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## GOVERNANCE POLICIES

### Community Access to Information



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Policy Number:	G6
Relevant Delegation:	Not Applicable
Adoption Details:	28 January 2016
Last Review Details:	22 June 2021

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#### **POLICY OBJECTIVE:**

To ensure that the community has timely access to information in relation to Council activities and decision-making in a way that is easy to use.

To provide a clear framework for the discharge of Shire of York accountabilities under the *Freedom of Information Act 2000* and the *Local Government Act 1995*.

#### **POLICY SCOPE:**

This policy applies to all aspects of Council activities.

#### **POLICY STATEMENT:**

#### INTRODUCTION

An informed community is at the heart of any well-functioning local democracy. Essential to this is having access to information about Council activities and decisions being made on behalf of the community. While the Freedom of Information Act 1992 (FOI Act) provides a statutory protection in terms of access to information, it is important as a general principle this be seen as a mechanism of last resort, in effect that every effort is made to publish reports and documents that provide background to decision-making. Ensuring residents and ratepayers have access to information held by the Shire in a way that is consistent with and embraces the overall intent of the FOI Act for an informed community and accountable democratic processes, is an essential aspect of Shire business.

This policy sets out the internal responsibilities and processes to be followed in supporting an informed local community.

#### PRINCIPLES

The Shire of York:

- (a) believes access to information is essential to having an informed community which has trust in the local democratic process and decision-making.
  - (b) will promote access to all Council information with a positive customer service philosophy.
  - (c) will be proactive in ensuring access to reports documents and papers of interest to the community and will ensure that these are easily accessible.
  - (d) will act as an advocate to external agencies for community access to information on issues and decisions affecting the Shire of York.
  - (e) will manage corporate reporting mechanisms to elected members in a way that maximises where possible community understanding of projects of interest to the community.
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- (f) will actively work to achieve access to documents promptly and at lowest reasonable cost for requests under the FOI Act.
  - (g) will monitor and report on Council performance in relation to community access to information.
  - (h) will ensure the protection of privacy and personal information.

## PROVISIONS

### 1. MAXIMISING COMMUNITY ACCESS TO INFORMATION

All Council held information, with some limited exceptions set out in the FOI Act and the LG Act, is public information available for public reference and scrutiny. Much of this information comprises internal and external communication as well as reports, agendas and more substantial documents. A local authority has the capacity to assist people with access to much of this information by providing access to, in a sense 'publishing', hard or electronic copies. By doing so, this reduces the need for people to make formal requests for much of the information held by Council, with the Freedom of Information Act available for people to request more detailed information on a particular matter.

- 1.1 The Council will publish access to the following documents as a matter of course on its website:
- agendas, agenda reports and minutes of Council meetings.
  - publicly available agendas, reports and minutes of meetings associated with projects and cross-agency initiatives where the Council is a formal participant.
  - reports by Councillors on conferences etc. made under the Councillor Professional Development Policy E2.
  - other documents required to be published under statute.
  - Asset management plans.
  - finalised reports associated with significant projects including:
    - background information reports
    - progress update reports
    - decision reports
  - land-use information via the Council's GIS system, where this can be achieved technically and at reasonable cost.
  - externally generated and published reports associated with audit and scrutiny by statutory agencies which have been formally made available to Council.
  - monitoring reports on complaints and community engagement and consultation register (See also the G5 Comprehensive Complaints Response Policy and the G13 Community Engagement and Consultation Policy) and an annual summary of Freedom of Information requests as part of the corporate reporting framework.
  - final project briefs for significant works and commissioned work from external providers.
  - links to published documents developed by external agencies associated with issues of interest to the Shire and/or links to external agency websites.
  - media statements.
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- consultation and engagement feedback used in consultation and engagement processes (see also the Community Engagement and Consultation G13).
- 1.2 The Council will work to a performance measure of achieving upload of Council documents or links to the Council website within 10 working days of the material being in its final form.
  - 1.3 The Council will provide for access to electronic Council documents on the Council website, at the Shire of York library and in partnership with the Community Resource Centre.
  - 1.4 The Council will wherever possible, provided information requests are not excessive in terms of resource time and cost, work with the local school to provide information that will contribute to teaching programs.
  - 1.5 The Council will work with the York Community Resource Centre to provide access to Council information through that mechanism in a timely and effective way.
  - 1.6 Where an issue is of significance to the community and external public agencies are either seeking community input or proposing a project to be undertaken within the District, the Council will advocate for the maximum publication of information and documents.
  - 1.7 Where Council is formally involved in external processes or cross-agency initiatives Council representatives will:
    - advocate that the lead agency publish relevant documents in an accessible way and that access to information is maximised at all times.
    - provide links to externally published documents associated with that process.

## **2. LOCAL GOVERNMENT ACT 1995**

As per the Local Government Act, all documents listed within section 5.94 will be made available to the public for inspection, free of charge, unless contrary to section 5.95, 5.96 and the Local Government Administration Regulations 1996 section 29B.

### ***29B. Copies of certain information not to be provided (Act s.5.96)***

A local government must not make available to a person copies of information referred to in section 5.94(m) or (s) unless –

- (a) the request for the information is made in the manner and form approved by the CEO of the local government; and
- (b) the CEO of the local government is satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes.

## **3. REQUESTS FOR INFORMATION UNDER THE FREEDOM OF INFORMATION ACT 2000.**

The Council recognises that from time-to-time members of the community will seek access to more detailed information which is not available under the Council's active information publication policy.

- 3.1 The process to be followed when dealing with a request is set out under the Freedom of Information Act 1992. Where a request has been made the Council will:
    - assist with timely access to information outside the FOI process where this can lead to a better outcome.
    - engage wherever possible in direct face-to-face, early and meaningful discussion with the applicant to clarify the scope of any application.
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- assist the public to ensure that personal information contained in documents is accurate, complete, up-to-date and does not mislead.

3.2 Management and sign-off of all FOI Act responses will be carried out by the Executive Manager Corporate and Community Services.

#### **4. APPEALS UNDER THE FREEDOM OF INFORMATION ACT 1992**

4.1 Division 5 of the Freedom of Information Act 1992 provides for people who have made requests for information to have a right of internal appeal on any FOI Act decision made by the Shire. All appeals will be received, reviewed and responded to by the Chief Executive Officer.

4.2 In addition, a person has a further right of appeal to the Freedom of Information Commission. If an appeal is made externally to the Freedom of Information Commission, the Shire will respond in a timely and positive manner to any requests by the Commission for information on the matter raised.

#### **PENALTIES:**

Not applicable.

#### **KEY TERMS/DEFINITIONS:**

To publish, publishing means: the uploading of information in an electronic form to the Council website.

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Responsible Officer: Chief Executive Officer  
Contact Officer: Executive Manager Corporate and Community Services  
Relevant Legislation: Freedom of Information Act 1992  
Local Government Act 1995 – Sections 5.94 to 5.96  
Local Government Administration Regulations 1996 – Section 29B

Review History:

<b>Date Review Adopted:</b>	<b>Resolution Number</b>
Adopted 28 January 2016	
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<b>Former Policy No:</b>	G2.2