

# Councillor access to information, contact with council employees and other topical issues

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21 October 2015



- Councillors are political representatives for local government and have a role which is distinct from employees of local government
- In today's presentation, the following matters will be discussed:
  - Councillor access to and use of information;
  - Councillor dealings with local government employees;
  - Impending changes re: disclosure of related party transactions; and
  - Council activities during the caretaker period.



- Councillors are able to request assistance and information from local government employees.
- Councillors may **request advice** from a local government employee to assist the councillor **carry out their responsibilities**.
- Councillors may **request information** to which Council has access and **relating to the local government**.
  - This information must be sought from the **CEO**.

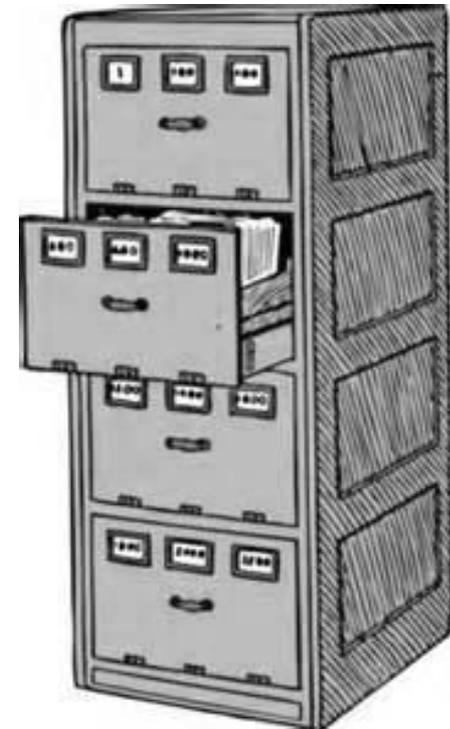


- Councillors are **not** able to apply for:
  - records of the regional conduct review panel or the tribunal;
  - information contrary to an order of a court or tribunal; or
  - information covered by legal professional privilege.
- If **acceptable request guidelines** have been drafted and adopted by Council, all requests must comply with those guidelines.
- Guidelines should be drafted to ensure there is no ambiguity as to the roles and responsibilities of Council employees and councillors.



# CEO responsibilities

- CEOs are **required to comply** with lawful information requests from councillors
- LGA requires that Council CEOs ensure **safe custody** of:
  - all records detailing proceedings, accounts or transactions of the local government or its committees; and
  - all documents owned or held by the local government



- A person who is, or has been a councillor, **must not use information** acquired as a councillor to:
  - gain**, directly or indirectly, **financial advantage** for the person or someone else;  
or
  - cause **detriment** to the local government.
  
- Councillors are also prohibited from releasing confidential information, knowingly or otherwise.



- Rules relating to use of inside information:
  - A councillor, or former councillor, who has **acquired inside information must not cause the purchase or sale of an asset** if knowledge of the inside information would be likely to **influence a reasonable person** in deciding whether or not to buy or sell the asset.
- Councillors face a maximum fine of \$117,800 or two years imprisonment for trading inside information.



# Contact with Council employees

- LGA prohibits councillors from giving any local government employee directions.
- Only the Mayor is able to give a direction to the CEO, or a senior executive employee.



- Australian Accounting Standards amended to extend related party disclosures to not-for-profit public sector entities, including local government
- Commences on 30 June 2016
- Applies to annual reporting periods beginning on or after 1 July 2016
- Factors to consider:
  - significance (size)
  - non-market terms
  - outside day-to-day business operations
  - disclosed to authorities
  - reported to senior management/Council
  - subject to approval by Council



# Caretaker period

- Starts on the day that public notice of an election is given
- Ends upon conclusion of the election
- Prohibited activities during this period:
  - publishing or distributing election material
  - the making of a major policy decision



- The principles aim to ensure **good governance** and **transparency** within local governments.
- It is critical that councillors maintain autonomy from Council employees, and respect the boundaries implemented by the LGA.
- Important that Council CEOs and employees understand their role and responsibilities.



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