



## **GREATER BENDIGO CITY COUNCIL**

### **COUNCILLOR COMMUNICATION & INFORMATION POLICY**

**DOCUMENT INFORMATION**

<b>Approval Level:</b>	Council
<b>Policy Type:</b>	Council
<b>Approval Date:</b>	
<b>Review cycle:</b>	Within twelve months of each Council election
<b>Review Date:</b>	
<b>Responsible Officer:</b>	Manager Governance
<b>Owner:</b>	Governance
<b>Responsible Director:</b>	Corporate Performance
<b>Relevant Legislation/Authority:</b>	<i>Local Government Act 2020</i> <i>Privacy and Data Protection Act 2014</i> <i>Health Records Act 2001</i> <i>Planning and Environment Act 1987</i> <i>Protected Disclosure Act 2012</i>
<b>DOCSETID:</b>	3560389

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## **1. PURPOSE**

1.1 The purpose of this Policy is to manage compliance with the *Local Government Act 2020* (the Act), including to:

- Identify the scope of access Councillors have to information held by the Council and the process to be followed to access that information;
- Provide a framework for, and manage, appropriate interactions between Councillors and Council staff;
- Maintain high standards of good governance and transparency.

## **2. BACKGROUND**

2.1 The role of every Councillor is to represent the best interests of the community when Council makes decisions or establishes strategic direction.

2.2 The Chief Executive Officer is responsible for the operations of the Council and the management of Council staff. This includes providing relevant and factual information and advice to Councillors to support decisions and strategic direction, and then implementing the decisions in an effective and timely manner.

2.3 In accordance with section 46(3)(c) of the Act the CEO's responsibilities include but are not limited to:

2.3.1 Managing interactions between members of Council staff and Councillors; and

2.3.2 Ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.

2.4 In accordance with Part 6 of the Act Councillors must preserve the integrity of Council and must not:

2.4.1 misuse their position to gain or attempt to gain an advantage for themselves or any other person;

2.4.2 direct, or seek to direct, a member of Council staff

2.5 This Policy sets out the principles and framework which guide these arrangements.

## **3. SCOPE**

3.1 This Policy applies to the Council, Councillors, Council Committees, the CEO and Council Staff.

#### 4. DEFINITIONS

##### 4.1 In this Policy:

**Act** means the *Local Government Act 2020* (Vic)

**Chief Executive Officer (CEO)** means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position

**City** means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (Vic)

**Council** means the Greater Bendigo City Council being all the Councillors collectively

**Councillor** means a person holding the office of member of Greater Bendigo City Council

**Defamatory** means the publication of material that is likely to lower a person in the estimation of others, or cause injury to a person's reputation by exposing them to hatred, contempt, or ridicule, and is without lawful excuse

**Delegated Committee** means delegated committees defined under section 63 *Local Government Act 2020* (Vic)

**Delegated Committee member** means a person appointed to a Delegated Committee

**Mayor** means the Councillor elected to the Office of Mayor of the City or any person appointed by Council to be acting as Mayor

**Media types** has the definition as per section 6.13

**Media statement** means any comment, written or verbal, provided to the any media type

**Media release** means information provided to the media under the 'Media Release' banner and including the City of Greater Bendigo logo

**Member of Council staff** means a natural person appointed by the CEO (other than an independent contractor under a contract for services or a volunteer) to enable the functions of the City to be carried out. The Chief Executive Officer is also a member of Council staff.

**Municipality** means the Greater Bendigo municipality

**Role of a Councillor** means the role as defined by section 28 of the Act and replicated in section 8 of this Policy

## **5. PRINCIPLES**

- 5.1 Interactions and information flows between Councillors and Council staff, and Councillors and the media must:
  - 5.1.1 Support Councillors to:
    - (a) Exercise their function as members of the Council
    - (b) Fulfil their Role of a Councillor impartially, to the best of their ability, and in the best interests of the municipality
    - (c) Engage and communicate with the community.
  - 5.1.2 Be transparent and mutually respectful
  - 5.1.3 Build confidence and trust in Council leadership, decision making and service provision
- 5.2 Interactions and information flows between Councillors and Council staff must also respect each other's distinct roles and responsibilities under the Act, acknowledging that the Chief Executive Officer is responsible for the operations of the Council and the management of Council staff.
- 5.3 Interactions and information flows between Council staff and Councillors must not:
  - 5.3.1 Result in preferential treatment and/or bias
  - 5.3.2 Seek to direct or influence Council staff
- 5.4 The primary purpose of media statements and media releases is to positively promote the work of Council by providing accurate, relevant and timely information on issues of interest to the community.

## **6. POLICY**

### **Councillor Access to Information**

- 6.1 Provision of information to the Council:
  - 6.1.1 The City shall provide to Council all information relevant to matters on which Council is required to make a decision.
  - 6.1.2 The City shall provide to Council all information related to Council operations or ward issues that the community would reasonably expect the Council to know as the strategic decision maker.
- 6.2 Requests for information by Councillors:
  - 6.2.1 A Councillor may request information to assist them to fulfil their Role of a Councillor.
  - 6.2.2 A Councillor will make this request as a member of the Council and in the interests of the municipality rather than as an advocate on behalf of an individual or group which is contrary to the Role of a Councillor specified in section 28 of the Act.
  - 6.2.3 The request for information must be made via the Councillor Information Request form on the Councillor SharePoint page.

- 6.2.4 The information, if available and if provided, will be circulated to all Councillors. If relevant information is not available, but could be obtained, reasonable efforts will be made to obtain the information unless any of the grounds on which access may be denied (below) apply.
- 6.2.5 If there is any doubt about whether the information can be provided, the relevant Director will decide about whether or not to provide the requested information.
- 6.2.6 Councillors should consider the impacts of the Councillor request for information on the Council resources required to action the request.
- 6.3 Grounds for refusal to provide access to information:
  - 6.3.1 The information is irrelevant to a matter before the Council.
  - 6.3.2 The information is personal within the meaning of the *Privacy and Data Protection Act 2014* or the *Health Records Act 2001*
  - 6.3.3 The information is confidential
  - 6.3.4 The request would unreasonably divert or extend Council resources.
  - 6.3.5 The information is not required for the performance of a Council function
  - 6.3.6 The information is irrelevant to a matter where the Council is acting as the responsible planning authority in accordance with its obligations under section 12 of the *Planning and Environment Act 1987*.
  - 6.3.7 The Councillor has declared a conflict of interest.
  - 6.3.8 The Councillor has refused or failed to make a conflict of interest declaration.
  - 6.3.9 The request is for information in relation to a matter on which advice has already been provided by the relevant statutory authority.
  - 6.3.10 Access is prohibited by the *Protected Disclosure Act 2012*.
- 6.4 If access to information or documents to a Councillor is refused, the Councillor must be advised of the reason for the refusal.
- 6.5 A Councillor who has been refused access to information may refer the request to the CEO for review and final determination as to whether access will be provided.
- 6.6 All refusal of access to information will be reported to the next Councillors' Briefing for consideration and discussion by all Councillors with the CEO.

**Interactions between Councillors and Staff**

- 6.7 In performing the Role of a Councillor, Councillors must:
- 6.7.1 Act in accordance with the Councillor Code of Conduct
  - 6.7.2 Maintain a professional relationship with Council staff, acting with respect and integrity always
  - 6.7.3 Not direct, or seek to direct, a member of Council staff
  - 6.7.4 Respect the professional opinion, skill and expertise of Council staff
  - 6.7.5 Refrain from publicly criticising or vilifying Council staff in a way that casts aspersions on their professional competence or credibility
  - 6.7.6 Refrain from using their position to improperly influence members of Council staff in their duties or functions, or to gain an advantage for themselves or others
  - 6.7.7 Use the Councillor Information Request system for all requests where it is appropriate to do so including for:
    - (a) IT assistance
    - (b) Meeting requests
    - (c) Physical works requests
    - (d) Planning and Enforcement matters
    - (e) Request for information
    - (f) Routine media and communications issues
  - 6.7.8 Use alternative processes for the following:
    - (a) Complaints against Council staff, CEO or Councillors – please refer to the Councillor Code of Conduct
    - (b) Time sensitive and/or contentious media and communications issues – directly contact the Manager Communications
    - (c) Administration of Committees – directly contact the relevant Committee contact officer
    - (d) Administrative support – contact the Councillor Support team, including for:
      - (i) Diary management for Council meeting and briefings
      - (ii) Diary management of Councillor invites and engagement activities
- 6.8 The above points of contact are summarised in the table in the attachment.
- 6.9 A Councillor must raise with the CEO or the Manager Governance any concerns that a staff member:
- 6.9.1 Has acted in a manner contrary to a formal Council policy or decision
  - 6.9.2 Has provided inappropriate advice
  - 6.9.3 Has acted contrary to the Employee Code of Conduct



- 6.10 These concerns must be raised by the Councillor privately, objectively, constructively and in a timely way.
- 6.11 The CEO must deal with any dispute between Councillors and Council staff in accordance with the Councillor Code of Conduct.
- 6.12 In performing their role as a member of Council staff, officers must:
  - 6.12.1 Act in accordance with the Employee Code of Conduct
  - 6.12.2 Maintain a professional relationship with Councillors, acting with respect and integrity always
  - 6.12.3 Record Councillor Requests in the Customer Request Management system
  - 6.12.4 Not accept instruction or direction from Councillors in relation to their professional duties and refer perceived instruction or direction to their supervisor or the CEO
  - 6.12.5 Respect the leadership role of Councillors
  - 6.12.6 Refrain from publicly criticising Councillors
  - 6.12.7 Refrain from lobbying the Councillors or using personal influence to gain an advantage for themselves or others
  - 6.12.8 Report any concerns relating to Councillor misconduct to their supervisor, the Manager Governance or the CEO

**Councillor Media Interactions and Support****6.13 Media types:**

6.13.1 Traditional media includes non-digital advertising and marketing methods such as:

- (a) radio
- (b) broadcast television
- (c) print media.

6.13.2 Social media includes content created by people using highly accessible and scalable publishing technologies. Social media comprises relatively inexpensive and accessible tools that allow people to publish, share and discuss information. Social media may include (although is not limited to):

- (a) social networking (e.g. Facebook, LinkedIn, Yammer, Snapchat)
- (b) video and photo sharing apps (e.g. Instagram, YouTube, Pinterest)
- (c) blogs, including corporate blogs and personal blogs (e.g. Tumblr)
- (d) blogs hosted by media outlets (e.g. comments or your say feature)
- (e) micro-blogging (e.g. Twitter)
- (f) wikis and online collaborations (e.g. Wikipedia)
- (g) forums, discussion boards and groups (e.g. Google groups, Whirlpool)
- (h) vod and podcasting
- (i) online multiplayer gaming platforms
- (j) instant messaging (including SMS, WhatsApp, Viber)
- (k) geo-spatial tagging (Foursquare, Yelp).

**6.14 Media statements and media releases must not:**

6.14.1 Be used to promote individual Councillors.

6.15 Media releases from Councillors expressing personal views will not include the City of Greater Bendigo logo and will not be issued by the Communications Team.

**6.16 In performing the Role of a Councillor, Councillors must:**

- 6.16.1 not speak on behalf of the City in the traditional media or using social media unless authorised to do so by the Mayor;
- 6.16.2 when making public statements, issuing media releases or commenting on social media, through official or private channels, recognise the key role they play, individually and collectively, in maintaining a positive public image and in preserving public confidence in the Council;
- 6.16.3 not make any statements that contain remarks of a defamatory, personal, derogatory, insulting or offensive nature directed at current or former Councillors, Council Officers or members of the public;
- 6.16.4 to preserve public confidence, respect the decision-making process and refrain from using traditional media and/or social media to publicly criticise

- recommendations that are before Council or have been decided upon by Council;
- 6.16.5 when making personal comments on matters that are important to them clearly communicate that they are not speaking on behalf of Council and comply with the Councillors' Code of Conduct and other relevant policies and legislation.
  - 6.16.6 when issuing a personal statement and/or media release include a statement that clearly communicates that the views being expressed are not those of Council.
  - 6.16.7 protect the reputation of Council whenever using social media profiles that identify the account holder as being a Councillor by including the following disclaimer: Any views expressed here are my own and are not those of Council (see 6.17).
  - 6.16.8 comply with the 'terms of use' of any social media site being used
  - 6.16.9 give notice of no less than 48 hours to the Mayor prior to release of any personal media statements or social media comments that relate to Council matters.
  - 6.16.10 not breach any confidentiality protocols or understandings when speaking to the media, issuing media statements or using social media.
  - 6.16.11 not attribute any views or positions to other Councillors without their express consent.
- 6.17 Not identifying yourself as a Councillor does not excuse the account holder from having to comply with all relevant policies. The effectiveness of a disclaimer will depend on the context in which it is used, the subject matter, the relationship to Council activities and other factors. The use of it does not excuse the Councillor from compliance with the Code of Conduct and Council Policies. A disclaimer does not expunge from the mind of the reader or listener the fact that the author is a Councillor with responsibilities to the Council and fellow Councillors.
- 6.18 In assisting and supporting Councillors to perform the Role of a Councillor, the Communications Team shall draft and issue all media statements and media releases relating to policy matters, the strategic direction of Council, advocacy, project announcements and launches, and Council support for community initiatives:
- 6.18.1 on behalf of the Mayor
  - 6.18.2 where delegated by the Mayor, another Councillor, where:
    - (a) The matter relates to a specific Ward and is a matter of local interest
    - (b) A Councillor has had a specific ongoing interest and role in an issue
    - (c) A Councillor has specific knowledge or expertise in the matter
    - (d) A Councillor is a member of a delegated or advisory committee.
- 6.19 All statements about operational matters will be made by the CEO (or delegate).

## **7. REVIEW**

- 7.1 Further information or advice on this policy should be directed to the Governance Unit at [corporate.governance@Bendigo.vic.gov.au](mailto:corporate.governance@Bendigo.vic.gov.au).
- 7.2 This Policy will be reviewed within 12 months of each municipal election.

## **8. ROLES AND RESPONSIBILITIES**

- 8.1 In accordance with section 28 of the Local Government Act 2020:
- 8.1.1 The role of every Councillor is to:
- (a) participate in the decision making of the Council
  - (b) represent the interests of the municipal community in that decision making
  - (c) contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.
- 8.1.2 In performing the role of a Councillor, a Councillor must:
- (a) consider the diversity of interests and needs of the municipal community
  - (b) support the role of the Council
  - (c) acknowledge and support the role of the Mayor
  - (d) act lawfully and in accordance with the oath or affirmation of office
  - (e) act in accordance with the standards of conduct
  - (f) comply with Council procedures required for good governance.
- 8.2 Council staff are employed by the CEO to implement the decisions of Council, plan and deliver services and provide unbiased, professional advice and support to Councillors.

## **9. RELATED DOCUMENTS**

- 9.1 The following documents are related to this Policy:
- 9.1.1 [Local Government Act 2020 \(Victoria\)](#)
  - 9.1.2 [Councillor Code of Conduct](#)
  - 9.1.3 [Employee Code of Conduct](#)
  - 9.1.4 Councillor Appropriate Behaviour Policy
  - 9.1.5 Councillor Prevention of Sexual Harassment Policy

## 10. HUMAN RIGHTS COMPATABILITY

- 10.1 The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

## 11. ADMINISTRATIVE UPDATES

- 11.1 It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation and by resolution of Council only.

## 12. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version
Oct 2015	Legal Officer	Governance	Access to Info	1.0
Jan 2017	Manager Governance	Governance	Staff Interactions	0.1
Oct 2017	Manager Communications	O/CEO	Media	1.0
Feb 2022	Manager Governance	Governance	Revision	1.1

## 13. ATTACHMENTS

- 13.1 Table of Points of Contacts

**Attachment 1 - Table of Points of Contacts**

	Point of Contact			
	Cr Request Form	Councillor Support team	Committee Secretariat	Manager Communications
<b>Matter</b>				
Escalated Customer Issue	X			
Routine Customer Service	X			
Routine Media and Communications Issues	X			
Contentious Media and Communications Issues				X
Information for Meetings	X			
Administration of a Committee			X	
IT Help	X			
Enforcement Matters	X			
Planning Matters	X			
Invitations & Diary Management		X		