

E16 ELECTED MEMBERS' COMMUNICATION**PURPOSE**

To guide effective communication and interaction between Elected Members and employees of the Shire of Irwin.

POLICY**Elected Member Communications Generally**

There are various statutory requirements relevant to Elected Members communications:

1. the *State Records Act 2000* requires that all correspondence, including email, relating to the business of the Shire and the Council must be retained in the official records of the Shire;
2. the *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 Shire President may speak on behalf of the Shire (unless the CEO is authorised by the Shire President 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 (including correspondence emanating from their Shire-issued iPad's) is not to be construed as official correspondence of the Shire and only reflects the personal views of the respective Elected Member.

When the Shire President is providing technical information to correspondents on behalf of the Shire, the CEO or his/her nominee may draft the correspondence on behalf of the Shire President.

Where the Shire 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 Shire's Record Keeping Plan, and as such must be retained within the Shire's recordkeeping system by providing a copy to the Coordinator Executive Services.

Media Relations

In accordance with the *Local Government Act 1995*, no person may speak on behalf of the Shire except the Shire President or, in accordance with a written authorisation from the Shire President, the Chief Executive Officer or other authorised person.

When speaking to the media as spokesperson for the Shire, the Shire President may only represent the official view of the Shire, having regard to the *Local Government (Rules of Conduct) Regulations 2007* and the *Local Government Act 1995*.

Elected Members of the Shire of Irwin Council have a legal duty of fidelity to act in the best interests of the Council and the Shire and must not make public statements that are critical of a

Council decision or cause detriment to the Shire or an employee.

Elected Members other than the Shire President (or Deputy President/Acting President when performing the statutory duties of Shire President) must not speak to the media or other third parties purporting to represent the views of the Council, unless expressly authorised by a Council resolution. Elected Members are to clearly state that they are presenting a personal viewpoint and they are not speaking for the Council.

Communication between Elected Members and the Administration

All communications between Elected Members and the Administration are to be channelled through the CEO, Directors or Coordinator Executive Services, or by utilising the Shire's Councillor Helpdesk email system. Where the Councillor Helpdesk 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 Director or the CEO.

Where the request entails the use of Shire 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 Shire, the request is to be referred to the CEO for determination. The CEO will discuss such requests with the originating Elected Member to determine the extent of information or action required.

The CEO 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.

<i>Date of Original Adoption – 15 December 2015</i>	<i>(reviewed 27 June 2017 Minute 140617)</i>
-----------------------------------------------------	----------------------------------------------