

## Governance 1: Elected Member Communication and Contact with Staff

### 1. Purpose

The purpose of this policy is to ensure ~~that~~ appropriate protocols and guidelines are in place to:

- Provide clearly defined communications and contact channels between Elected Members and ~~Administration~~ City staff.
- Ensure duplication and loss of productive time is minimised
- Facilitate Elected Members performing their role effectively.

### 2. Planning

#### Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

*Strategy 4.1.1* - Provide good governance.

### 3. Policy Statement

The ~~City of Kalamunda (the City) Council and the City are~~ is committed to establishing a respectful, harmonious, and effective working relationship between ~~the~~ Elected Members and ~~Administration staff of the City~~ through open communications between each party.

The general principles of communication between the Elected Members and the CEO are that:

- The CEO will support Elected Members and Committee Members to perform their functions under the Act and any other written law.
- The CEO will ensure that requests for information and requests for administrative assistance made by Elected Members and Committee Members are responded to in accordance with this policy.
- Employees deal and communicate with Elected Members and Committee Members in accordance with this policy.
- Elected Members and Committee Members will ensure that their dealings and communications with employees are in accordance with this policy.
- Elected Members and Committee Members will ensure their requests for information and requests for administrative assistance are made in accordance with this policy.
- Elected Members and Committee Members only request information relevant to their functions under the Act or any other written law.

~~Whilst the provisions of the Local Government Act 1995 provide that the Chief Executive Officer is the primary point of contact between Elected Members and the Administration, this may be impractical and inefficient on a day-to-day operational basis.~~

- ~~Therefore, the CEO has delegated communication between Elected Members and the~~

~~Administration to be channeled through:~~

- ~~b) The Chief Executive Officer~~
- ~~c) Directors~~
- ~~d) Elected Member enquires, through the Councillor Portal.~~

### Exceptions

~~The only exceptions to the above will be for two circumstance as follows:~~

- ~~1. Manager Customer and Public Relations whereby the Mayor will have direct access on matters relating to media requests.~~
- ~~2. Governance Advisor – If the matter relates to a complaint of general behavior against another Councillor this matter is directed to the Governance Advisor in accordance with Council's adopted Complaints Procedure.~~

~~Direct Contact with any other staff member must be approved by the CEO, or Director upon request.~~

### ~~Email Contact~~

~~All emails to all officers must have the relevant Director or the CEO copied into that email.~~

### ~~Telephone Contact~~

~~In the case of telephone calls all officers will file note the call and send a copy confirming the discussion and copying in their relevant Director or the CEO.~~

~~Where the request entails the use of City resources (human or physical), to an extent that the Director believes it may impact on the effective management or day to day activities of the Directorate, the request is to be referred to the Chief Executive Officer for determination.~~

~~If Elected Members wish to have a matter dealt with confidentially, they should forward that directly to the Chief Executive Officer by email.~~

~~In all instances, if the Chief Executive Officer is unable to resolve the request, the matter will be referred to Council for determination.~~

~~The Elected Member's Code of Conduct provides further guidelines for Elected Members, their role within the City, and how to efficiently interact with Administration~~

## 4. Detail

### **4.1 Nominated Employees**

Whilst the provisions of the *Local Government Act 1995* provide that the Chief Executive Officer (CEO) is the primary point of contact between Elected Members

and the Administration, this may be impractical and inefficient on a day-to-day operational basis.

Therefore, the CEO has nominated appropriate employees to receive and respond to requests from Elected Members.

Requests for information can be received and responded to by the following employees:

- a) Directors.
- b) Manager Governance for matters relating to Governance including complaints against an Elected Member in accordance with Council's adopted Complaints Procedure and all Administrative requests for information and assistance.
- c) Manager Stakeholder Relations for matters relating to media requests.

Direct contact with any other staff member must be approved by the CEO, or Director upon request.

#### **4.2 Information that may be requested**

A request for information may be for advice or other information regarding any of the following:

- a) A service, project or initiative being delivered by the City;
- b) How the City usually manages a particular matter, issue, service or query;
- c) Budgeting or financial information, including details of the costs of any service, project or initiative delivered or proposed to be delivered by the City;
- d) An issue or situation of broad public concern or interest within the district;
- e) Preparing a motion to Council;
- f) Correspondence received by the Elected Member
- g) An administrative matter.

The Mayor may make a request for information for advice or other information regarding any of the following:

- a) Publicly representing the City at a media appearance or other event (including advice or other information in the form of a briefing or speaking notes);
- b) Correspondence to be sent by the Mayor; or
- c) Arranging a formal meeting or an official event.

#### **4.3 Requirements applicable to requests for information**

The information that is the subject of a request for information must be relevant to the functions of the requesting member under the Act or another written law.

A request for information must be –

- a) Limited in scope to the specific information that the Elected Member requires; and
- b) Accompanied by any supporting information that may assist the City to respond to the request.

A request for information regarding correspondence received by the Elected Member must include a copy of the correspondence.

#### **4.4 Information not required to be provided**

Certain requested information may not be provided if:

- a) The request for information is not made in accordance with this Policy; or
- b) The information is information mentioned in section 5.92(4) of the Act; or
- c) The information –
  - i. Is not held by the City; and
  - ii. Is held by a person or body other than the City; and
  - iii. Cannot be reasonably obtained by the City.

or

- d) It is determined by the CEO that the request entails the use of City resources (human or physical) to an extent that it may impact on the effective management or day to day activities of the Administration.

#### **4.5 Making a request for information**

A request for information must be made to the CEO or a nominated employee.

The request must be made in writing by email or through the Councillor Portal.

An acknowledgement of the request must be made within two working days of receipt.

#### **4.6 Responding to a request for information**

Responses to a request for information should be provided to Elected Members as soon as practicable within five clear working days following receipt. Requests relating to matters coming before Council will be prioritised.

If a final response cannot be provided within that time period, an interim response needs to be provided with an estimated time of when a final response will be given. Regular updates will be provided if appropriate until the final response is provided.

#### **4.7 Responses provided to Elected Members**

A copy of the final response to a request for information will generally be provided to all Elected Members.

A response may not be provided to all Elected Members if the request for information is for advice regarding correspondence received but will be provided to all Elected Members who received the correspondence.

A response may not be provided to all Elected Members where it is agreed by the requesting member and the CEO that the final response is confidential or because of certain circumstances, it is appropriate not to provide the final response to all Elected Members.

#### **4.5—Elected Member has a confidential request**

~~4.5.1 The Elected Member wishes to have their request addressed confidentially; they should forward the request directly to the CEO by email. The request should state why the request is confidential.~~

~~4.5.2 When the matter is confidential the CEO will respond directly to the Elected Member within 5 working days.~~

~~4.5.3 If the matter is determined NOT to be confidential, the CEO will advise the Elected Member of that outcome.~~

~~If the matter involves issues relating to other Elected Members, the CEO will advise the Elected Member that the Mayor will need to be informed as they are responsible for Elected Members.~~

#### ~~4.6 Elected Member lodges a request~~

~~4.6.1 The Elected Member lodges their request to the CEO or Director, or through the Councillor Portal.~~

~~4.6.2 If a request is received by the CEO or Director, it is then recorded in the Councillor Portal.~~

~~4.6.3 The Council Support Officer provides email notifications to that Elected Member and advises the relevant Director, of the request~~

~~4.6.4~~

~~4.6.5 If the request is easily resolved, the Elected Member and other interested persons will receive a response from the Chief Executive Officer or the relevant Director.~~

~~4.6.6 4.7.1 Matters raised by Councillors that are relatively simple and not of concern to others will be responded only to the Councillor. If the Director or CEO considers that the matter raised by the Councillor is relevant to all Councillors in the ward of the Councillor raising the request, the reply will be given to all Councillors in that Ward for their information. Similarly, if the Director or CEO considers that the matter is relevant to all Councillors, the reply will be given to all Councillors. Councillors who do not wish other Councillors to be aware of the request shall follow the process outlined in Clause 3.1 above.~~

~~4.6.7 If the request requires more than 5 working days to resolve, the Director will advise the Elected Member and other interested persons of the process to resolve this matter. Updates will be provided at regular intervals by Administration until the matter is resolved.~~

~~4.6.8 When the matter is resolved it will be closed on the Councillor Portal by the Council Support Officer.~~

## 5 Community Consultation

This Policy is internally focused ~~upon the Council and the Administration~~ and ~~hence is~~ not required to undergo public ~~consultation, consolation.~~

## 6 Governance

The Elected Member's Code of Conduct provides further guidelines for Elected Members, their role within the City, and how to interact with Administration.

This Policy will be enforced through Council's complaint procedures for behavioral breaches. The Manager Governance Advisor will raise the complaint for ~~the complaints committee to assessment.~~

## 7 Measures of Success

This Policy will be measured d by the number of breaches to the Policy.

## 8 Definitions

~~Nil.~~

**Administrative matter** means:

- a) The scheduling of council meetings or committee meetings.
- b) Elected Member compliance obligations under the Act including in relation to disclosure of financial interests and gifts.
- c) Information technology support for Elected Members.
- d) Arrangements for Elected Members to attend training or a conference.
- e) Event information received by Elected Members.
- f) Elected Member entitlements to a fee, allowance, reimbursement or superannuation contribution payment under the Act.
- a)g) Any other matter of an administrative nature.

Status	Adopted		
Related Local Law	<del>Behavioral Complaints</del>		
Related Council Policies	<del>Behavioral complaints Policy Governance 20 - Code of Conduct Complaints Management</del>		
Relevant Delegation	CEO		
Related Internal Procedures	Council Support Procedures		
Related Budget Schedule	Nil		
Legislation	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>		
Notes and Conditions			
Authority	CEO		
Adopted	<del>12 October 2021</del> TBC	Next Review Date	<del>August 2027</del> 12-October-2023