



KEMPSEY
Shire Council

DIRECTOR CORPORATE SERVICES REPORT

14th February 2006

DCS3	COUNCILLOR REQUESTS FOR ACCESS TO COUNCIL RECORDS FILE: * PJH
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SUMMARY:

Reporting on requests by Councillors for access to Council records.



DESCRIPTION:

Council's Code of Conduct section 10 relates to Access to Information and makes reference to Council policy C24:1 "Councillors and Staff: Interaction and Provision of Information To."

This policy requires that requests made by Councillors for access to records be reported to Council on a regular basis. The policy wording is *"The general manager, public officer or a person identified by the general manager, shall keep a record of all requests by Councillors for access to information (other than those listed in s.12 of the Local Government Act or by a Notice of Motion at a Council meeting). These requests must be reported regularly to the Council"*.

It is proposed to comply with this policy by registering requests and reporting to Council each three (3) months detailing the requests received to access Council records by Councillors.

The access to Council records by the Mayor will not be included in these reports. The Mayors delegation includes:

- *To deal with any urgent matter which cannot be dealt with by Council because of the time factor.*
- *To represent Council to other tiers of government on matters affecting the Council.*
- *To represent and promote Council in the community.*

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The role of the Mayor is distinct from Councillors because of this delegation and the Mayor will need regular access to Council records.

The purpose of reporting requests by other Councillors is that any information that is given to a particular Councillor in the performing of their Civic duties must also be available to any other Councillor who requests it. A decision made to allow access to the documents, therefore is a decision to allow all Councillors access if they so wish.

Below is a table of requests made in the three (3) month period November 2005 to January 2006.

Date	Councillor	Council Record Requested	Request granted
1.11.05	J H Bowell	Correspondence relating to suggested 90km/h speed limit for Heavy Vehicles on the Pacific Highway	Yes 2.11.05
1.11.05	J H Bowell	File on Seachange – people moving from city to the country	Yes 1.11.05
11.11.05	J H Bowell	File on Seachange Taskforce	Yes 11.11.05
16.11.05	J H Bowell	Letters sent to Minister re: Hat Head Sewerage	Yes 16.11.05
22.11.05	J H Bowell	Report to 12 April meeting on Kempsey Masterplan works in Belgrave St	Yes 23.11.05
6.12.05	J H Bowell	North Coast Area Health Newsletter: information regarding Advisory Committee Members	Yes 6.12.05
6.12.05	J H Bowell	File on Recreational fishing on the Macleay	Yes 6.12.05
7.12.05	J H Bowell	File 46 on Kempsey Shire Health Care Services Plan	Yes 7.12.05 – but file not inspected
22.12.05	J H Bowell	Minutes Flood Risk Committee from January 2004 to present	Yes 22.12.05
23.12.05	J H Bowell	Staff Policy 7:85 Alcohol & Other Drugs	Yes 23.12.05
30.12.05	J H Bowell	Point Plomer Road Files from 2000 to 2005	Yes 30.12.05
10.1.06	J H Bowell	Letters to Country Mayor's Association in last 12 months and any replies received	Yes 12.1.06
11.1.06	J H Bowell	Agendas for Country Mayor's Association in last 5 years	Yes 12.1.06
13.1.06	J H Bowell	Correspondence on cost shifting from Country Mayors Association which was raised in 2000	Yes 16.1.06
13.1.06	J H Bowell	Correspondence from Country Mayors Speed limits of Heavy Vehicles	Yes 13.1.06 – but no letters

			found.
13.1.06	J H Bowell	Correspondence received from Country Mayors on a National Authority being responsible for Aged Care and HACC	Yes 16.1.06
16.1.06	J H Bowell	Correspondence on the requested amendment to the Crown Lands Act in regard to surplus funds from operation of Caravan Parks on Crown Land	Yes 16.1.06
18.1.06	J H Bowell	Correspondence resulting from resolution on 15.7.2004 on Council facilitating workshop on health services.	Yes 18.1.06
23.1.06	J H Bowell	Letter written to Minister Tony Kelly in regard to Caravan Park Levees to help cover the cost of public liability insurance for public reserves.	Yes 23.1.06
24.1.06	J H Bowell	Report by Parsons Blinkeroff – Better Roads Investigation – October 2005	Yes 24.1.06
25.1.06	J Gribbin	Customer First Centre Council Report 13.9.05, Tender Clarifications and Tender Specification.	Yes 25.1.06

Procedures for obtaining access to records

Access to a Council record shall only be provided in accordance with Council's policy or statutory provisions (section 12 of Local Government Act which lists certain documents that must be publicly available). Our policy states that a Councillor can request access to a Council record by requesting the General Manager, Public Officer (Director Corporate Services) or a person nominated by the General Manager to provide such access (Directors or Managers).

The General Manager shall not unreasonably decide that a record is not relevant to the performance of Councillors civic duty and deny access. If the General Manager does refuse access, the General Manager must state the reasons for the refusal and advise the Council of these reasons.

The requests received by Councillors for access to records are given a high priority and are always endeavoured to be completed the same day.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Councillors need to have access to documents necessary for them to exercise their statutory role as a councillor who

represents the community. Generally the necessary documents for councillor decision making are provided in meeting agendas and the documents attached thereto.

- *Economic (Financial)*

The access of records, while not a direct cost, does require the allocation of staff time, from the GM / Director / Manager receiving the request to the staff member allocated to retrieve or search for the information. Particularly time consuming are requests for old files (>2 years) that need to be accessed from archives and returned. Even a simple file access of an old file, even without searching for particular documents, make take up to 30 minutes staff time in one request.

- *Policy or Statutory*

Council's policy C24:1 covers a range of issues on the interaction between Councillors and staff and the provision of information to Councillors. The reporting of the instances where a Councillor has sought access to a record is a requirement of this policy.

- *Director's Review*

Nil

RECOMMENDATION:

That the information be noted.

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G B Snape
DIRECTOR CORPORATE SERVICES