



COUNCILLOR BRIEFING POLICY

This Policy was approved by resolution of Darebin City Council on **XXXXXXX**.

1. Purpose of the Policy

1.1 The purpose of the Councillor Briefing Policy (**Policy**) is to provide:

- 1.1.1 guidance on the manner in which Councillor Briefings will be conducted, including the structure of Councillor Briefings;
- 1.1.2 guidance for Councillors on their behaviour during the course of Councillor Briefings; and
- 1.1.3 powers for the Mayor with respect to the conduct of Councillor Briefings.

1.2 By complying with these Guidelines, it is expected that Councillor Briefings will be undertaken in a more efficient and respectful manner, enhancing the quality of information provided to Councillors.

2. Scope

2.1 The Policy apply to all:

- 2.1.1 Councillors, and operate in conjunction with Council's Councillor Code of Conduct 2013 (**Councillor Code**); and
- 2.1.2 Council staff who attend Briefings, and operate in conjunction with Council's Employee Code of Conduct (**Employee Code**).

2.2 The Policy are to be applied during all Councillor Briefings.

3. Preliminary Matters

3.1 A Councillor Briefing is an 'assembly of Councillors' as defined by the *Local Government Act 1989 (Act)* and, as such, Councillors are bound by the relevant provisions of the Act.

3.2 Without limiting the generality of paragraph 3.1 above, Councillors must:

- 3.2.1 disclose any conflict of interest in a matter before the Councillor Briefing and leave the Councillor Briefing, in accordance with section 80A(3) and (4) of the Act; and
- 3.2.2 respect and maintain the confidentiality of any confidential information (as defined by section 77(2) of the Act) before a Councillor Briefing.

4. Purpose of Councillor Briefings

4.1 Councillor Briefings will be held on the second and fourth Monday of each month, commencing generally at 7pm, and at such other times as Council or Council's Chief Executive Officer (**CEO**) might determine.

4.2 Councillor Briefings are not held in a place that is open to members of the public and are not subject to Council's Governance Local Law 2013. This means that Councillor Briefings offer a less formal environment in which Councillors can:

- 4.2.1 be provided with more detailed information about matters for determination without the time constraints that apply to an ordinary Council meeting;
- 4.2.2 ask more general questions of Council staff and others in relation to matters coming up for Council decision; and

4.2.3 discuss matters with other Councillors and Council staff in a more informal way, without the constraints of Council's Governance Local Law 2013.

4.3 The primary purpose of Councillor Briefings is to inform Councillors of matters of importance to Council, not to provide a forum for Councillors to debate those matters, although robust discussion is encouraged, within the confines of this Policy, to assist with the provision of full and frank information.

5. Prohibition on Determination of Matters at Councillor Briefings

5.1 A matter presented to Councillors at a Councillor Briefing is for discussion only and cannot be finally determined in that forum. Any matter requiring a Council decision (ie those that are not to be dealt with by a member of Council staff with the appropriate delegated authority) will be presented to a meeting of the Council.

5.2 In addition to paragraph 5.1 above, where a matter before a Councillor Briefing is within the power of, and therefore capable of being considered and determined by, Council, the Councillors present at the Councillor Briefing may refer a matter to Council for consideration if:

5.2.1 a Councillor proposes that the matter be referred to Council for decision, rather than determined by a delegate; and

5.2.2 a majority of the Councillors present at the Councillor Briefing indicate its agreement with that proposal.

The Mayor (or, if the Mayor is absent from the Councillor Briefing, the Deputy Mayor) will then declare whether the majority of Councillors has indicated its agreement with the proposal.

6. Attendance at Councillor Briefings

6.1 Councillor Briefings will generally be attended by all Councillors, the CEO, Directors and any other members of Council staff who may be required due to their involvement in a matter which is listed on the Agenda for discussion.

6.2 Persons external to Council may be invited to attend a Councillor Briefing from time to time. Their attendance will be noted on the Agenda for the relevant Councillor Briefing.

7. Information Considered at Councillor Briefings

7.1 The CEO will determine the matters to be considered at a Councillor Briefing.

7.2 The types of matters deemed appropriate for consideration at a Councillor Briefing include matters which:

7.2.1 are of particular strategic significance for Council;

7.2.2 involve notable community impact or concern;

7.2.3 involve complex procedural, legal or factual considerations; or

7.2.4 the CEO otherwise considers appropriate for a Councillor Briefing.

8. Procedure for Councillor Briefings

8.1 The CEO will prepare an Agenda for each Councillor Briefing, which will adhere to the following structure, unless the CEO determines otherwise:

- 8.1.1 Staff Presentations – 10 minutes each, plus 5 minutes of question time to be provided for each, with a maximum of three items;
 - 8.1.2 Clarification Reports – 5 minutes of question time to be provided for each, with a maximum of three items;
 - 8.1.3 Information Requests – 5 minutes allocated for Councillors to seek information or clarification on matters not listed on the agenda
 - 8.1.4 Information Only Reports – no time allocation as no questions will be received;
 - 8.1.5 External Presenter – time to be determined by CEO; and
 - 8.1.6 Question Time – 5 minutes allocated for Councillors to seek information or clarification on matters that are not listed on the agenda.
- 8.2 All staff presentations will be completed within the allocated time, without interruption, before Councillors will be invited to ask questions.
- 8.3 Questions which remain to be asked and answered after the expiry of the allocated time will, subject to a decision of the Mayor (or, if the Mayor is absent from the Councillor Briefing, the Deputy Mayor) to extend the time allocated for questions, be sent by email to the CEO, copied to all Councillors. The CEO will then refer the question to the appropriate member of Council staff, who will respond to the question by return email, also copied to all Councillors.
- 8.4 The CEO may refuse to accept a question submitted by a Councillor under paragraph 8.3 above if the CEO is of the opinion that it:
- 8.4.1 has already been answered during the Councillor Briefing;
 - 8.4.2 is objectionable in language or nature; or
 - 8.4.3 is vague or unclear.

In the event that a question is rejected, the CEO will advise the Councillor of the reason for the rejection and invite the Councillor to submit a revised question.

9. Conduct at Councillor Briefings

- 9.1 Councillors attending Councillor Briefings will:
- 9.1.1 treat other Councillors, members of Council staff and external persons invited to attend a Councillor Briefing with courtesy and respect at all times; and
 - 9.1.2 adhere to the Councillor Code, to the extent that its terms are relevant, and can be applied, to Councillor Briefings.
- 9.2 Council staff who attend Councillor Briefings will:
- 9.2.1 treat Councillors, other members of Council staff and external persons invited to attend a Councillor Briefing with courtesy and respect at all times; and
 - 9.2.2 adhere to the Employee Code.

10. Role of the Mayor at Councillor Briefings

- 10.1 While Councillor Briefings are not subject to Council's Governance Local Law 2013, it is important that they are conducted in an orderly and timely fashion.

- 10.2 To ensure that paragraph 10.1 above is complied with, the Mayor (or, if the Mayor is absent from the Councillor Briefing, the Deputy Mayor) will:
- 10.2.1 ensure that the timeframes specified in paragraph 8.1 above are adhered to;
 - 10.2.2 call on Councillors, who indicate that they have a question, to ask it;
 - 10.2.3 direct that questions or comments that are irrelevant to the matter being considered are to be disregarded;
 - 10.2.4 direct that the Councillor Briefing move to the next item on the Agenda;
 - 10.2.5 ask that Councillors refrain from behaviour that might contradict paragraph 9.1 above; and
 - 10.2.6 extend the time allocated to for presentations or questions under paragraph 8.1 above, if he or she considers it appropriate to do so.

11. Review

These Guidelines will be reviewed in December 2014, unless Council determines, by resolution, that they should be reviewed sooner.