

## Council Policy – Serpentine Jarrahdale Communication Protocol

<b>Responsible Directorate</b>	Corporate Services
<b>Responsible Business Unit/s</b>	Governance
<b>Responsible Officer</b>	Manager Corporate Performance
<b>Affected Business Units</b>	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 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 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 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.

### The 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.*

## **The Role of Councillors (Elected Members)**

Section 2.10 of the Act sets out the role of Councillors (Elected Members) including 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 Role of the President**

Section 2.8 of the Act sets out the role of the President, including 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.

## The 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.

## Overarching principles

- Excluding matters such as: integrity matters; development of Alternative Motions; and Notice of Motions; personally sensitive information; and individual training - communication that goes to one Elected Member is sent to all Elected Members.
- 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.
- Elected Members are leaders in the community and their conduct can impact positively and negatively on the reputation of the Shire.
- The Administration has respect for the Office of the President and values the contribution that Elected Members make.
- Both Administration and Elected Members acknowledge the separation of powers enshrined in legislation.
- Both Administration and Elected Members recognise the importance of timely communication and that the provision of accurate information takes time.
- Both Administration and Elected Members 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 (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, Elected Members should direct the customer to the CRM system. This approach will assist 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. 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.”

If an Elected Member forwards an email from a third party that is deemed a CRM, the Council Support Officer (CSO) will raise the CRM on the resident’s behalf removing all reference to the Elected Member and this will be processed in accordance with the Customer Service Charter.

To protect Elected Members, Customer Requests received from Elected Members on behalf of third parties will be treated like any other request received in the Customer Request Management system. Elected Members 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.

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.

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.

## Resident Complaints

In the event that a customer is not satisfied with the Shire’s services and contacts an Elected Member wishing to make a complaint, an Elected Member can forward the complaint to the CSO, including:

- relevant contact details for the resident;

- any previous CRM number or details of the resident's initial contact with the Administration.

The CSO will raise a CRM on behalf of the resident, including the Elected Member's email and the complaint will then be dealt with in accordance with Council Policy – Complaints Resolution. The CSO will advise the Elected Member of the resolution at completion.

In the event that a customer is still not satisfied with the Shire's services, an Elected Member 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

### Information requests

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. An Elected Member's functions under the Act are outlined above.

In making requests for information under section 5.92 of the Act, an Elected Member may be asked to specify why the information is relevant to the performance of their duties. This approach will help 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:

- 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 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 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.

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

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

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

<b>Category</b>	<b>Timeframe for Response</b>	<b>Examples</b>	<b>Most appropriate communication channel</b>
Statutory information requests	With statutory limits specified	<ul style="list-style-type: none"> <li>• Annual Returns</li> <li>• Related Party Disclosure</li> <li>• Training Register information</li> </ul>	Email to relevant Elected Member/s

Category	Timeframe for Response	Examples	Most appropriate communication channel
General	Within agreed timeline specified	<ul style="list-style-type: none"> <li>• Miscellaneous requests for feedback (e.g. arranging meeting times, requesting responses to surveys, requesting feedback on documentation)</li> <li>• Miscellaneous requests for information (e.g. Elected Member profiles and details)</li> </ul>	Email to relevant Elected Member/s

### **Elected Member Correspondence Triage Methodology:**

For ease, a useful visual information sheet to help guide Elected Members has been prepared and is provided at Appendix A.

### **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.

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.

### **Communication to and from Elected Members and Officers**

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

Where matters relate to the functions of a Directorate, communication can occur between an Elected Member and the relevant Director or their Personal/Executive Assistants.

Where matters relate to integrity and conduct, communication can occur between an Elected Member and the Coordinator Governance, or Manager Corporate Performance.

Distribution of Council and Committee meeting agenda and minutes occurs via the PA to Director Corporate Services 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 Elected Members 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 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 articles mentioning the Shire.
- Corporate Business Plan Report (Quarterly)
- Council Resolutions Report (Quarterly)
- Project Management Framework Report (Monthly)

## Diaries

All Elected Members 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.

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.

External agencies and organisers of official Committees and Groups may send invitations directly to an Elected Member (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 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.

## **Maintaining Confidentiality/Embargoed information**

Elected Members must not promote Shire information to the community 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.

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* 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. The following conventions shall apply:

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

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

## **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 distribute Alternative Motions / Amendments prior to the meeting to Elected Members, 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 Elected Members 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 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.

## **Definitions**

Nil

## **Related Documents**

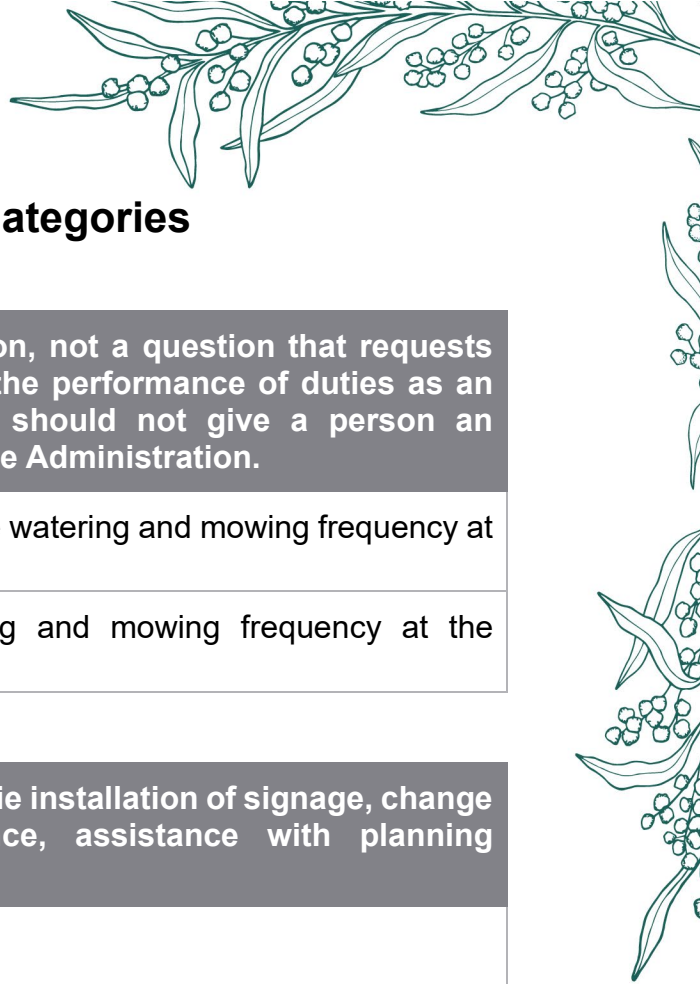
- Code of Conduct for Councillors, Committee Members and candidates
- Council Policy - Councillor and CEO Attendance at Events
- Council Policy - Council Delegates and Representation on External Organisations, Including Community Groups
- Council Policy - Elected Member Social Media
- Council Policy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

## **Legislation / Local Law Requirements**

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

## Amendment Record

<b>Relevant Delegations</b>		Nil	
		<b>Date</b>	<b>Resolution Number</b>
<b>Council Adoption</b>		21 February 2022	OCM026/02/22
<b>Version</b>	<b>Date</b>	<b>Resolution Number</b>	<b>Amendment Details</b>
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



## Correspondence Categories

### Request for Information (RFI)

A RFI is a question that requests information, not a question that requests action. The information must be related to the performance of duties as an Elected Member. The information request should not give a person an advantage over others or attempt to direct the Administration.



What is the Shire's rationale behind the watering and mowing frequency at the Jarrahdale Hub?



Can the Shire increase the watering and mowing frequency at the Jarrahdale Hub?

### Customer Request (CRM)

A resident seeking operational information – ie installation of signage, change to speed zones, increase in maintenance, assistance with planning applications.

An Elected Member may:

- Encourage the resident to submit a CRM request, or
- Email CSO who can raise a CRM request on behalf of the resident.

### Resident Complaint

A resident sends an email to an Elected Member with a complaint.

Before sending it to CSO, the Elected Member must confirm that the resident has already attempted communication with the Shire and is not satisfied with the response.



If the resident has already submitted a CRM and is outside the Shire's Customer Charter timeframes for a response, the complaint can be emailed to CSO. A CRM is raised by CSO on behalf of the resident. The resident is responded to directly by the Shire in line with the Shire's complaint Resolution Policy and the Elected Member is advised of the outcome via CSO.



If a complaint has already been lodged by the resident and is within timeframe, CSO will advise the Elected Member.

**Note:** In some cases, a resident complaint may be registered as a resident CRM if the matter has not been raised previously.



*Make sure sufficient information is provided to allow Customer Service to investigate the complaint or further clarification may be requested.*





### **Notice of Motion (NoM)**

A request by an Elected Member that involves changes in service delivery or decision making. The request is to be emailed to the CEO at least four full working days prior to the meeting (midnight Monday the week before an Ordinary Council Meeting).

*This may be the outcome when correspondence on behalf of a third party has reached the point where the above three levels of triage are exhausted, and the Elected Member feels that the request is worthy of Council consideration.*

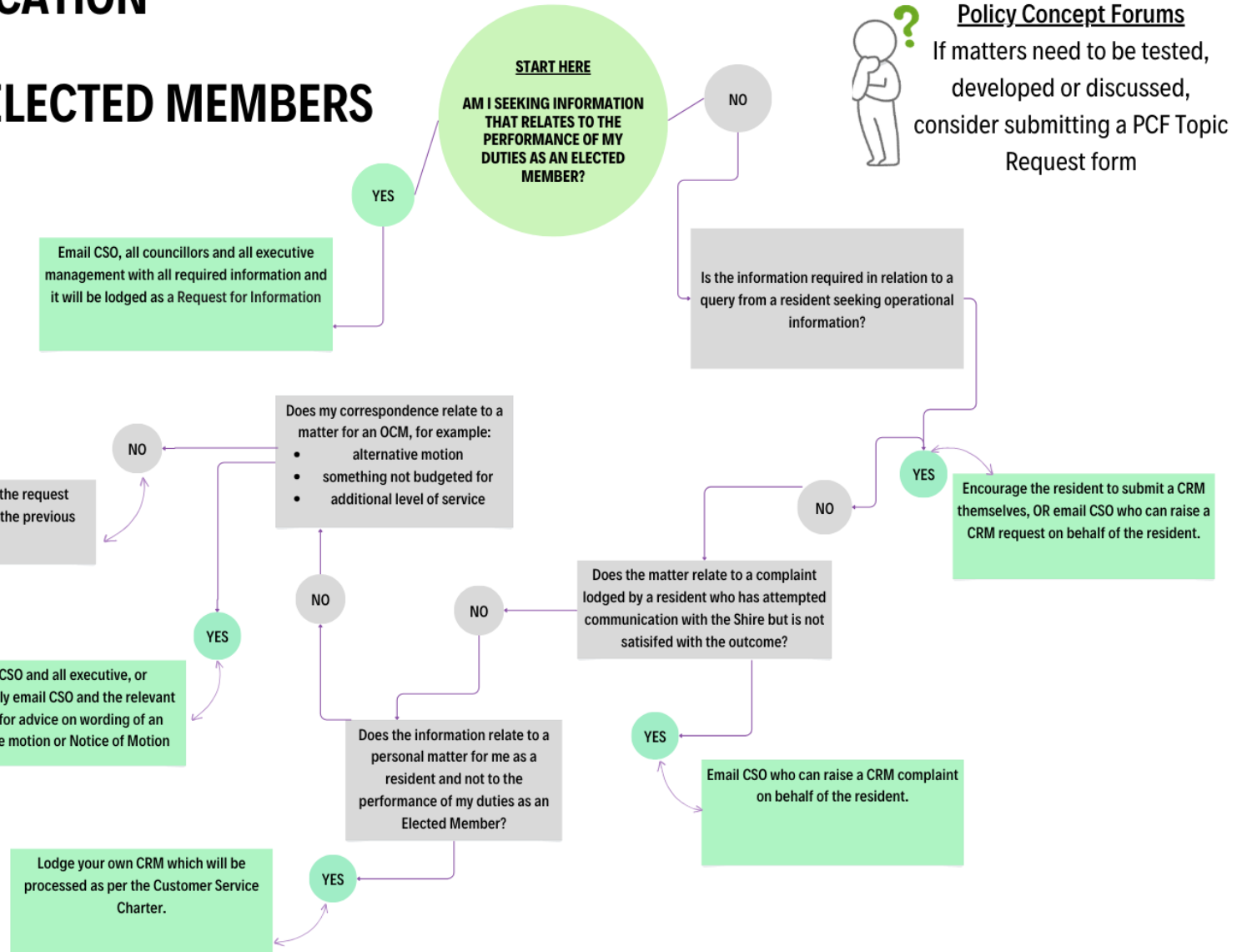
### **Policy Concept Forum**

Elected Members may request matters, such as new ideas, to be discussed at a Policy Concept Forum.

Elected Members need to complete the PCF Topic Request form and email it to the PA CEO for it to be scheduled on the PCF agenda.



# COMMUNICATION DECISION TREE FOR ELECTED MEMBERS



**Policy Concept Forums**  
If matters need to be tested, developed or discussed, consider submitting a PCF Topic Request form