

Councillor Communications Policy

CEO



11 May 2022

This policy was adopted by Council to set governing principles in place that align with the Strategic Community Plan 2040: Focus Area Performance: Outcome PF.1: Responsible planning and ownership of outcomes.

Objectives

1. Effective and appropriate communications by Councillors to community, media and Shire staff.
2. Awareness and compliance with legislative obligations applicable to Councillor communications.

Application

This Policy applies to all Councillors and relevant officers of the Shire of Augusta Margaret River (Shire).

Definitions

Nil

Policy

1. Electronic correspondence

Each Councillor is provided with a Shire of Augusta Margaret River email address to be used for electronic correspondence which relates to business of the Shire between the community, stakeholder or Shire administration and the Councillor. Personal email addresses must not be used.

All Councillors have the responsibility to use the Shire's email facilities in a professional, ethical and lawful manner and comply with the Shire's Code of Conduct for Councillors, Committee Members and Candidates (Code of Conduct) and *Local Government Act 1995* (LGA).

Electronic correspondence sent or received by a Councillor if related to Council business, will constitute a public record and is subject to the requirements of the *State Records Act 2000* and Shire's Record Keeping Plan, and must be retained within the Shire's record keeping system (see Part 8 for further information on record keeping).

2. Correspondence (non-electronic) addressed to Councillors

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Correspondence addressed to Councillors at the Shire administration offices will be opened by designated officers, registered in the Shire's record keeping system, and forwarded to the Councillor within five working days of its receipt and registration.

3. Councillor Communications with Shire Staff

3.1 The CEO is the primary adviser to Council (s5.41(a) LGA). All communication between Councillors and Shire staff is to be via the CEO, or Directors.

Exceptions include:

- a) Communications at Ordinary or Special Council Meetings, or Committee or other meetings between Shire staff and Councillors, where either the CEO, Director or officer authorised by the CEO is present.
- b) Communications between Councillor/s and officer where the officer is authorised by the CEO to communicate directly to Councillors.
- c) Communications not relating to Shire business or operations.

3.2 Emailed correspondence or requests from Councillors are to be directed through the CEO in accordance with the following protocols:

- a) A Councillor emails the request or correspondence to the CEO with a copy to the Shire President or if to a Director (or officer authorised in writing by the CEO), with a copy to the Shire President and the CEO. Any other staff member receiving an email from a Councillor is to forward a copy immediately to the CEO.
- b) The CEO or Director (or officer authorised in writing by the CEO) will ensure the correspondence is registered in the Shire's record keeping system.
- c) A response (interim or final) will be provided within 2 working days, with a copy to the CEO.
- d) The final response will be sent by the CEO or Director (or authorised officer) to the author of the request with a copy to the Shire President and CEO. If the matter is directly related to a decision before Council for an item on the meeting agenda then a copy is to be provided to all other Councillors to ensure equality of information for decision making purposes. The CEO or Director (or officer authorised in writing by the CEO) will ensure the emailed final response is registered in the Shire's record keeping system.

All emailed communication between Councillors and staff is to be on a strictly Council business related basis.

3.3 If a Councillor, acting in their capacity as a resident or property owner, lodges an application or request requiring an officer to act under a delegated power or otherwise exercise discretion, then all communications with the Councillor relating to that matter must be dealt with by the relevant director or CEO, or officer authorised by the CEO.

3.4 If a Cr has a commercial contract with the Shire, then all communications with that Councillor relating to that contract must be dealt with by the relevant director, CEO or officer authorised by the CEO.

4. Speaking on behalf of the Shire

The Shire President is the only official spokesperson for the Shire, representing the Shire in official communications, including speeches, comments, print, electronic and social media (s2.8(1)(d) LGA). Where the Shire President is unavailable, the Deputy Shire President may act

as the spokesperson (s2.9 and s5.34 LGA). The CEO may speak on behalf of the Shire, where authorised to do so by the Shire President (s5.41(f) LGA).

Where practical, the Shire President will speak on political, community-focussed and Council related matters, whereas the CEO will generally speak on operational matters. Where appropriate, the CEO may authorise specific officers to respond or undertake interviews where technical expertise is required. The Shire President, Deputy Shire President, CEO and relevant staff shall receive media training.

Shire President (or Deputy Shire President) communications on behalf of the Shire must comply with the Shire's Code of Conduct and LGA.

5. Responding to Media Enquiries

All enquiries from the Media for an official Shire comment, must be directed to the Shire President, CEO or Shire's Marketing and Communications Team. Responses can be prepared and/or reviewed by the expert marketing and communications team to support the Shire President or CEO (where authorised) make an official response on behalf of the Shire.

6. Personal Communications

Personal communications and statements made privately; in conversation, written, recorded emailed, texted or posted in personal social media, have the potential to be made public, whether intended or not.

On the basis that personal or private communications may be shared or become public at some point in the future, Councillors should ensure that their personal or private communications do not breach the requirements of this policy, the Shire's Code of Conduct, or LGA.

7. Personal Statements on Shire Matters

It is very difficult for Councillors to comment on matters relating to Council or the Shire from a personal view, and not as a Council representative. Even if a Councillor clearly states that this comment is a personal view only, and does not represent the views of Council as the community know you primarily as a Councillor they are likely to read your comments in that light. Your 'personal view' may also lead to a complaint of bias against you if a decision of Council relating to the subject is subsequently made. Furthermore, the media may use your comments out of context, creating the impression that there are issues and conflicts within the Council.

You must consider these issues very carefully, when deciding whether to make a personal statement publicly on a matter related to the business of the Shire. Any public statement made in a personal capacity, must clearly state that the comment or content is a personal view only, which does not necessarily represent the views of the Shire, and comply with the Shire's Code of Conduct and LGA.

If you are approached by the Media, then the most appropriate way to manage this enquiry is to refer the enquiry to the Shire President, who will determine the best way to handle it as the spokesperson for Council.

A Councillor should not actively survey the community parallel to the Shire engagement processes, and should direct members of the community to provide feedback via official Shire engagement avenues such as Yoursay.

Social media accounts or unsecured website forums must not be used to conduct meetings which relate to the official business of the Shire (*State Records Act 2000*, ss 5.23(2) and 5.93 LGA).

All Councillor communications must comply with the Shire's Code of Conduct and LGA.

8. Record Keeping and Freedom of Information

Councillor communications that relate to Council business are subject to the requirements of the *State Records Act 2000* and Shire's Record Keeping Plan and must be retained within the Shire's record keeping system. This includes:

- a) Correspondence and communications
- b) File notes made after verbal communications, meetings, phone calls etc.
- c) Video and audio recordings
- d) Photographs
- e) Emails
- f) Social Media posts (e.g. Facebook)
- g) Messages from Apps (e.g. WhatsApp, Messenger)
- h) TXT messages

that relate to the business of the Shire.

Councillors are responsible for transferring these records to the CEO's Executive Assistant for registering in the Shire's record keeping system. Councillor records are also subject to the *Freedom of Information Act 1992*.

9. Councillor Access to Information

Access to information by Councillors is managed in accordance with section 5.92 LGA, where a Councillor can have access to any information held by the Shire that is relevant to the performance by the Councillor for any of his or her functions under the LGA.

Councillors requesting information must direct their request to the CEO, or with the CEO's authorisation, to the appropriate Director.

The following protocols must be adhered to in respect to Councillor information requests:

- a) Councillors are entitled to all available information to enable them to fulfil their functions under the LGA. This does not extend to unlimited access to all records and information held by the Shire.

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- b) The CEO reserves the right to refuse access to information in the event that the information requested is not considered to be required for fulfilling the Councillor's functions. The CEO must indicate in writing the reasons for refusing a request and such instances are to be brought to the attention of the Shire President as soon as practicable;
- c) Requests should be sufficiently detailed to identify the exact information required;
- d) For all but straightforward advice on administrative matters, Councillors should put their requests for information or advice in writing to be answered by the CEO or authorised Director. These written requests then form part of Council records and can be registered appropriately.
- e) Councillors should respect the privacy of community members, staff and fellow Councillors in the use of information provided;
- f) Requests should focus on matters currently before Council and which are aligned to corporate and Council priorities and policies;
- g) Assessment and prioritisation of Councillor requests will be determined by the CEO based on relative urgency, strategic alignment to Council adopted priorities and whether there is Council support through a decision or other endorsed process;
- h) Requests will be actioned as soon as practicable depending on competing priorities and on the complexity of the research required to access, collate and format the information. The CEO is to endeavour to provide the required information within 10 working days.
- i) The CEO is to bring to Council's attention whether any Councillor's excessive requests for information are preventing Shire staff from attending to important day to day operational matters;
- j) A Councillor who is dissatisfied with the timeliness of information provision or level of cooperation from the administration is to bring the matter to the attention of the Shire President who in turn may bring the matter before Council.

Relevant legislation

There are various statutory requirements relevant to Councillor communications:

- a) *State Records Act 2000* requires that all correspondence, including email, relating to the business of the Shire and the Council must be retained in the official records of the Shire.
- b) Sections 2.8(1)(d) and 5.41(f) of the *Local Government Act 1995*, provides that only the Shire President may speak on behalf of the Shire (or the Chief Executive Officer if authorised by the Shire President to do so).
- c) *Freedom of Information Act 1992* requires the preservation of correspondence and its availability for Freedom of Information purposes.
- d) Section 5.93 of the *Local Government Act 1995* provides that an Elected Member (as well as employees) must not make improper use of any information acquired.
- e) Section 5.92 of the *Local Government Act 1995* Access to information by a Councillor.
- f) *Local Government (Model Code of Conduct) Regulations 2021*.

Related documents

Shire's Code of Conduct for Councillors, Committee Members and Candidates

Document and version control table

Responsible Directorate	Office of the CEO		
Contact officer	Emma Rogers, Governance (Legal, Risk) Officer		
Adopted / approved by:	Council		
Date of adoption / approval:	11.05.2022	Decision Ref: OM2022/74	
Date of next review	2026		
Document No.	N240638	File No.	GOV/38
Version	Date	Decision Ref.	Brief description
1.0	11.05.2022 2	OM2022/7 4	This policy combines Councillor Email Policy, Correspondence Addressed to Councillors Policy and Councillor Requests for Information Policy.

