

ACCESS TO INFORMATION FOR COUNCILLORS

INFORMATION SHEET
July 08

Common issues

The *Local Government Act 1993* (the Act) entitles councillors to two kinds of information:

- information and documents required to perform any councillor functions (section 28A to 28C)
- documents relating to council and committee meeting agendas (section 28D).

The processes for requesting these kinds of information are separate, but there are important similarities:

- The information or documents must be in the possession of the council.
- Requests for information or documents are to be made in writing to the general manager.
- Confidentiality – if the general manager considers information or documents are confidential, he or she may require councillors to give an undertaking to maintain that confidentiality. If the councillor refuses, the general manager may withhold the information or document.
- Pecuniary interests – the general manager may refuse to provide information or documents if the councillor has declared a pecuniary interest related to the subject of the information or documents.
- If the information or documents are given to one councillor, the general manager must make them available to other councillors on request.

Information and documents relating to functions

Councillors may request the general manager make available any information or documents that “may be required for the purpose of performing any of the councillor's functions”. (Section 28 of the Act sets out the functions of councillors and section 27 sets out the functions of mayors and deputy mayors.)

When making a request a councillor must:

- state in writing the relevance of the information or documents to any of the councillor's functions
- declare he or she does not have, nor would be likely to have, any pecuniary interest in the matter if the matter is to be an item on the agenda of a council or committee meeting.

The general manager may refuse a request if:

- he or she believes the request would unreasonably extend council resources
- he or she considers the information or documents requested are not required for performing any of the councillor's functions
- the councillor has declared a pecuniary interest
- the councillor has refused or failed to make a pecuniary interests declaration.

If the general manager refuses to provide information or documents to a councillor, he or she must advise the councillor of the reasons in writing.

Appeal to the council

If the general manager refuses to provide information or documents, a councillor may seek a council decision requiring the general manager to make the information available. The general manager must comply with the decision.

The only exemption from this appeal provision is information or documents that “may disclose information relating to the personal affairs of any person”.

Documents relating to agendas

Subject to some conditions, councillors are entitled, on request, to be provided with copies of any documents in the possession of the council directly relating to items on council or committee meeting agendas.

Councillors must specify, in writing, the document name, title or subject matter.

The general manager may refuse to provide documents if the councillor has a pecuniary interest or has refused to give a confidentiality undertaking.

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