

COUNCILLOR COMMUNICATION AND INFORMATION POLICY

1.0 Purpose

The purpose of this policy is to support the maintenance of high standards of good governance and transparency by providing a framework for:

- Identify the scope of access Councillors have to information held by the Council and the process to be followed to access that information; and
- Provide a framework for, and manage, appropriate interactions between Councillors and City of Ballarat staff.

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

2.0 Scope

This policy applies to the Council, Councillors, and City of Ballarat staff.

3.0 Policy Statement

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

The Chief Executive Officer (CEO) is responsible for the operations of the Council and the management of City of Ballarat 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.

In accordance with section 46(3)(c) of the *Local Government Act 2020* (the Act), the CEO's responsibilities include but are not limited to:

- Managing interactions between members of City of Ballarat Staff and Councillors; and
- Ensuring that policies, practices and protocols that support arrangements for interaction between members of City of Ballarat Staff and Councillors are developed and implemented.

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

- Misuse their position to gain or attempt to gain an advantage for themselves or any other person; or
- Direct, or seek to direct, a member of City of Ballarat Staff.

3.1 Interactions and information flows

Interactions and information flows from City of Ballarat staff to Councillors must:

- Support Councillors to be transparent and mutually respectful; and
 - Build confidence and trust in Council leadership, decision making and service provision.
- Interactions and information flows between Councillors and City of Ballarat 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 City of Ballarat staff.

Interactions and information flows from Councillors to City of Ballarat staff must not:

- Seek preferential treatment and/or bias; or
- Seek to direct or influence City of Ballarat staff.

Interactions and information flows from Councillors to the media should promote the work of Council by providing accurate, relevant and timely information on issues of interest to the community.

3.2 Councillor access to information

Provision of information to the Council:

- The City of Ballarat will provide to Council information relevant to matters on which Council is required to make a decision.
- The City of Ballarat will provide to Council information related to Council operations or ward issues that the community would reasonably expect the Council to know as the strategic decision maker.

Requests for information by Councillors:

- A Councillor may request information to assist them to fulfil their role as a Councillor.
- Requests for information must be made via the Councillor Information Request and will be processed by the Civic Support team.

If available and if provided, the information will be circulated to 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.

Councillors should consider the impacts of the Councillor request for information on the City of Ballarat resources required to action the request.

Grounds for refusal to provide access to information include:

- The information is irrelevant to a matter before the Council;
- The information is personal information within the meaning of the *Privacy and Data Protection Act 2014* or the *Health Records Act 2001*;
- The information is confidential in accordance with the *Local Government Act 2020*;
- The request would unreasonably divert or extend City of Ballarat resources;
- The information is not required for the performance of a Council function;
- 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*;
- The Councillor has declared a conflict of interest;
- The request is for information in relation to a matter on which advice has already been provided by the relevant statutory authority; or
- Access is prohibited by the *Public Interest Disclosures Act 2012*.

If access to information or documents to a Councillor is refused, the Councillor must be advised of the reason for the refusal. 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.

If there is any doubt about whether the information can be provided, the relevant director will determine whether to provide the requested information.

3.3 Interactions between Councillors and staff

In performing the role of a Councillor, Councillors must:

- Maintain a professional relationship with City of Ballarat staff, always acting with respect and integrity;
- Not direct, or seek to direct, a member of City of Ballarat Staff;
- Respect the professional opinion, skill and expertise of City of Ballarat staff;
- Refrain from publicly criticising or vilifying City of Ballarat staff in a way that casts aspersions on their professional competence or credibility;
- Refrain from using their position to improperly influence members of City of Ballarat staff in their duties or functions, or to gain an advantage for themselves or others; and
- Use the Councillor Information Request process for all requests where it is appropriate to do so, including for:
 - ICT assistance
 - Meeting requests
 - Works requests
 - Planning and enforcement matters
 - Requests for information
 - Routine media and communications issues

Alternative processes apply in the following circumstances:

- Time sensitive and/or contentious media and communications issues – directly contact the CEO.
- Administration of committees – directly contact the relevant committee contact officer.
- Administrative support – contact the Civic Support team, including for:
 - Diary management for Council meeting and briefings
 - Diary management of Councillor invites and engagement activities
 - Speaking engagements
 - Administration of activities as outlined within the Councillor Expenses and Support Policy.

A Councillor must raise with the CEO any concerns that a staff member has:

- Acted in a manner contrary to a formal Council policy or decision;
- Provided inappropriate advice; or
- Acted contrary to the Employee Code of Conduct.

These concerns must be raised by the Councillor privately, objectively, constructively and in a timely way.

In performing their role as a member of City of Ballarat staff, officers must:

- Maintain a professional relationship with Councillors, always acting with respect and integrity;
- Provide Councillor requests to the Civic Support team to log in the Councillor Request system;

- 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;
- Respect the leadership role of Councillors;
- Refrain from publicly criticising Councillors;
- Refrain from lobbying Councillors or using personal influence to gain an advantage for themselves or others; and
- Report any concerns relating to Councillor misconduct to the Councillor Conduct Officer or CEO.

3.4 Councillor media interactions and support

In performing the role of a Councillor, Councillors must:

- not speak on behalf of the City of Ballarat in the traditional media or using social media unless authorised to do so by the Mayor;
- when making public statements 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;
- not make any public statements that contain remarks of a defamatory, personal, derogatory, insulting or offensive nature directed at current or former Councillors, City of Ballarat staff or members of the public;
- 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;
- when making personal comments on matters 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;
- when issuing a personal statement, opinion piece and/or media release, include a statement that clearly communicates that the views being expressed are not those of Council;
- 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;
- comply with the 'terms of use' of any social media page being used;
- give notice of no less than 24 hours to the Mayor prior to release of any personal media statements or social media comments that relate to Council matters;
- not breach any confidentiality protocols or understandings when speaking to the media, issuing media statements or using social media; and
- not attribute any views or positions to other Councillors without their express consent.

Not identifying 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.

In assisting and supporting Councillors to perform the role of a Councillor, the Communications Team will 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 on behalf of the Mayor, or when delegated by the Mayor, to another Councillor.

All statements about operational matters will be made by the CEO (or their delegate).

4.0 Supporting documents and references

Legislation

- *Local Government Act 2020*
- *Gender Equality Act 2020*

Associated Documents

- Councillor Code of Conduct
- Employee Code of Conduct

Definitions

City of Ballarat	Means the body corporate constituted in accordance with the LGA 2020.
Council	Council consists of the Councillors who are democratically elected to represent the Ballarat municipality in accordance with the LGA 2020.
Councillor	Means a Councillor of the Council.
Mayor	The Mayor of Council and any person appointed by Council to be acting as Mayor.
Traditional media	Traditional media includes non-digital advertising and marketing methods such as: <ul style="list-style-type: none"> • radio; • broadcast television; or • print media.
Social media	Social media includes digital content created by using publishing technologies.

5.0 Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

6.0 Policy owner

The owner of this policy is the Chief Executive Officer. Enquiries regarding this policy should be referred to the Head of Executive and Civic Services or Head of Communications and Design.

7.0 Authorisation

Adopted by Ballarat City Council on 28 August 2024 (R138/24).