EM07: Elected Members Access to Information

Policy Title	Elected Members Access to Information	**Policy Number**	EM07
Status	Endorsed	**Category**	Elected Member
Endorsement Date	29th September 2026	**Resolution**	14.01.09.26
Version	3		

Policy Statement

The Belyuen Community Government Council is committed to ensuring that elected members have access to sufficient information to ensure that they can undertake their role under the *Local Government Act* and exercise due diligence in their decision making. The Council is also committed to ensuring that the public, other elected members and staff of the council are protected from undue intrusion into their private affairs.

Objectives

To state what Council information the elected and council committee members can access and use.

Legislative Reference

Local Government Act 2019 section 206
Information Act 2002

Scope

This policy applies to all Elected members and members of Council committees.

Policy Provisions

Rights of Access to Information

Elected members have the same general right as members of the public to inspect and take away copies of records and documents and are subject to the same constraints. The provisions of the *Information Act* are available to members of the community and to Councilors. A range of documents may not be made available to members of the public in accordance with the *Information Act*.

Access to Information by Elected Members

Elected members have a right to inspect any record of the Council provided that the record is relevant to the exercising of the Elected Member's responsibility in his or her civic office and is not subject to privacy, confidentiality, or legal restraint. This right does not extend to matters about which an Elected Member is merely curious. The statutory role and duties of Mayor, Elected members and the CEO are outlined in *Local Government Act*.

Each request will be treated on its merits but, as a rule, those records immediately seen as relevant to the exercising of a Councilor's responsibility of civic office are:

- Matters before a Council meeting, either currently or within the current term of the Council; and/or Matters known by the CEO to come before Council soon.
- Elected members can also request access to other documents of the Council by a Notice of Motion to the Council, a Freedom of Information application under the Information Act.
- Elected members who have a personal or pecuniary interest in a document of Council have the same rights of access as any other person as stipulated by the Code of Conduct.

Access to Information by Mayor

Access will be provided to documents and files necessary for the Mayor's role. This includes files relevant to correspondence received directly by the Mayor and is subject to the same viewing rules. As an Elected Member, the Mayor is subject to the same requirements of access as apply to other Elected Members.

Access by Elected Members to the Computer System

Elected members shall have the same access to Council's computer system as do members of the public.

Use of Information by Councilors

Reference should be made to the Council's Code of Conduct that offers specific guidance to Elected Members in dealing with information provided to them in the course of their civic duties.

Elected Members have a role both as a member of the governing body of the Council and as an elected person and there may be difficulty for Elected Members to reconcile the two areas of responsibility when dealing with Council information and documents. While it is desirable and in the public interest to maintain open government, not all information available to Elected Members is available to members of the public.

Elected Members are made privy to information of a confidential nature the disclosure of which is specifically prohibited in certain circumstances.

The right of Elected Members to have access to records is for the purpose of exercising their responsibilities under the Act does not carry with it the right to disclose any information obtained by an Elected Member to another person, unless that information is already in the public domain (for example, part of the Council Agenda).

An Elected Member has no authority to release documents on behalf of the Council.

The Mayor shall not cause the bypassing of the general access provisions by providing to another Elected Member information that was made available through the Mayor's role. Elected members shall not by-pass of FOI provisions of the Information Act by providing to a member of the public information made available to Elected Members as an elected representative.

The Chief Executive Officer will provide further guidance and assistance to Elected Members in determining whether a document is confidential and/or not to be released.

Document Control

Policy Owner	BCGC
Endorsed by	BCGC
Date approved	28 July 2020
Revisions	30 May 2023, 29 Sept 2026
Amendments	
Next revision due	Sept 2029