

Council Ref : 11/013
Enquiries : A Forte

215 Wright Street
Cloverdale
Western Australia 6105

21 May 2019

Ms L Hollands
2 Miller Avenue
REDCLIFFE WA 6104

Email: lisa@caninecancer.org.au

Dear Ms Hollands

RE : Your email of 30/04/19 refers – ACCESS TO EMPLOYEE CONTRACTS

Thank you for your email noted above requesting access to the employment contracts of the Chief Executive Officer and the Director Community and Statutory Services. As advised in the email from Robin Garrett Director Corporate and Governance of 30/04/19, this matter was directed to me as the officer responsible for employment matters.

I do apologise for the delay in responding however we took the opportunity to obtain additional information to ensure an accurate response was provided.

With respect to accessing the employment contract of Ms Hammah Director Community and Statutory Services, this will not be released. This decision has been made on the basis that she is not a designated Senior Employee under section 5.37 of the Local Government Act (Act) therefore access is not available under the Act.

With regard to accessing the Chief Executive Officer's contract, the City will not be providing access to the document in accordance with applicable Sections of the Act. We appreciate that the Act and Regulations are complex in regard to this matter and reference is required to multiple Sections in order to arrive at this conclusion. It is hoped that by providing the following information you will be better placed to navigate the Act yourself when cross-checking this advice.

The Act provides as follows :

- a) the right to inspect local government information under section 5.94 extends to "any contract under section 5.39" (s.5.94(t)), unless contrary to section 5.95;
- b) a contract under s5.39 is a written contract of employment for a CEO or senior employee of the City;
- c) the right to inspect does not extend to information prescribed as being of a private nature, which is relatively limited in scope encompassing only the personal details of the employee (s.5.95(5)(b));
- d) the right to inspect does not extend to information prescribed as being of a confidential nature (s.5.95(6)(a));

- e) in the present case the CEO's contract would constitute information prescribed as confidential as it deals with something in respect of which a meeting has been closed under section 5.23 (reg.29A(2)(c));
- f) as inspection of the CEO's contract would be contrary to section 5.95 it is outside the scope of the right to inspect under section 5.94 and the City is therefore not required to provide a copy of the CEO's contract.

I trust this information fully answers your question.

Yours sincerely



Anne-marie Forte
EXECUTIVE MANAGER PEOPLE & ORGANISATIONAL DEVELOPMENT