

# Communications Agreement



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## Division 1 — Preliminary provisions

### 1. *Introduction*

For the purposes of section 5.92A of the *Local Government Act 1995* (the *Act*), this is the Town of Bassendean's communications agreement between the council of the Town of Bassendean (the *council*) and the chief executive officer of the Town of Bassendean (the *CEO*).

### 2. *Terms used*

(1) In this agreement —

*Act* has the meaning given in clause 1;

**administrative matter**, in relation to a council member or committee member, means the following —

- (a) the scheduling of council meetings or committee meetings;
- (b) the council member's or committee member's compliance obligations under the Act, including in relation to disclosure of financial interests and gifts;
- (c) information technology support for the council member or committee member;
- (d) arrangements for the council member or committee member to attend training or a conference;
- (e) event invitations received by the council member or committee member;
- (f) the council member's or committee member's entitlement to a fee, allowance, reimbursement or superannuation contribution payment under the Act;
- (g) any other matter of an administrative nature;

*administrative request* has the meaning given in clause 25;

*administrative request for information* means a request for information that relates only to an administrative matter;

**adopted standards** means —

- (a) the standards adopted by the local government under section 5.39B of the Act; or
- (b) if the local government has not adopted standards under section 5.39B of the Act — the standards taken under section 5.39B(5) of the Act to be the local government's adopted standards;

**appropriate nominated employee** means the following —

- (a) in relation to a request for information — an employee nominated under clause 8(1) and (3) in relation to —
  - (i) all requests for information; or
  - (ii) a type of request for information that includes the request for information;
- (b) in relation to a media enquiry to be discussed under clause 16(1) — an employee nominated under clause 8(1) and (4)(a) in relation to —
  - (i) all media enquiries; or
  - (ii) a type of media enquiry that includes the media enquiry;

- (c) in relation to a request for administrative assistance — an employee nominated under clause 8(1) and (4)(b) in relation to —
  - (i) all requests for administrative assistance; or
  - (ii) a type of request for administrative assistance that includes the request for administrative assistance;

***CEO has the meaning given in clause 1;***

***class 3 local government*** has the meaning given in the *Local Government (Constitution) Regulations 1998* regulations 2A(c) and 2B(4);

***committee*** means a committee of the council;

***council*** has the meaning given in clause 1;

***employee*** means an employee of the local government;

***mayor or president*** includes a councillor performing the functions of the mayor or president under Part 5 Division 3 of the Act;

***request for administrative assistance*** has the meaning given in clause 26;

***request for information*** has the meaning given in clause 11;

***requesting member***, in relation to a request for information or a request for administrative assistance, means the council member or committee member who made the request;

***working day*** means a day other than —

- (a) a Saturday or a Sunday; or
- (b) a public holiday throughout the State; or
- (c) a public holiday in an area that is or includes the district or any part of the district.

- (2) If any other term used in this agreement is given a meaning in section 1.4 of the Act or the *Interpretation Act 1984* section 5, it has the same meaning in this agreement.
- (3) A reference in this agreement to a council member or committee member performing a function under a written law other than the Act does not include a reference to the council member or committee member performing a function in a capacity other than that of council member or committee member under the Act.

### **3. Application**

- (1) This agreement applies to a person who is a council member, committee member or employee when acting in their capacity as such.
- (2) Despite subclause (1), this agreement does not apply to anything that a council member, committee member or employee does as part of —
  - (a) the deliberations at a council or committee meeting; or
  - (b) recruiting, reviewing the performance of or terminating the employment of the CEO in accordance with the adopted standards.

## Division 2 — General provisions

### 4. *General principles*

The council and the CEO agree to the following general principles —

- (a) the CEO will support council members and committee members to perform their functions under the Act and any other written law;
- (b) without limiting paragraph (a), the CEO will ensure that —
  - (i) requests for information and requests for administrative assistance made by council members and committee members are responded to in accordance with this agreement; and
  - (ii) employees deal and communicate with council members and committee members in accordance with this agreement;
- (c) council members and committee members will ensure that —
  - (i) their dealings and communications with employees are in accordance with this agreement; and
  - (ii) their requests for information and requests for administrative assistance are made in accordance with this agreement; and
  - (iii) they only request information that is relevant to their functions under the Act or any other written law.

### 5. *Correspondence sent by mayor or president on behalf of local government*

- (i) Correspondence sent by the mayor or president on behalf of the local government must be provided to all council members by the CEO.
- (ii) Subclause (1) does not apply to correspondence if the mayor or president is satisfied that, because of particular circumstances, it is appropriate not to provide the correspondence to all council members.

### 6. *Requests must not be made during social or incidental dealing or communication*

A council member or committee member must not make a request for information or a request for administrative assistance during a social or incidental dealing or communication with an employee.

### 7. *Incidental or social interactions permitted*

Subject to clause 6, nothing in this agreement prohibits social or incidental dealings or communications between —

- (a) a council member or committee member; and
- (b) an employee.

### 8. *Nominated employees*

- (1) The CEO may nominate employees for the purposes of this agreement.
- (2) The CEO must nominate at least the following number of employees under subclause (1) —
  - (a) a class 3 local government — 2 employees;

- (3) All employees nominated in subclause (5), under subclause (1) are nominated in relation to —
  - (a) all requests for information directly related to their portfolio area.
- (4) The CEO must ensure that —
  - (a) an up-to-date register of employees nominated under subclause (1) is available to council members and committee members; and
  - (b) the register specifies, for each employee nominated under subclause (1), the matters in relation to which the employee is nominated under subclauses (3) and (4).
- (5) The Town of Bassendean communication agreement identifies three appropriate nominated employees who are:
  - Director Corporate Services
  - Director Community & Place
  - Director of Infrastructure and Sustainability

**9. *CEO may direct who responds***

Despite anything else in this agreement, the CEO may direct which employee is to respond to a particular request for information or request for administrative assistance.

**10. *No response required out of hours***

Nothing in this agreement requires the CEO or another employee to respond to a request for information or a request for administrative assistance outside of office hours.

### **Division 3 — Requests for information generally**

**11. *Council member or committee member may make request for information***

A council member or committee member may make a request (a ***request for information***) for —

- (a) access to information held by the local government under section 5.92 of the Act or otherwise; or
- (b) other information.

**12. *Information that may be requested***

- (a) A request for information may be for advice or other information regarding any of the following —
  - (i) a service, project or initiative being delivered by the local government;
  - (ii) how the local government usually manages a particular matter, issue, service or query;
  - (iii) budgeting or financial information, including details of the costs of any service, project or initiative delivered or proposed to be delivered by the local government;
  - (iv) an issue or situation of broad public concern or interest within

the district;

- (v) preparing a motion to council or a committee;
- (vi) correspondence received by the council member or committee member;
- (vii) an administrative matter.

(b) The mayor or president may make a request for information for advice or other information regarding any of the following

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- (i) publicly representing the local government at a media appearance or other event (including advice or other information in the form of a briefing or speaking notes);
- (ii) correspondence to be sent by the mayor or president;
- (iii) arranging a formal meeting or an official event.

(c) This clause does not limit what information may be the subject of a request for information.

**13. *Requirements applicable to requests for information***

- (a) The information the subject of a request for information must be relevant to the functions of the requesting member under the Act or another written law.
- (b) A request for information must be —
  - (i) limited in scope to the specific information that the council member or committee member requires; and
  - (ii) accompanied by any supporting information that may assist the local government to respond to the request.
- (c) A request for information regarding correspondence received by the council member or committee member must include a copy of the correspondence.

**14. *Certain information not required to be provided***

Nothing in this agreement requires information to be provided to a council member or committee member in response to a request for information if

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- (a) the request for information is not made in accordance with this agreement; 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 local government; and
  - (ii) is held by a person or body other than the local government; and
  - (iii) cannot reasonably be obtained by the local government;

or

- (d) the CEO decides that preparing or providing the information would divert a substantial and unreasonable portion of the local

government's resources away from its other functions.

**15. *Disputes regarding final response to request for information***

- (a) If the final response to a request for information includes a refusal to provide some or all of the information the subject of the request, the requesting member may notify the CEO in writing that there is a dispute regarding the final response.
- (b) A dispute regarding the final response to a request for information must be discussed at a meeting between the mayor or president, the CEO and the requesting member.
- (c) If the dispute is not resolved at the meeting —
  - (i) the requesting member may refer the dispute to the council; and
  - (ii) the council may determine the dispute.
- (d) The council's determination of the dispute —
  - (i) may override a decision made by the CEO under clause 14(d); and
  - (ii) is final.

**16. *Mayor or president may discuss media enquiry without making request for information***

- (a) The mayor or president may discuss a media enquiry with the CEO, either verbally or in writing, without making a request for information.
- (b) Subclause (1) does not prevent the mayor or president from making a request for information in relation to a media enquiry.

## Division 4 — Requests for information other than administrative requests for information

**17. *Application***

This Division does not apply to or in relation to an administrative request for information.

**18. *Making a request for information***

- (a) A request for information must be made to the CEO or a nominated employee.
- (b) A request for information must be made in writing by —
  - (i) email; and
  - (ii) copy the CEO and [mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au)

**19. *Receipt of request must be acknowledged***

The CEO must ensure that receipt of a request for information is acknowledged in writing within 2 working days after the day on which the request is made.

**20.** *Request may be discussed and amended*

For the purposes of responding to a request for information, the CEO or an appropriate nominated employee may do either or both of the following —

- (a) discuss the request for information with the requesting member, including for the purpose of clarifying the scope of the information the subject of the request;
- (b) if the requesting member requests an amendment to the scope of the information the subject of the request for information — deal with the request for information as if it were so amended.

**21.** *Responding to a request for information*

- (a) The CEO must ensure that the requesting member is given a final response to their request for information as soon as practicable.
- (b) If a request for information relates to a matter included in the agenda for an upcoming council or committee meeting, the CEO must make best endeavours to ensure that the requesting member is given a final response to the request before the meeting.
- (c) Without limiting subclause (1) or (2), the CEO must ensure that, within 10 working days after the day on which a request for information is made, the requesting member is given —
  - (i) a final response to the request; or
  - (ii) notice that a final response cannot be given within that period and an estimate as to when a final response will be given.
- (d) The final response to a request for information must —
  - (i) be in writing; and
  - (ii) include any advice or other information provided in response to the request for information.
- (e) If the final response includes a refusal to provide some or all of the information the subject of the request for information, the response must set out the reasons for that refusal.

**22.** *When final response must be provided to other members*

- (a) A copy of the final response to a request for information given to the requesting member must be provided to —
  - (i) all council members; and
  - (ii) if the final response is relevant to the work of a committee — any members of the committee who are not council members.
- (b) Subclause (1) does not apply if —
  - (i) the request for information is a request for advice regarding correspondence and the final response is provided to all council members and committee members who received the correspondence; or

- (ii) the request for information is for advice or other information regarding any of the matters mentioned in clause 12(2); or
- (iii) the requesting member and the CEO agree that —
  - 1. the final response is confidential; or
  - 2. because of particular circumstances, it is appropriate not to provide the final response to all council members and relevant committee members under subclause (1).

**23. *Requesting member may discuss final response***

- (a) The requesting member may discuss the final response to their request for information with the CEO or an appropriate nominated employee, either verbally or in writing.
- (b) During a discussion under subclause (1), the requesting member may be provided with additional information for the purpose of clarifying, or addressing queries in relation to, the final response.

**24. *CEO may arrange for briefing, meeting or discussion in relation to final response***

- (a) The CEO may arrange for some or all council members and committee members to attend a briefing, meeting or other discussion in relation to a final response to a request for information.
- (b) During a briefing, meeting or other discussion arranged under subclause (1), council members and committee members may be provided with additional information for the purpose of clarifying, or addressing queries in relation to, the final response.

## Division 5 — Administrative requests for information and requests for administrative assistance

**25. *Term used: administrative request***

In this Division —

***administrative request*** means a request that is either or both of the following —

- (a) an administrative request for information;
- (b) a request for administrative assistance.

**26. *Council member or committee member may request assistance regarding administrative matter***

A council member or committee member may make a request (a ***request for administrative assistance***) for assistance regarding an administrative matter.

**27. *Making an administrative request***

- (a) An administrative request must be made to the CEO or an appropriate nominated employee.
- (b) Subject to subclause (3), an administrative request may be

made verbally or in writing.

- (c) If an administrative request is made verbally, the CEO or an appropriate nominated employee may refuse to deal with the request unless it is made in writing.
- (d) An administrative request that is in writing must be made by —
  - (i) email; and
  - (ii) copy the CEO and [mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au)

**28. *Responding to an administrative request***

- (a) The CEO must ensure that the requesting member is given a final response to their administrative request as soon as practicable.
- (b) Without limiting subclause (1), the CEO must ensure that, within 10 working days after the day on which an administrative request is made, the requesting member is given —
  - (i) a final response to the request; or
  - (ii) notice that a final response cannot be given within that period and an estimate as to when the response will be given.
- (c) A final response to an administrative request may be given verbally or in writing.

## Division 6 — Provision in relation to commissioner

**29. *Application of agreement to commissioner***

This agreement applies to a commissioner of the local government as if the commissioner were the council and the mayor or president.

**30. *Requests for information by commissioner***

- (a) Despite clause 29, a commissioner of the local government may make a request for information or a request for administrative assistance to the CEO or another employee in the manner determined by the commissioner.
- (b) The CEO must ensure that the commissioner is given a final response to the request made under subclause (1) —
  - (i) as soon as practicable; and
  - (ii) in the manner requested by the commissioner (which may include in writing or in a briefing).
- (c) A dispute regarding a request made under subclause (1) must be determined by —
  - (i) if there are joint commissioners and 1 of them is appointed to be the chairperson — the chairperson; or
  - (ii) otherwise — the commissioner who made the request.
- (d) The chairperson's or commissioner's determination of the dispute

—

- (i) may override a decision made by the CEO under clause 14(d); and
- (ii) is final.

This Communications Agreement is complemented by the Town of Bassendean's Communications and Social Media policies and provides clear protocols for Council Members.

Signed by Cr Hamilton, Mayor

  
On behalf of the Council of the Town of Bassendean Date: 02/12/2025

Signed by Mr. Cameron Woods, CEO

  
On behalf of the Staff of the Town of Bassendean Date: 2/12/2025