Council Policy - Serpentine Jarrahdale Communication Protocol

Table of Contents

1. Preamble....2
2. Commitment....2
3. Roles and responsibilities....2
   3.1. Role of Council....2
   3.2. Role of Councillors (Elected Members)....3
   3.3. Role of the President....3
   3.4. Role of Chief Executive Officer (CEO) and Officers....3
4. Work Health and Safety....4
   4.1. CEO and Directors Work Health and Safety Duties....4
   4.2. Elected Member Work Health and Safety Duties....4
5. Overarching principles....5
6. Resident correspondence....5
7. Requests for information (RFI)....7
   7.1. Standing Orders - Clause 3.2....8
8. Points of contact between Elected Members and Officers and timeframes....8
9. Elected Member and Officer interactions....10
10. External groups / Advisory groups....11
11. Email protocol....11
12. Weekends and afterhours....11
13. Maintaining confidentiality/embargoed information....12
14. Meetings....12
    14.1. Receipt of notice paper....12
    14.2. Alternative motions / amendments....12
    14.3. Notices of motion....13
    14.4. Information regarding agenda reports....13
    14.5. Electronic participation....13
15. Miscellaneous....13
    15.1. Friday Facts....13
    15.2. Diaries....14
16. Dispute Resolution....14
17. Definitions....14
18. Related Documents....15
19. Legislation / Local Law Requirements....15

Amendment Record....15

Appendix 1 – Elected Member Communication Checklist....16

Appendix 2 - Performance issues and disputes....19

Appendix 3 – Notices of Motion....20

Appendix 4 - Leave of Absence....21

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

1. 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 Elected Members; 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 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 to a partnership and the framework for communications between them that: recognises the contribution made by each entity; and sets out accepted behaviours in accordance with legislation.

2. Commitment

The Council and its Elected Members, 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 Elected Members 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.

3. Roles and responsibilities

3.1. Role of Council

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

(1) The council governs the local government's affairs and, as the local government's governing body, is responsible for the performance of the local government's functions.

(2) The council's governing role includes the following —

(a) overseeing the allocation of the local government's finances and resources;

(b) determining the local government's policies;

(c) planning strategically for the future of the district;

(d) determining the services and facilities to be provided by the local government in the district;

(e) selecting the CEO and reviewing the CEO's performance;

(f) providing strategic direction to the CEO.

(3) For the purpose of ensuring proper governance of the local government's affairs, the council must have regard to the following principles —

(a) the council's governing role is separate from the CEO's executive role as described in section 5.41;

(b) it is important that the council respects that separation.

(4) The council must make its decisions —

(a) on the basis of evidence, on the merits and in accordance with the law; and

(b) taking into account the local government's finances and resources.

(5) The council must have regard to the need to support an organisational culture for the local government that promotes the respectful and fair treatment of the local government's employees.

(6) The council has the other functions given to it under this Act or any other written law.

3.2. Role of Councillors (Elected Members)

Section 2.10 of the Act sets out the role of Councillors (Elected Members) including that they are to:

- represent the interests of electors, ratepayers and residents of the district and taking into account the interests of others who work in, or visit the district; and
- participate in the local government's decision-making processes at council and committee meetings; and
- facilitate communication between the community about council decisions; and
- facilitate and maintain good working relationships with Elected Members, President and CEO.

The Act also provides for a separation of power between the Administration and Elected Members. It is a Rule of Conduct breach for Elected Members to undertake a task that contributes to the administration of the local government (regulation 19 of the *Local Government (Model Code of Conduct) Regulations 2021*).

3.3. Role of the President

Section 2.8 of the Act sets out the role of the President, including that they are to:

- provide leadership and guidance to the council and its members, including guidance as to their roles; and
- speak on behalf of the local government and carries out civic and ceremonial duties on behalf of the local government, consistent with council decisions; and
- preside at meetings in accordance with this Act; and
- promote, facilitate and support positive and constructive working relationships among council members; and
- liaise with the CEO on the local government's affairs and the performance of its functions.

3.4. Role of Chief Executive Officer (CEO) and Officers

Section 5.41 of the Act sets out the role of the CEO, including that they are to:

- cause council decisions to be implemented; and

- manage the provision of services and facilities that the council has determined the local government is to provide in the district i.e. the day-to-day operations; and
- advise the council in relation to the affairs and performance of functions of a local government under this Act and other written laws; 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
- ensure that advice and information is available to the council so that informed decisions can be made in a timely manner; and
- liaise with the 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 president agrees.

4. Work Health and Safety

The *Work Health and Safety Act 2020* (WHS Act) establishes a primary duty of care on PCBUs, of which the Shire is one (s.5), to ensure the health and safety of its workers while they are at work and others who may be affected by the carrying out of work for the Shire (s 19).

'Health' is defined by s.4 to mean 'physical and psychological health'. The duty of an 'Officer' is to exercise due diligence (which is to take reasonable steps) to ensure the PCBU complies with its health and safety duties (s 27).

An Officer is defined by s 4A to mean '*A person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business*' which would therefore apply to Directors and the CEO. Council is not the PCBU.

Elected Members are specifically excluded from the definition of 'Officer' under s.4A(1)(b)(iii) but are captured by the definition of 'other persons' which, as defined by s.29 is simply *'A person at a workplace'*.

The duties of an 'other person' include to *'take reasonable care so that their acts or omissions do not adversely affect the health and safety of other persons*' and *'so far as reasonably able, comply with any reasonable instruction that is given by the PCBU to allow it to comply with the WHS Act*' (s.29).

Where concurrent duties exist, each person must discharge their duty to the extent they have capacity to influence and control the matter.

Those who do not comply with the legal obligations of an 'other person' commit a criminal offence and substantial financial penalties apply.

4.1. CEO and Directors Work Health and Safety Duties

For the purposes of the WSH Act, the CEO and Directors must exercise due diligence to ensure the PCBU complies with its health and safety duties. This obligation relates to strategic, structural, policy and key resourcing decisions.

4.2. Elected Member Work Health and Safety Duties

Elected Members have a personal duty under the WHS Act to:

- take reasonable care for own health and safety
- take reasonable care that acts or omissions do not adversely affect the health and safety of other persons

- comply, so far as reasonably able, with any reasonable instruction given by the Shire to allow it to comply with its WHS duties.

5. Overarching principles

- Communication from the Administration that goes to one Elected Member is sent to all Elected Members, excluding the following:
  - matters that are administrative in nature;
  - integrity and conduct matters;
  - development of Alternative Motions and Notice of Motions;
  - personally sensitive information; and
  - individual training.
- Correspondence sent by the President on behalf of the Shire will be provided to all Elected Members by the President.
- Both Administration and Elected Members acknowledge the separation of powers enshrined in legislation. That is, that the Local Government Act emphasises that Council is the governing body responsible for establishing policies and making strategic decisions, and the CEO is responsible for managing the day-to-day business of the local government.
- Both Administration and Elected Members recognise the importance of timely communication and that the provision of accurate information may take time.
- Both Administration and Elected Members recognise the importance of professionalism in communication. Professional communication is considered to be the consistent use of respectful, accurate, constructive and accountable language and behaviour. Communicate in a way that builds trust, supports good governance, and reflects the responsibilities of public office. Refer to **Appendix 1** for further information.
- Both the Administration and Elected Members recognise the obligations under the Local Government Act and WHS Act to facilitate and maintain good working relationships and not adversely affect the health and safety of other persons. This means Elected Members must not subject employees or any other person to inappropriate or unreasonable conduct, including hostile, aggressive, demeaning, or intimidating behaviour, whether directed at them or occurring in their presence.
- The Administration and Elected Members agree not to send, forward or facilitate any correspondence that contains offensive or abusive language. If uncertain of the impact of such correspondence Elected Members are encouraged to use their discretion and raise it directly with the CEO.

6. Resident correspondence

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 (CRM) system provides a means for customers to request and report issues associated with the extensive services provided by the Shire to the community. The CRM 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, Elected Members are often a point of contact for members of the public.

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

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

Unavoidably a request from an Elected Member 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.

When approached by members of the community, whether via social media, telephone or in person, Elected Members must direct the customer to the CRM system. If the customer is unable to use the CRM, they can contact the Administration (via telephone or in person) for assistance. This will encourage customers to lodge their own CRM to avoid divided perception, circumvention of agreed processes and removal of the customer's opportunity to raise their concerns directly and experience the Shire's customer service. It also assists Elected Members to meet the requirements of Regulations 18, 19 and 20 of the *Local Government (Model Code of Conduct) Regulations 2021.*

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

> "Thank you for email regarding XXXX. As an Elected Member, while I represent the interest of residents in the district in making decisions at Council, I am prohibited under legislation from being involved in administrative matters. As your request relates to the local government's administration and operations, 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 and a response will be provided by the Shire in accordance with the Shire's Customer Service Charter."
>
> Alternatively, please contact the Administration directly (either in person or via 9526 111). The Customer Service Officers look forward to providing assistance."

Elected Members may choose to assist a customer lodge a CRM; however, if any personal information is collected by the Elected Member for the purpose of lodging the CRM, they must ensure they issue a collection notice and then destroy the information in accordance with Council Policy - Privacy.

Draft wording for Elected Members to use is below:

> I am collecting your personal information so I can raise a customer request on your behalf. This may include your name, contact details, address and details of your enquiry, which I will share with the Shire Administration to action your request and provide you with a response. Your information will be handled securely in accordance with the *Privacy and Responsible Information Sharing Act 2024* and Council Policy - Privacy. Please note that if you do not provide this information, I may be unable to progress your request effectively.

Any complaints received by Elected Members from Residents, whether via social media or telephone or in person, must also be directed to the Shire's CRM system with complaints lodged using the **Complaint/Feedback** category. A CRM raised through the Complaint/Feedback category will be dealt with in accordance with Council Policy – Complaints Resolution. As complaint management is an administrative function, Officers will not take action via any other channel.

Elected Members are community members and customers too and Customer Requests received from Elected Members will be managed in accordance with the Department's Conflict of Interest procedure. Elected Member requests will be treated like any other request, and they will not get preferential treatment.

The Shire has adopted a Customer Service Charter and Council Policy – Customer Service which describes the Shire's commitment to customer service and achieving efficient and effective delivery of services to the community. The Shire has also adopted Council Policy – Complaints Resolution which describes the Shire's approach to managing complaints related to service provision.

7. Requests for information (RFI)

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

Under section 5.92 of the Act, Elected Members may request any information held by the local government that is relevant to the performance by the person of their functions under the Act or under any other written law. However, an Elected Member does not have unfettered access to information held by the Shire, and it must be relevant to the performance of their functions. There are also express exemptions under the Act, which includes:

a) personal information about an individual that is not relevant to a matter on which the council or committee is to make a decision; and

b) information that is not relevant to the functions of the elected member or committee member under the Act or another written law.

In linking a request for information back to the prescribed role of Council and Elected Members, in a practical sense, an Elected Member's entitlement to information will be assessed on the basis of:

a) where the information is relevant for consideration and discussion of matters coming before council or a committee of which they are a member, and

b) where the information is relevant for the purpose of making a council or committee decision; and

c) that Council's governing role is separate from the CEO's role as described in section 5.41 of the Act.

In making requests for information under section 5.92 of the Act, it will be required that an Elected Member specifies why the information is relevant to the performance of their duties, along with any contextual information. This approach will help staff provide an effective response and ensure that Elected Members 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:

a) gain directly or indirectly an advantage for the person or any other person; or

b) cause detriment to the local government or any other person.

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

If an Elected Member seeks to publicly share any information obtained through an RFI, permission must be sought from the Chief Executive Officer in liaison with the Shire President. This may include appropriate consideration on who is spokesperson and media releases, in accordance with the Act and separation of duties. Elected Members then have the opportunity to share any media releases or statements prepared.

If the Elected Member deems the information requested is of a high priority, and waiting the scheduled timeframe for a response may be detrimental to the Shire, they may contact the President, who can liaise directly with the CEO to determine if the request may be given priority.

Information requests relating to Agenda reports scheduled for the next council or committee meeting are addressed as soon as practicable by the relevant Director by emailing all Executive Management Group (EMG), all Elected Members and CSO (also see reference to Agenda reports in the 'Meetings' section below).

A request for information may be declined if:

- the Elected Member is not entitled to the information;
- the information is not held by the Shire and is unable to be reasonably obtained; and

if in the CEO's view, preparing or providing the information would require substantial diversion of Shire resources. This includes requests to provide information for a matter considered vexatious by the CEO or which may cause a psychosocial hazard for employees.

7.1. Standing Orders - Clause 3.2

Under clause 3.2 of the *Shire's Standing Orders Local Law 2002*, an Elected Member may request specified papers to be laid on the table at a Council or Committee meeting.

However, section 3.7 of the Local Government Act provides that a local law is inoperative to the extent of any inconsistency with the Act or any other written law. Accordingly, an Elected Member may only exercise the power under clause 3.2 where they are otherwise entitled to access the information under section 5.92 of the Act.

8. Points of contact between Elected Members and Officers and timeframes

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

The primary communication points for Elected Members are:

- CEO and Directors
- Council Support Officer (this may include any member of the Governance team where functions relate to CSO)

There should be no communication between Elected Members and Officers other than outlined below.

To promote shared expectations, the table below summarises categories of communication and guidance on the timeframe for responses. Any matters not covered in the below table are to be directed to the CEO.

Communication Topics	Points of Contact	Timeframes
Primary communications including Requests for Information	• CEO, and • Directors, and • Council Support Officer (CSO) **Note**: CSO, EMG and Elected Members to be copied into all correspondence	Acknowledgment within 2 business days. Initial response within 7 business days with further responses provided as required. Complex and/or sensitive matters may take additional time to respond.
Confidential communications	• CEO	As soon as practicable.
Preparation of **Alternate Motions** and **Notices of Motions**	• CEO • Relevant Director	Response according to meeting timeframes.
Strategic matters, systemic issues or policy shortfall or matters that relate to a Directorate	• Shire President, or • CEO	Discussed at a Shire President/CEO meeting, or Notice of Motion
Where matters relate to **Media and Communications** (media inquiries, speech preparation, media requests, filming and photo shoots)	• Director Community Engagement • Manager Communications and Customer Engagement* • Media and Advocacy Advisor* • * Elected Members must include the CEO and Director Community Engagement into any communications.	As soon as practicable.
Complaints about Shire employees	• Chief Executive Officer. • * No updates will be provided as it is the CEO's responsibility to manage Shire employees	As soon as practicable.
Code of Conduct Complaints under the Shire's Code of Conduct for Council Members, Committee Members and candidates	• Positions delegated as Complaints Officers under the Shire's Code of Conduct	Response according to Council Policy timeframes
Distribution of **Council and Committee meeting agenda and minutes** and relevant meeting correspondence	• PA to Director Corporate Services or an Officer acting on their behalf	Response according to meeting timeframes.

Queries regarding the contents of **agenda and minutes (including Q&A)**	• CEO, and • Council Support Office, and • Relevant Director	As soon as practicable by relevant Director. Unreasonable timeframes may require questions to be taken on notice (for example a weekend request for a Monday response)
Advisory Group meetings involving Elected Member Delegates	• Relevant Director • Relevant Personal/Executive Assistants	Response according to meeting timeframes.
Investigations (other than Code of Conduct) involving Elected Members	• People, Development and Wellbeing Manager • Independent third party (refer Conflict of Interest BOP) • Manager Corporate Performance • Coordinator Governance and Procurement	As soon as practicable.
Elected Member **Administration Support,** including: • Training • Fees and allowances enquiries • Catering	• Council Support Officer	Acknowledgment within 2 business days with further responses provided as required.
Administrative matters relating to ICT	• Council Support Officer • ICT Systems Officer • Manager Information Communication Technology	As soon as practicable.
Statutory Information Requests – Annual returns, related party disclosure, training register information	• CEO • Director Corporate Services • Council Support Officer • Coordinator Governance and Procurement or an Officer acting on their behalf	Within statutory limits specified

All correspondence generated and received by Elected Members that relates 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.

9. Elected Member and Officer interactions

There will be situations when Officers and Elected Members attend events and meetings or have incidental interactions, including forums, formal community consultation events etc.

Unless specifically listed in the Points of Contact table above, Officers and Elected Members should attempt to limit these circumstances; however, when not possible, the following applies:

- it is appropriate for questions about the logistics of the event and general pleasantries.
- there should be no discussion on Shire matters, and Elected Members should not attempt to solicit Officer views or opinions on Shire related topics (for example, when is that pothole going to be fixed?). Any specific questions should be submitted in writing as per this protocol
- if any resident makes a formal request / complaint in front of Elected Members, they should be advised to submit a formal CRM.
- if any interactions feel unsafe, Officers or Elected Members should leave the event.

Elected Members should be cautious about attending facilities when events are on when they haven't been officially invited, and if possible, provide prior notice to the Administration. This is particularly important at children and young people events.

Officers and Elected Members should report any instances of inappropriate conduct or non-compliance with this protocol, to the Chief Executive Officer as soon as practicable.

In all circumstances outside of formal Council or Committee meetings (including Q&A and PCFs) or meetings with external representatives, if requested by an Elected Member, Officers are not required to use an official title.

10. External groups / Advisory groups

All invitations for external groups, reference groups, advisory groups and community consultation sessions will be distributed to Elected Members through the PA to the Relevant Director for events or meetings that require attendance in an official capacity.

Officers and Elected Member engagement at meetings can occur subject to:

- Director (or Manager if approved by the Director) attendance at all meetings
- completion of a risk assessment and associated risk management plan being established.

At these meetings, other than incidental pleasantries, Elected Members will not engage with any employees other than a Director (or their delegate).

11. Email protocol

To maintain the separation being Elected Members and the Administration, Officers who are corresponding with a resident following receipt of an email which includes Elected Members, are to remove Elected Members from any further correspondence.

No Officer should be corresponding via email with an Elected Member unless authorised as above.

12. 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 Elected Members will only occur during normal work hours. If the matter considered an emergency (i.e. natural disaster, death), Elected Members are to contact the CEO.

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

13. Maintaining confidentiality/embargoed information

Elected Members must not promote Shire information to the community, including information received through a Request for Information, that has not already been released or published, or until such time as the President, as spokesperson for the Shire, has had an opportunity to speak. This includes verbally, in written correspondence or via social media.

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.

Failure to maintain confidentiality, or to cause advantage or disadvantage to an Elected Member or another person is deemed a Rule of Conduct breach and may be reportable to the Local Government Inspector.

14. Meetings

14.1. Receipt of notice paper

In accordance with Regulation 14 of the *Local Government (Administration) Regulations 1996* Elected Members 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. All Elected Members will receive all Council and Committee meeting agendas and attachments via their Resolve Boardview.

Where practicable, the agenda for Ordinary Council Meetings or Committee Meetings will be published 10 days prior to the meeting (that is Friday the week before the 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 using a header box in the agenda with the associated report being published on the Shire's website with the agenda when available.

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

14.2. Alternative motions / amendments

Elected Members 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.

Elected Members are encouraged to submit Alternative Motions / Amendments prior to the meeting through Resolve. Officers will not distribute alternates as it could be construed as being a revision to Officer recommendation.

14.3. Notices of motion

A Notice of Motion is a request by an Elected Member that involves changes in service delivery or decision making.

A Notice of Motion is presented as a report to Council for consideration by Council. In accordance with the Standing Orders (clause 3.10), the request must be emailed to the CEO at least four full working days prior to the meeting (midnight Monday the week before an Ordinary Council Meeting). It is also a requirement of the Standing Orders that the Elected Member is in attendance at the meeting to move the motion, otherwise it will lapse. If the Elected Member cannot attend the meeting, they may, in writing, authorise another member to move the motion.

Once a request has been received, the relevant Director will liaise with the Elected Member to develop the wording for the Motion. The Motion must be clear and stand on its own. A Notice of Motion report will be prepared and published on the Shire's website, along with Officer Comment.

A list of Do's and Don'ts for Notices of Motion can be found in **Appendix 3.**

14.4. 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 Elected Members 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 Elected Members.

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

14.5. Electronic participation

Requests for electronic participation at Council Meetings and Committee Meetings is in accordance with Council Policy – Electronic Attendance.

Requests for electronic participation at other events, including Q&A, PCF, workshops and training must be submitted to the Chief Executive Officer and Council Support Officer no later than 3pm the day of the event. If electronic participation can be accommodated and, in the case of training, appropriate, the Chief Executive Officer will seek the approval of the Shire President.

Any requests received after 3pm will be refused.

15. Miscellaneous

15.1. Friday Facts

The Shire issues a "Friday Facts" newsletter to its Elected Members 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 Elected Members with administration information that is not necessarily publicly available and provides a mechanism for the Administration to communicate information to Elected Members informally and regularly.

Friday Facts communicates to Elected Members:

- Attendance Registers – President, Elected Members and CEO.
- A link to the Shire President's Facebook posts.
- Councillor Upcoming Meetings and Events

- Register of Exercised Delegations
- Directorate Updates
- A link to the Examiner newspaper
- Corporate Business Plan Report (Quarterly)
- Outstanding Council Resolutions Report (Quarterly)
- Project Management Framework Report (Monthly)

15.2. Diaries

All Elected Members have access and use of 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.

Elected Members - 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.

Shire calendars should include only Shire related activities in which Elected Members 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, Elected Member electronic diaries should only be used for recording official business.

16. Dispute Resolution

Any disputes over enforcement of this Communications Protocol, including the provision of requested information (RFI), can be raised with the Chief Executive Officer for review.

In making a decision, the reasons for the decision, including whether information is to be provided or not, must be provided in writing to the relevant parties.

17. Definitions

Administration means the Chief Executive Officer and organisation responsible for managing the Shire's administration and operations

Administrative matters in this context, are in relation to Council or Committee Members seeking information about scheduling of meetings, ICT requests or compliance obligations under the Act, including training and disclosure of financial interests and gifts.

PCBU means a Person Conducting a Business or Undertaking as defined in section 5(1) of the *Work Health and Safety Act 2020* (WHS Act). The Shire is a PCBU under the WHS Act. Council is not a PCBU in its own right but must enable the Shire to comply with the WHS Act duties.

18. Related 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 – Electronic Attendance
- Council Policy - Public Question and Public Statement Time and Deputations
- Council Policy - Forums of Council Policy Concept Forums, Question & Answer Agenda Forums and Workshops
- Council Policy – Media
- Council Policy - Complaint Resolution.
- Customer Service Charter

19. Legislation / Local Law Requirements

- Local Government Act 1995
- Local Government (Administration) Regulations 1996
- Local Government (Model Code of Conduct) Regulations 2021

Amendment Record

Relevant Delegations		Nil	
		Date	**Resolution Number**
Council Adoption		21 February 2022	OCM026/02/22
Version	**Date**	**Resolution Number**	**Amendment Details**
2	17 March 2025	OCM068/03/25	Formatted to new policy template and amendments to reference legislative changes to roles and responsibilities and process changes
3	21 July 2026	OCM-209-2026	Amendments to incorporate pre-emptive legislative changes to incorporate the Communications Agreement and to further clarify the separation of powers between Elected Members and the Administration

Appendix 1 – Elected Member Communication Checklist

Before Communicating

- Is my message factually accurate and based on verified information?
- Am I speaking in my role as a Elected Member (not personal interest)?
- Is this the appropriate channel (meeting, email, formal statement, social media)?
- Have I considered confidentiality requirements?

Respect and Conduct

- Am I being respectful and courteous to all parties?
- Am I focusing on the issue—not the person?
- Am I allowing others to speak without interruption?
- Is my tone professional (not sarcastic, dismissive, or emotional)?

Clarity and Quality

- Is my message clear, concise, and easy to understand?
- Have I avoided jargon, exaggeration, or vague statements?
- Does my communication explain reasons and evidence where relevant?

Accountability and Integrity

- Am I being honest and transparent?
- Have I declared any conflicts of interest?
- Am I prepared to stand by this statement publicly?
- Would I be comfortable if this was quoted in the media?

Engagement with Community

- Have I acknowledged community concerns respectfully?
- Am I demonstrating active listening and understanding?
- Have I avoided being dismissive or defensive?
- Am I representing the broader community interest, not just individual views?

Working with Council and Staff

- Am I communicating with staff politely and appropriately?
- Am I respecting the role distinction between councillors and staff?
- Am I raising concerns constructively, not publicly criticising?
- Have I remained objective and avoided making assumptions in representing the community views to the Shire?

Social Media and Public Statements

- Is my post calm, measured, and professional?
- Have I avoided impulsive or emotional responses?

- Am I avoiding arguments, sarcasm, or personal remarks?
- Does this align with the formal decisions of council (if applicable)?

Governance and Decision-Making

- Am I supporting transparent and lawful processes?
- Have I avoided misrepresenting council decisions?
- Am I respecting confidential discussions and information?

Quick "Pause Check" (5-second test)

Before speaking, posting, or sending:

✓ Is it respectful?

✓ Is it accurate?

✓ Is it appropriate for my role?

✓ Is it in the public interest?

Examples of Professional and Unprofessional Communication

Scenario	Professional Communication	Unprofessional Communication
Disagreeing in a meeting	"I respect the intent of this proposal, however I have some concerns based on the financial implications."	"This is a terrible idea - you clearly didn't think it through."
Responding to a resident complaint	"Thank you for raising this issue. I understand your concern and will follow up with staff."	"This isn't really a problem -you're overreacting."
Social media criticism	"I appreciate the feedback. The decision was made after considering multiple factors, and I'm happy to clarify."	"You don't know what you're talking about."
Questioning staff advice	"Could you please clarify the assumptions behind this recommendation?"	"This report is wrong - staff don't know what they're doing."
Explaining a council decision	"Council considered several options and chose this approach as it best balances cost and community benefit."	"I didn't agree with it, but council made the wrong call."
Handling conflict with another councillor	"We have different perspectives, and I think it would help to identify common ground."	"You always push your own agenda - it's getting ridiculous."

Email communication	"Dear [Name], thank you for your enquiry. I will review this and respond shortly."	"This is a mess. Fix it."
Public statement	"I acknowledge that this decision may not satisfy everyone, and I respect the differing views."	"People just need to accept the decision and move on."
Correcting an error	"I would like to correct my earlier statement and apologise for any confusion caused."	Avoiding correction or blaming others: "That's not what I meant - you misunderstood."
Confidential matters	"I'm unable to discuss that as it was considered confidentially, but I can explain the process."	"In the closed meeting, we talked about…"
Community engagement	"Your feedback is valuable and will be considered as part of the process."	"We've already decided, so there's no point discussing it."
Tone in discussions	Calm, measured, respectful language	Sarcastic, dismissive, or emotional language
Representing council decisions	"Council has resolved to proceed, and I support implementing the decision."	"I don't care what was decided - I'll do things differently."

Appendix 2 - Performance issues and disputes

In the event that a customer is not satisfied with the Shire's services, an Elected Member may wish to use the following model response when contacted by members of the public regarding a complaint:

> "Thank you for email regarding XXXX.
>
> As an Elected Member, while I represent the interest of residents in the district in making decisions at Council, I am prohibited under legislation from being involved in administrative matters. As your request relates to the local government's administration and operations, the best way to action your complaint is to lodge a complaint through the Shire **Customer Request Management (CRM) system** by using the Complaint/Feedback category. 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.
>
> The Feedback/Complaint/Compliment category will ensure it is escalated into the Complaint process.
>
> If you are still unhappy with the response provided by the Shire, you may contact the Ombudsman or lodge a general complaint with the Local Government Inspector"

If a Resident is still unsatisfied with the service of the Administration, the Elected Member may raise it 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.

Appendix 3 – Notices of Motion

Do's	Don'ts
Do liaise with the Relevant Director In addition to assisting with the wording of the Motion, the Director will provide advice on matters for consideration, such as budget implications or legislative impediments.	Don't submit through Resolve – a Notice of Motion is agreed upon between the Director and Elected Member. Once the wording is approved by the Elected Member, the Director will coordinate the report for the agenda.
Do provide the Director with content for the Notice of Motion report. This is not mandatory; however, enables other Elected Members and the community to understand the reason for the Notice of Motion.	Don't direct a Director on what information is to be included in the Officer Comment.
Do prepare for your debate. Ensure you can articulate to Council why your Notice of Motion should be supported.	Don't overstep into the role of an administrative task. Gauging community interest on an idea is acceptable; however, if consultation is required this should be an administrative task to ensure a broad representation of views across the district.
Do consider the benefit and views of the persons in the district.	Notices of Motion should link back to the general function of local government and the role of Council. They should be strategic and representative of the district, especially those that have a financial impact.
Do respect the separation of powers and the role of Council versus the role of the administration.	

Appendix 4 - Leave of Absence

The decision on how correspondence and communication is managed during a leave of absence is dependent on the circumstances surrounding the leave. For example:

- What is the leave of absence for? Is it a holiday to disconnect or is it that during the period of absence the elected member cannot attend a Council meeting, so a leave of absence is submitted to avoid the disqualification provisions in the Local Government Act.
- What access to technology will the Elected Member have during the period of leave? Can the Elected Member access emails and phone reception?
- What level of availability will the Elected Member have to dealing with, and responding within a reasonable time frame, to Shire matters?
- Does the Elected Member intend to stay connected and involved in Shire matters, including reviewing emails and agenda papers and responding to correspondence?

Management of periods of leave

Shire President

When the Shire President is on leave, the Deputy Shire President is to assume all responsibilities. However, for clarity, below is a list of common roles and responsibilities that the Deputy Shire President is expected to assume in the event the President is on a leave of absence.

Category	Approach
Media queries, including interviews	• Prepare by Communications • Review and approved by Deputy Shire President
Media releases	• Prepare by Communications • Review and approved by Deputy Shire President
Shire President/CEO meetings	• Attended by Deputy Shire President and CEO
General correspondence, e.g. emails to the CEO	• Deputy Shire President *Or* • Not recommended and should be managed by the Deputy Shire President. However, an agreement can be reached between the Shire President and the CEO on how general correspondence is managed, for example: ○ Deputy Shire President should be copied into all emails that relate to Shire business ○ CEO to assess how emails are managed and who is most appropriate to respond (i.e Deputy Shire President or administration)
Presiding at meetings, including Ordinary Council Meetings, Q&A and PCF	• Deputy Shire President
Civic and ceremonial duties	• Deputy Shire President or other delegate subject to appropriate approvals

Leadership and guidance	• Deputy Shire President with the support of the CEO as required

Alternatively, if the Shire President is on a leave of absence, and intends to continue with a percentage of the Shire President roles and responsibilities, other than presiding at meetings, the Shire President is to outline to the Deputy Shire President and the CEO the functions and duties expected of the Deputy during the period of leave. For example:

- Deputy Shire President to preside at meetings on x date, and
- Undertake other duties of the President as and when advised by the Shire President.

Elected Members

Elected members taking a leave of absence will continue to receive all correspondence related to their role, including agendas and minutes.

If an Elected Member would like to disconnect from their duties during a period of leave and do not wish to receive any Shire correspondence, they are to advise the Shire President, CEO and CSO in writing and their access will be removed for the period of leave.