

Responsible Directorate	Office of the Chief Executive Officer
Responsible Business Unit/s	Governance
Responsible Officer	Manager Governance
Affected Business Unit/s	All

Objective

This policy is to ensure that Elected Members are able to perform their role effectively with clearly defined communication channels with employees.

This policy also prescribes the way Elected Members are to interact with employees to ensure duplication and loss of productive time minimised. The policy also details the protocol when Elected Members interact and communicate with the community and the media.

Scope

This policy applies to all Elected Members and employees of the City.

Policy

Elected Member Communications Generally

There are various statutory requirements relevant to Elected Members communications:

1. *State Records Act 2000* requires that all correspondence, including email, relating to the business of the City and the Council must be retained in the official records of the City;
2. *Freedom of Information (FOI) Act 2000* requires the preservation of correspondence and its availability for FOI purposes;
3. Sections 2.8(1)(d) and 5.41(f) of the *Local Government Act 1995* provides that only the Mayor may speak on behalf of the City (unless the Chief Executive Officer is authorised by the Mayor to do so);
4. Section 5.93 of the *Local Government Act 1995* provides that an Elected Member (as well as employees) must not make improper use of any information acquired; and
5. Regulation 6 of the *Local Government (Rules of Conduct) Regulations 2007* provides for Elected Members to maintain confidentiality.

Elected Member Correspondence

Correspondence from individual Elected Members (other than the Mayor) using their issued letterhead is not to be construed as official correspondence of the City and only reflects the personal views of the respective Elected Member.

Mayoral letterhead is used by the Mayor in his or her capacity as the elected leader of the City. Mayoral correspondence and invitations to civic functions will be issued on Mayoral letterhead. When the Mayor is providing technical information to correspondents on behalf of the City, the Chief Executive Officer, Director or Manager will draft the correspondence or that section of the correspondence on behalf of the Mayor.

Where the City is responding to correspondence on behalf of an Elected Member(s) a copy of that response is to be provided to the Elected Member for information.

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 City's Record Keeping Plan, and as such must be retained within the City's corporate recordkeeping system.

Media Relations – Speaking on behalf of the City of Stirling

In accordance with section 2.8(1)(d) of the *Local Government Act 1995*, only the Mayor may speak on behalf of the City as the official spokesman on Council decisions. If the Mayor is unavailable or unable to speak on behalf of the City, the Mayor must nominate another authorised spokesperson such as the Chief Executive Officer, relevant Ward Elected Member, or Elected Member with a distinct interest.

An Elected Member who wishes to make or has been approached by the media to make a “personal statement” relating to a Council decision or a local ward issue, including the use of Elected Members portrait photograph, must receive prior authorisation from the Mayor or unless it is expressly authorized by a Council decision.

All media enquiries, requests for interviews or statements are to be referred to the Manager Customer and Communications in the first instance, who will advise the most appropriate response and/or action.

Elected Members have a legal duty of fidelity to act in the best interests of the Council and the City and must not make public statements that are critical of a Council decision or cause detriment to the City or an employee (including the Chief Executive Officer, Directors and Business Unit Managers).

Communication between Elected Members and the Administration

All communications between Elected Members and the Administration are to be channelled through the Chief Executive Officer, Directors or Business Unit Managers, or by utilising the Elected Member Enquiries email system. Where the Elected Member Enquiries email system is used, requests are to include sufficient detail to enable an investigation of the request to occur. Where direct contact is made to employees they are required to refer Elected Members to their Business Unit Manager, Director or the Chief Executive Officer.

Where the request entails the use of City resources (human or physical) to an extent which a Director or Manager believes may impact on the effective management or day to day activities of the Directorate or Business Unit respectively, the request is to be referred to the Chief Executive Officer for determination. The Chief Executive Officer will discuss such requests with the originating Elected Member to determine the extent of information or action required.

The Chief Executive Officer may subsequently refer the matter to Council for determination should a resolution not be achieved.

Elected Members are to be kept informed of progress towards the resolution of any matter they have requested the Administration to attend to.

Definitions

Employee means all employees but does not include the Chief Executive Officer, Directors and Business Unit Managers.

Record Keeping Plan means the City's Recordkeeping Plan in accordance with the *State Records Act 2000*.

Relevant management practices/documents

City of Stirling Customer Service Charter
City of Stirling Code of Conduct

Legislation/local law requirements

Local Government Act 1995
Local Government (Rules of Conduct) Regulations 2007
State Records Act 2000
Freedom of Information Act 1992

Office use only			
Relevant delegations	Not applicable		
Initial Council adoption	Date 5 July 2011	Resolution #	0711/010
Last reviewed	Date 26 May 2020	Resolution #	0520/027
Next review due	Date 2021		