of Greater Hume Shire Council.

This policy applies to all employees and contractors of Greater Hume Shire Council.

DEFINITIONS

Councillors refer to all elected representatives of Greater Hume Shire Council as defined by the Local Government Act 1993.

The role of the Council is to determine the strategic direction and determine the policy framework of the Council. The Council has a statutory role as the consent authority under the Local Government Act and the Environmental Planning and Assessment.

The role and function of the General Manager is to effectively manage the organization, direct staff and implement Council's policies and strategic objectives.

Statutory Provisions relating to Access to Council records are contained in the Local Government Act (LGA), the Freedom of Information Act (FOI) and the Privacy and Personal Information Protection Act (PIPPA).

Council's Public Officer is the Director Corporate and Community Services.

Junior Staff is defined as any staff member below the level of manager.

Public contact staff refers to:

- Customer Service staff
- Corporate Support staff

Documents refer to:

- Files/correspondence
- Public Registers
- Development and other Applications

PROVISIONS

- **Access to Council Records**

Councillors are entitled to access all council files, records or other documents where that document is identified in Section 12 of the LGA, or which relate to a matter currently before the Council.

COUNCILLOR ACCESS TO INFORMATION & STAFF POLICY

Councillors can request access to Council documents relating to their civic duties from the General Manager or relevant Director.

Councillors who have a personal (as distinct from civic) interest in a document of Council have the same rights as any other person.

Councillors must not release personal information about a third party except in accordance with the provisions of the Privacy and Personal Information Act.

▪ **Interaction Between Councillors and Staff**

The General Manager is responsible to the Council for the performance of all staff and day to day management of Council. Therefore, it is appropriate that all requests for information and approaches to staff on matters not generally available to the public and which are outside the forum of Council and Committee meetings, be directed to the General Manager or to person(s) nominated by the General Manager.

Persons nominated by the General Manager include the Directors. Only the General Manager and Directors can provide advice to Councillors and any other officer nominated by the General Manager and/or Director, from time to time.

Requests for actions, services or maintenance may be made by contacting the Customer Services Centres or in writing by completing a Councillor Request Form and submitting it to the Corporate Services Department. Staff should ensure that all requests form part of Council records for as long as required.

When a detailed report is required, a Notice of Motion should be made to Council.

If a Councillor is concerned about any refusal to provide information, the matter should be raised with the General Manager. If the Councillor is still dissatisfied they should request the information by way of a Question on Notice to the Council.

Councillors who have lodged a Development Application must not discuss their application with junior staff unless the Director or General Manager is present. All enquiries must be directed through the General Manager or Director. Discussions must be documented.

Councillors shall not approach junior members of staff directly for information or advice, other than public contact staff and then only for routine administrative matters.

The Mayor may communicate with Council staff in the course of fulfilling the Mayor's responsibilities and the General Manager is responsible for keeping the Mayor informed of all matters relevant to those responsibilities.

Junior staff members will not approach Councillors directly on other than routine administrative matters. Any other contact with Councillors must be arranged through their Divisional Director or the General Manager.

Staff members will not lobby Councillors on policy issues.

Councillors must not attempt to direct or influence staff as to the performance of their work.

COUNCILLOR ACCESS TO INFORMATION & STAFF POLICY

Councillors must not request staff to undertake work of a personal nature for them or any other person.

▪ **COUNCILLOR ACCESS TO COUNCIL OFFICES**

As elected members of the Council, Councillors are entitled to have unimpeded access to all civic areas, the Council Chamber and meeting rooms.

Councillors who are not in pursuit of their civic duties only have the same rights of access to Council buildings and premises as any other member of the public.

Councillors may not enter "staff only" areas unless with the permission of the General Manager or Divisional Director.

RESPONSIBILITY/ACCOUNTABILITY

Councillors and staff are responsible for ensuring that any breaches of this policy are reported to the General Manager.

Where the breach relates to the conduct of a Councillor, the General Manager is responsible for immediately reporting the matter to the Mayor and where the breach relates to the conduct of the Mayor, the General Manager is responsible for reporting this to Council.

Where the breach relates to the conduct of staff the General Manager is responsible for taking appropriate disciplinary action if the breach is proven.

COUNCILLOR ACCESS TO INFORMATION & STAFF POLICY

RELATED POLICIES/CODES/GUIDELINES

The Policy should be read in conjunction with:

- The Code of Conduct
- The Code of Meeting Practice
- Local Government Act 1993
- Local Government (Meeting) Regulations
- Under Careful Consideration: Key Issues for Local Government (ICAC)
- Good Conduct & Administrative Practice-Guidelines for Councils (NSW Ombudsman)
- Freedom of Information Act
- Access to Council Documents Policy 1st Revision

POLICY DOCUMENT CONTROL

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| GHS Councillor Access To Information and Staff Policy | First adopted | 29 Sep 2005 Min 378 |
| GHS Councillor Access To Information and Staff Policy | Readopted no changes | 25 Jun 2008 Min 1535 |