

PROPOSED NOTICE OF MOTION (Elected Members)

Name: Cr Steve Kepert

Date of Meeting: 15th September 2020

Meeting of the: Ordinary Meeting of Council

Subject: Amendments to CP-088: Creation, Access and Retention of Audio Recordings of Public Meetings of the Council

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to the Elected Member who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstance is it to be expressed to any party that administration or any officer holds a view on this motion other than that expressed in an official written or verbal report by administration to the Committee or Council meeting considering the motion.

PROPOSED NOTICE OF MOTION: CITY OF MELVILLE

The Council approves the following amendments to be made to CP-088 Creation, Access and Retention of Audio Recordings of Public Meetings of the Council and directs the CEO to adjust the policy accordingly:

- 1. Adding the following phrase to the Policy Statement “Any record held by the City of Melville is relevant to an Elected Member of the City of Melville.”**
- 2. Removing “The Chief Executive Officer (CEO) reserves the right to withhold publication of all or part of the audio recording and will advise the Presiding Member of the reasons for this action. The Presiding Member will advise the Council if such action is decided and the reasons for this action.”**
- 3. Removing “other than to Elected Members who were present at the meeting and for the item, and Administrative staff,”**
- 4. Removing “Elected Members who are absent from the proceedings behind closed doors, either through absence or declaration of interest, may seek a resolution of the Council to access the audio recordings. An Access to Recording Form is to be completed and submitted to the CEO, who will arrange for the necessary item to be prepared for the next available Ordinary Meeting of Council, for Council to make a decision on the matter. If granted, the access will be under the supervision of a person as designated by the CEO. The information provided to Elected Members under this access is not to be shared with third-parties or used for secondary purposes.”**
- 5. Removing “The record of any requests for copies of or access to audio recordings of Council meetings made available to Elected Members will be maintained in the City’s document management system.”**

REASONS:

The amendments provide guidance on the creation, access and storage of audio recordings of Council meetings.

It is fundamental to the role of Elected Members in carrying out their duties to be able to access information, including records and documents, of the organisation they govern and oversee.

Elected Members' access to information, including access to documents created and held by the local governments they oversee and govern, is clearly set out in the *Local Government Act 1995*:

5.92. Access to information by council, committee members

(1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

Any record held by a local government is relevant to an Elected Member who governs and oversees that organisation.

Any record held by the City of Melville is relevant to an Elected Member of the City of Melville.

Amendments were made to CP-088 at the Ordinary Meeting of Council 19th March 2019 (item M19/5670). The amendments to the council policy were sought and formulated by the City of Melville administration. The main amendments to this policy were:

1. To be able to cease audio recording via a Council resolution.
2. To be able to block Elected Members from accessing information, with the exception being through a Council resolution directing otherwise.

The first amendment is not covered by the *City of Melville Meeting Procedures Local Law 2017*. This second amendment essentially supersedes the provisions of the *Local Government Act 1995*.

Item M19/5670 was moved and carried en bloc at the direction of the previous Mayor. The item was carried without discussion or debate.

Prior to the Ordinary Meeting of Council, the Council was briefed on these proposed changes with claims of "verbal advice" justifying the proposed changes.

The amendments mean that Elected Members who were not present in a meeting will not be able to simply access the recordings at a later stage without first being granted permission via a Council motion. This represents a serious and unnecessary impediment to the Council's ability to govern.

SIGNATURE: _____