



Shire of
Serpentine
Jarrahdale

Serpentine Jarrahdale Communication Protocol

Draft – December 2021





Continued

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Governance and Strategy
Responsible Officer	Manager Governance and Strategy
Affected Business Units	All

Preamble

The Shire of Serpentine Jarrahdale is a local government established under the *Local Government Act 1995* (the Act). Like all local governments in Western Australia, it is comprised of two parts: a Council which is made up of Councillors; and an Administration which is made up of Officers. The respective roles of each of these groups is enshrined in legislation.

Both the Council and the Administration are required in order to meet the legislative role of the local government, to provide for the good government of persons in its district. To deliver on good governance, the Council and the Administration also require a common purpose, a common understanding of their unique and important roles, respect of, and recognition of their value.

To deliver good government, a partnership between Council and the Administration is required.

This Communication Protocol documents the commitment of Council and the Administration for a partnership and the framework for communications between Council and Administration that recognises the contribution made by each entity and sets out accepted behaviours in accordance with legislation.

Commitment

The Council and its Councillors and the Administration and its Officers of the Shire of Serpentine Jarrahdale express their commitment to work in partnership to deliver good government for the district and recognise the unique and essential contribution that each makes.

The Council and its Councillors and the Administration and its Officers of the Shire of Serpentine Jarrahdale agree to abide by this Communication Protocol as a policy of the local government.

The Role of Council

Section 2.7 of the Act sets out the role of Council:

(1) *The Council —*

- (a) governs the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to —*

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*



Continued

The Role of Councillors

Section 2.10 of the Act sets out the role of Councillors:

A councillor —

- *represents the interests of electors, ratepayers and residents of the district; and*
- *provides leadership and guidance to the community in the district; and*
- *facilitates communication between the community and the council; and*
- *participates in the local government's decision-making processes at council and committee meetings; and*
- *performs such other functions as are given to a councillor by this Act or any other written law*

The Role of the President

Section 2.8 of the Act sets out the role of the President:

- *presides at meetings in accordance with this Act; and*
- *provides leadership and guidance to the community in the district; and*
- *carries out civic and ceremonial duties on behalf of the local government; and*
- *speaks on behalf of the local government; and*
- *performs such other functions as are given to the mayor or president by this Act or any other written law; and*
- *liaises with the CEO on the local government's affairs and the performance of its functions.*

The Role of Chief Executive Officer (CEO) and Officers

Section 5.41 of the Act sets out the role of the CEO (to whom Officers act through):

The CEO's functions are to —

- *advise the council in relation to the functions of a local government under this Act and other written laws; and*
- *ensure that advice and information is available to the council so that informed decisions can be made; and*
- *cause council decisions to be implemented; and*
- *manage the day to day operations of the local government; and*
- *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- *speak on behalf of the local government if the mayor or president agrees; and*
- *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*



Continued

Overarching principles

- Excluding matters such as integrity matters, development of Alternative Motions, development of Notices of Motions, personally sensitive information and individual training, communication that goes to one Councillor is sent to all Councillors.
- Notwithstanding, in accordance with section 2.8 of the Act, the role of the President includes liaising with the CEO on the local government's affairs and the performance of its functions which requires heightened communication to achieve.
- Councillors are leaders in the community and their conduct can impact positively and negatively the reputation of the Shire.
- The Administration has respect for the Office of Councillor and values the contribution that Councillors make.
- Both Administration and Councillors acknowledge the separation of powers enshrined in legislation.
- Both Administration and Councillors recognise the importance of timely communication and that the provision of accurate information takes time.
- Both Administration and Councillors recognise the importance of professionalism in communication.

Customer requests

Customer Service forms part of the day-to-day operations of the local government under section 5.41 of the Act.

The Shire's Customer Request Management system provides a means for customers to request and report issues associated with the extensive services provided by the Shire to the community. The Customer Request Management system is linked to the Shire's Enterprise Resource Planning systems through works and procurement to ensure efficient, effective and timely service delivery.

As community leaders and the public face of the local government, Councillors are often a point of contact for members of the public.

Members of the public will often reach out to Councillors with issues and requests for services relating to advancing planning or building matters, maintenance of parks and gardens, road works or waste collection.

While Councillors have a role representing the collective interests of electors, ratepayers and residents of the district, acting on behalf of individual customers can put Councillors in a difficult position.

Councillors have responsibilities to abide by the rules of conduct provided for in the *Local Government (Model Code of Conduct) Regulations 2021*. There are three clauses of particular relevance:

- *Regulation 18 states that a Council Member must not make improper use of their office to gain directly or indirectly an advantage for the council member or any other person.*
- *Regulation 19 states a Council Member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.*
- *Regulation 20 states that a Councillor must not direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee or*



Continued

attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee.

Making Customer Requests on behalf of customers can result in Councillors breaching Regulations 18, 19 and 20 of the *Local Government (Model Code of Conduct) Regulations 2021* as well as other legislation. This is because Customer Service forms part of the Administration's functions under section 5.41 and because unavoidably a request from a Councillor can be perceived by the Administration as a direction that must be acted on as a priority and accordingly result in an advantage to the customer.

To avoid running afoul of legislation, when approached by members of the community, Councillors should direct the customer to the Customer Request Management system.

A model response that Councillors may wish to use when contacted by members of the public directly is below:

"Thank you for email regarding XXXX, the best way to action your issue is to contact the Shire through the **Customer Request Management (CRM) system**. This will enable you to track progress on your request. A response will be provided by the Shire in accordance with the Shire's Customer Service Charter. If you do not receive a response to your satisfaction, please follow up with me."

In the event that a customer is not satisfied with the Shire's services, a Councillor may wish to:

- liaise with the Shire President who has the authority under section 2.8 of the *Local Government Act 1995* to liaise with the CEO on the local government's affairs and the performance of its functions; and/or
- advise the customer to contact the Ombudsman.

To protect Councillors, Customer Requests received from Councillors on behalf of third parties will be treated like any other request received in the Customer Request Management system. Councillors will not receive any preferential treatment in this regard because such an action would be in conflict with the Shire's conflict of interest procedures and respective codes of conduct.

Requests for action by Councillors on behalf of third-parties will not be actioned by the Council Support Officer.

Councillors are community members and customers too and Customer Requests received from Councillors will be managed in accordance with the Department's Conflict of Interest procedure.

Resident Complaints

Resident complaints forwarded by Councillors will contain resident contact details and CRM numbers or some details of the resident initial contact with the Administration/Operations departments.

Resident complaints will then be dealt with in accordance with Council Policy – Complaints Resolution.



Continued

Information requests

Effective communication between Councillors and Officers is critical to the success of the entire organisation. Both Councillors and Officers have a responsibility to communicate effectively.

Under section 5.92 of the Act, Councillors may request any information held by the local government that is relevant to the performance by the person of any of his or her functions under the Act or under any other written law. A Councillor's functions under section 2.10 of the Act are to:

- represent the interests of electors, ratepayers and residents of the district
- provide leadership and guidance to the community in the district
- facilitate communication between the community and the council
- participate in the local government's decision-making processes at council and committee meetings
- perform such other functions as are given to a councillor by this Act or any other written law.

In making requests for information under section 5.92 of the Act, a Councillor may be asked to specify why the information is relevant to the performance of their duties. This approach will help ensure that Councillors do not breach section 5.93 of the Act that provides that a Council Member must not make improper use of information acquired in the course of their duties to:

- *gain directly or indirectly an advantage for the person or any other person; or*
- *cause detriment to the local government or any other person.*

Such a breach of s 5.93 constitutes serious misconduct under the *Corruption, Crime and Misconduct Act 2003* and can be investigated by the Corruption and Crime Commission.

To promote shared expectations, the table below summarises categories of communication typically initiated by Councillors and guidance on the timeframe for responses.

Category	Timeframe Response for	Examples	Most appropriate communication channel
Councillor support	Acknowledgment within 2 business days. Initial response within 7 business days with further responses provided as required.	Councillor Training Request Fees and Allowances IT Assistance Resident Complaints	<ul style="list-style-type: none"> • Email to Council Support Officer • Telephone
Decision making	Acknowledgment within 2 business days. Response according to meeting timeframes.	Notice of Motions (NOM) Alternative Motion (AM)	<ul style="list-style-type: none"> • (NOM) Email to CEO • (AM) CEO or Director
Decisions involving changes in service delivery	Shire President / CEO meetings are held weekly	Requesting additional citizenship ceremonies Pothole repairs	<ul style="list-style-type: none"> • Shire President to Chief Executive



Continued

Category	Timeframe Response for	Examples	Most appropriate communication channel
		Increases/ decrease maintenance	<ul style="list-style-type: none"> Officer of motion

The following table summarises categories of communication typically initiated by Officers where a response is required.

Category	Timeframe Response for	Examples	Most appropriate communication channel
Statutory information requests	With statutory limits specified	Annual returns Related party disclosure Training register information	<ul style="list-style-type: none"> Email to relevant Councillor/s
General	Within agreed timeline specified	Miscellaneous Requests for Feedback (e.g. arranging meeting times, requesting responses to survey's, requesting feedback on documentation) Miscellaneous Requests for Information (e.g. Councillor Profiles and Councillor Details),	<ul style="list-style-type: none"> Email to relevant Councillor/s

Weekends and afterhours

Officers are employees who are compensated for their time with a salary. Achieving a productive workplace requires respecting the boundaries between work and non-work periods. In general, responses to information requests from Councillors will only occur during normal work hours.

Councillors have responsibilities and commitments outside their role as a Councillor. While it is impossible to accommodate all individual Councillors and their circumstances, Officers recognise the limitations on the availability of Councillors and will generally schedule events and meetings on a Monday evening which by convention is the day where Council business occurs.

Communication to and from Councillors and Officers

To ensure separation of powers and in accordance with the different roles and responsibilities set out in legislation, communication to and from Councillors and Officers is regulated by this protocol.



Continued

The primary communication points for Councillors are:

- CEO and Directors
- Council Support Officer

Where matters relate to the functions of a Directorate, communication can occur between a Councillor and the relevant Director or their Executive Assistants.

Where matters relate to integrity and conduct, communication can occur between a Councillor and the Manager Governance and Strategy or the Internal Auditor.

Distribution of Council and Committee meeting agenda and minutes occurs via the Governance Officer (Council and Committees) or an Officer acting on their behalf. Queries regarding the contents of agenda and minutes should be directed to the CEO, Council Support Officer or relevant Director.

All correspondence generated and received by Councillors that relate to the business of Council is subject to the *State Records Act 2000*, the *Freedom of Information Act 1992* and the Shire's Record Keeping Plan, and as such must be retained within the Shire's corporate recordkeeping system.

Friday Facts

The Shire issues a "Friday Facts" newsletter to its Councillors once a week on a Friday. This newsletter is collated by the Council Support Officer (CSO) from various internal and external sources. The purpose of the newsletter is to provide Councillors with administration information that is not necessarily publicly available and provides a mechanism for the Administration to communicate information to Councillors informally and regularly.

Friday Facts communicates to Councillors:

- Attendance Registers – Shire President and Councillors
- Shire President Facebook posts.
- Councillor Upcoming Meetings and Events
- Register of Delegations
- Directorate Updates
- Examiner newspaper articles mentioning the Shire
- Corporate Business Plan Report (Quarterly)
- Council Resolutions Report (Quarterly)

Diaries

All Councillors have access to an electronic diary through Outlook. This is the official diary in performance of their duties and all invitations are sent through Outlook.

Shire President – all Shire related calendar activities will be updated and managed by the Executive Assistant to the CEO on behalf of the Shire President.

Councillors - all Shire originated diary requests will be managed by the Council Support Officer who will issue invites and update calendars by sending invites to the relevant Councillors. A decline to a meeting invite indicates that a member will be an apology for the meeting or event.



Continued

External agencies may send invitations directly to a Councillor (delegated member) for events/meetings that require attendance in an official capacity and these will be reflected in the Council Attendance Register.

Shire calendars should include only Shire related activities in which Councillors are attending in an official capacity including:

- Committees of Council
- Council Advisory Groups
- External groups of which a Councillor is a delegated member
- Shire Events.

Attendance at meetings/events reflected in the calendars will be confirmed on a weekly basis for recording in the Councillor Attendance Register.

As a public record subject to the *State Records Act 2000*, the *Freedom of Information Act 1992* and the Shire's Record Keeping Plan, Councillor electronic diaries should only be used for recording official business.

Maintaining Confidentiality/Embargoed information

Councillors must not promote Shire information to the community that has not already been released or published, or until such time as the Shire President, as spokesperson for the Shire, has had an opportunity to speak.

The CEO, or representative, will advise verbally, or in writing if appropriate, where information is deemed to be confidential in nature or embargoed. Such documents will be clearly marked 'confidential' or embargoed.

Information does not need to be marked confidential for its release to constitute a gain for another person

Meetings

Receipt of notice paper

In accordance with Regulation 14 of the *Local Government (Administration) Regulations 1996* Councillors will receive the notice paper and agenda relating to any council or committee meeting from the time that these documents are available for inspection by members of the public. The following conventions shall apply:

- All Councillors will receive electronic versions of Council and Committee agendas and all attachments.
- All Councillors will receive a printed copy of all Council agendas and Committees that they are a member of, including confidential Items.

Councillors may wish to opt out of receiving paper copies of agendas.

Where practicable, the agenda for Ordinary Council Meetings will be published 10 days prior to the Council meeting (that is Friday the week before the Council Meeting).

Council and the Administration recognise the importance of accurate and timely advice contained in the agenda and that on occasion, individual agenda items may need to be published following publication of the agenda. This shall occur through the use of a header box in the



Continued

agenda with the associated report being published on the Shire's website with the agenda when available.

In accordance with Regulation 6 of the *Local Government (Model Code of Conduct) Regulations 2021* Councillors should ensure they read all papers prior to the meeting.

Alternative Motions / Amendments

Councillors wishing to propose an Alternative Motion or Amendment to the Officer's recommendation are encouraged to first consult with the CEO or relevant Director. This is to ensure the consequences of the Alternative Motion / Amendment are considered.

Councillors are encouraged to distribute Alternative Motions / Amendments prior to the meeting to Councillors, Executive and the Council Support Officer. Alternative Motions / Amendments that are circulated prior to 2:00pm on the day of the meeting will be printed and provided to Councillors at their chamber desk. Officers will not distribute alternates as it could be construed as being a revision to officer recommendation

Information regarding agenda reports

Under section 5.41 of the Act, the functions of the CEO include ensuring that advice and information is available to the Council so that informed decisions can be made. The Question and Answer (Q&A) session provides an opportunity for Councillors to identify additional information requirements related to agenda reports. Written responses to questions that are not answered at the Q&A will be provided to all Councillors.

Councillors seeking information on agenda reports can also request to meet with the relevant Director and/or CEO.

Relevant Policies/Council Documents

- Code of Conduct for Councillors, Committee Members and candidates
- Council Policy - Councillor and CEO Attendance at Events
- Council Policy - Council Delegates and Representation on External Organisations, Including Community Groups
- Council Policy - Elected Member Social Media
- Council Policy 1.1.3 - Public Question and Public Statement Time - Ordinary Council Meeting
- Council Policy 1.1.14 - Forums of Council Policy Concept Forums, Question & Answer Agenda Forums and Workshops
- Council Policy 1.3.2 – Media
- Council Policy 5.3.5 - Complaint Resolution.

Legislation/Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Model Code of Conduct) Regulations 2021*