

2. COMMITTEE LEGAL RESPONSIBILITIES

2.1 The Legislative Framework

The Local Government Act 1989 requires a Council to:

“develop and approve a Code of Conduct for the Council...” (Section 76C)

and “make local laws governing the conduct of meetings of the Council and Special Committees (Section 91 (1)).

2.2 Public Records Act

Maintain, store and dispose of records to comply with the Public Records Act.

The Public Record Office Victoria (PROV) is the State’s archives authority established under the Public Records Act 1973. It regulates the disposal and management of public records. It also identifies records worthy of preservation as State archives and makes arrangements for their preservation in perpetuity. PROV takes custody of records no longer required for current administrative purposes and provides access to records released for public inspection.

The PROV holds records created by government departments and authorities, the State’s courts, municipalities, schools, public hospitals and other public authorities e.g. Committees of Management.

2.2.1 Managing Records

The records of a Committee, however old, are public records and must be kept for (7) seven years. Each Committee is required to store and maintain its records in a manner that is consistent with general record management practice. This involves:

- Making full and accurate records of the business of its Committee; and
- Storing Committee records responsibly in a readily accessible and secure place.

Records created by the Committee must be maintained in a way that ensures that they are secure from tampering or inadvertent access while being easily identified, located and retrieved by those permitted to do so.

All vital records of the Committee e.g. minutes, contracts, etc that are essential to its function should be identified and special care taken to prevent their loss or damage. If possible, such records should be duplicated and the duplicates stored at a different location to the originals.

2.2.2 Managing Electronic Records

Any electronic record related to Committee business has the status of a public record.

This includes electronic records developed or received by a Committee member or Committee employee relating to Committee business.

2.2.3 Records Disposal

As part of a Committees record management function, Committees should identify and dispose of any records no longer in use. Assistance is available from the Golden Plains Shire.

2.2.4 A Committees Record Keeping Obligations

Committees of Management have obligations for record keeping under three Acts of Parliament in addition to the Golden Plains Shire requirements: the Freedom of Information Act 1982, the Public Records Act 1973 and the Information Privacy Act 2000.

2.3 Freedom of Information Act 1982

Under the Freedom of Information Act 1982, the community has the right to access documents and other information generated or held by a Committee, whatever form they may be in (electronic, written, e-mail, fax, etc).

Documents include:

- Correspondence;
- Minutes of meetings;
- Financial records;
- Tenure agreements;
- Contracts; and
- Employment records.

Therefore, it is important that a Committee keeps accurate records, both secretarial and financial.

2.4 Information Privacy Act 2000

The Information Privacy Act 2000 requires that Committees handle any personal information in a secure and responsible manner and manage in accordance with a set of 10 Information Privacy Principles (IPPs). For further detail regarding the 10 IPPs refer to the web site for Privacy Victoria www.privacy.vic.gov.au and the Office of the Victorian Privacy Commissioner 1300 666 444.

2.5 Whistleblowers Protections Act 2001

Committees also need to be aware of the Whistleblowers Protection Act 2001. The Act protects people (known as whistleblowers) who come forward with a disclosure relating to improper conduct by public bodies.

Committees are considered public bodies under the Act and therefore disclosures may be made about Committee of Management members.

In order for the whistleblower to be protected, the disclosure is required to be in accordance with the Act.



Haddon Recreation Reserve, Haddon