

# Councillor & Staff Interaction Policy

<b>Policy Type</b>	<b>COUNCIL</b>
<b>Policy Reference Number</b>	CPOL – 24/33684
<b>Link to Community Strategic Plan</b>	5.3 Ensure good governance and administration
<b>Adopted by Council</b>	
<b>Council Resolution No</b>	
<b>Version Number</b>	1.0
<b>Responsible Directorate</b>	Corporate and Community Services
<b>Review schedule</b>	Every four years
<b>Next Review Date</b>	31/12/2028



# 1. Purpose

The Councillor and Staff Interaction Policy (Policy) provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised council staff.

The Policy complements and should be read in conjunction with Federation Council's Code of Conduct (Code of Conduct).

The aim of the Policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and council staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between councillors and council staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.

It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

# 2. Scope

This Policy applies:

- a) to all councillors and council staff
- b) to all interactions between councillors and council staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing
- c) whenever interactions between councillors and council staff occur, including inside or outside of work hours, and at both council and non-council venues and events.

This Policy does not confer any delegated authority upon any person. All delegations to council staff are made by the General Manager.

The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

# 3. Policy Objectives

The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between councillors and council staff defined by mutual respect and courtesy
- b) enable councillors and council staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure councillors have adequate access to information to exercise their statutory roles

- e) provide direction on, and guide councillor interactions with, council staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by councillors and council staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

## 4. Definitions

The following definitions apply throughout this Policy:

Term	Definition
<b>Code of Conduct</b>	Federation Council's Code of Conduct
<b>Council</b>	Federation Council
<b>Councillor</b>	Any person elected or appointed to civic office as a member (who is not suspended) of the governing body of Federation Council, and includes the Mayor
<b>Council Staff</b>	Means all employees of Council and includes permanent, temporary and casual staff. Unless specified, the general term "council staff" includes the executive team of Federation Council
<b>Executive Team</b>	Includes the General Manager and all directors
<b>General Manager</b>	Means the General Manager of Federation Council and includes their delegate or authorised representative
<b>LGA</b>	Local Government Act 1993
<b>Policy</b>	Councillor and Staff Interaction Policy

## 5. Principles, Roles and Responsibilities

Several factors contribute to a good relationship between councillors and council staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.

The Council's governing body and its administration (being council staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.

[Section 232 of the Local Government Act 1993](#) (the LGA) states that the role of a councillor is as follows:

- a) to be an active and contributing member of the governing body
- b) to make considered and well-informed decisions as a member of the governing body



- d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of council staff in the exercise of their functions
- e) they must not contact a member of council staff on council-related business unless in accordance with this Policy
- f) they must not use their position to attempt to receive favourable treatment for themselves or others.

The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay.

Council staff need to understand:

- a) they are not accountable to individual councillors and do not take direction from them - they are accountable to the General Manager, who is in turn accountable to the Council's governing body
- b) they should not provide advice to councillors unless it has been approved by the General Manager or a council staff member with a delegation to approve advice to councillors
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

## 6. Councillor Requests

Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious. Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.

The General Manager may identify Council support staff under this Policy for the management of requests from councillors.

Councillors can submit email requests to [councillorrequest@federationcouncil.nsw.gov.au](mailto:councillorrequest@federationcouncil.nsw.gov.au) to:

- a) request information or ask questions that relate to the strategic position, performance or operation of the Council
- b) bring concerns that have been raised by members of the community to the attention of council staff
- c) request information and communications technology or other support from the Council administration
- d) request that the General Manager or a director be present at a meeting (other than a meeting of the council) for the purpose of providing advice to the meeting.

Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or council staff member authorised to manage the matter is entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.

Councillor requests will be entered into Council's records management system and assigned to a relevant Council officer for actioning. Council staff must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.

The General Manager or the council staff member authorised to manage a councillor request will provide a response within ten (10) working days. Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.

Requests that a director be present at a meeting must be made ten working days before the meeting. The General Manager, or members of council staff that are listed at [Schedule 1](#) of this Policy, are responsible for determining:

- a) whether a council staff member can attend the meeting; and
- b) which council staff member will attend the meeting

Council staff members who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.

Councillors are required to treat all information provided by council staff appropriately and to observe any confidentiality requirements. Council staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately. Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the council staff member authorised to manage their request.

The General Manager may refuse access to information requested by a councillor if:

- a) the information is not necessary for the performance of the councillor's civic functions, or
- b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of council staff time and resources, or
- c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
- d) the General Manager is prevented by law from disclosing the information.

Where the General Manager refuses to provide information requested by a councillor, they must act reasonably.

The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested. Where a councillor's request for information is refused by the General Manager in relation to (a) or (b), the councillor may instead request the information through a resolution of the council by way of a notice of motion. This clause does not apply where the General Manager refuses a councillor's request for information under (c) or (d).

Nothing in the above paragraphs prevents a councillor from requesting the information in accordance with the [Government Information \(Public Access\) Act 2009](#).

Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of council staff time and resources the council may, on the advice of the General Manager, resolve to limit the number of requests the councillor may make.

Councillor requests are state records and must be managed in accordance with the [State Records Act 1998](#).

A six-monthly report will be provided to Council regarding the performance and efficiency of the system for managing councillor requests against established key performance indicators.

## 7. Access to Council Staff

Councillors may directly contact members of council staff that are listed in [Schedule 1](#) of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.

Councillors can contact council staff listed in [Schedule 1](#) about matters that relate to the council staff member's area of responsibility. Councillors should as far as practicable, only contact council staff during normal business hours. If councillors would like to contact a member of council staff not listed in [Schedule 1](#), they must first receive permission from the General Manager. If a councillor is unsure which authorised council staff member can help with their enquiry, they can contact the General Manager or a member of the Council's executive team who will provide advice about which authorised council staff member to contact.

The General Manager or a member of the Council's executive team may direct any council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

A councillor or member of council staff must not take advantage of their official position to improperly influence other councillors or members of council staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

## 8. Councillor Access to Council Buildings

Councillors are entitled to have access to the Council chamber, Mayor's office (subject to availability), the Corowa Council Chamber meeting room (subject to availability), and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.

Councillors must not enter council staff-only areas of Council buildings without the approval of the General Manager.

## 9. Appropriate and Inappropriate Interactions

Examples of appropriate interactions between councillors and council staff include, but are not limited to, the following:

- a) councillors and council staff are courteous and display a positive and professional attitude towards one another
- b) council staff ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies
- c) council staff record the advice they give to councillors in the same way they would if it was provided to members of the community



- d) council staff, including Council's executive team members, document councillor requests via Council's records management system
- e) council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties
- f) councillors and council staff feel supported when seeking and providing clarification about council related business
- g) councillors email requests to [councillorrequest@federationcouncil.nsw.gov.au](mailto:councillorrequest@federationcouncil.nsw.gov.au) and council staff respond in accordance with the timeframes stipulated in this Policy.

Examples of inappropriate interactions between councillors and council staff include, but are not limited to, the following:

- a) councillors and council staff conducting themselves in a manner which:
  - i. is contrary to their duties under the [Work Health and Safety Act 2011](#) and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
  - ii. constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory
- b) councillors approaching council staff and council staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- c) council staff approaching councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- d) [subject to the General Manager refusing access to information](#) – council staff refusing to give information that is available to other councillors to a particular councillor
- e) councillors approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors
- h) councillors making personal attacks on council staff or engaging in conduct towards council staff that would be contrary to the general conduct provisions in [Part 3 of the Code of Conduct](#) in public forums including social media
- i) councillors directing or pressuring council staff in the performance of their work, or recommendations they should make

- j) council staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.

Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of council staff at risk, the General Manager may restrict the councillor’s access to council staff.

Any concerns relating to the conduct of council staff under this Policy should be raised with the General Manager.

## 10. Complaints

Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a councillor or member of council staff), or the Mayor (if the complaint is about the General Manager).

This does not prevent matters being reported to Office of Local Government, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

## 11. References and Associated Documents

### Relevant Council Policies:

[Code of Conduct](#)

### Relevant Legislation:

[Local Government Act 1993 \(NSW\)](#)

[Government Information \(Public Access\) Act 2009](#)

[State Records Act 1998](#)

[Work Health and Safety Act 2011](#)

### Government Bodies:

[Office of Local Government NSW](#)

[NSW Independent Commission Against Corruption](#)

[NSW Ombudsman](#)

## 12. Policy History

Version	Date	Changes / Amendments
1	07/08/2024	Policy created based on the Model Policy issued by the Office of Local Government

## 13. Reviews

This policy will be reviewed every four years.

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## Schedule 1 – Authorised Council Staff Contacts for Councillors

The section [Access to Council Staff](#) provides that councillors may directly contact members of council staff that are listed below. The General Manager may amend this list at any time.

Councillors can contact council staff listed below about matters that relate to the council staff member's area of responsibility.

Councillors should as far as practicable, only contact council staff during normal business hours.

If councillors would like to contact a member of council staff not listed below, they must receive permission from the General Manager or their delegate. If a councillor is unsure which authorised council staff member can help with their enquiry, they can contact the General Manager who will provide advice about which authorised council staff member to contact.

<i>Position</i>	<i>Council Staff Member Name</i>	<i>Scope of contact</i>
<b>Deputy General Manager and Chief Financial Officer</b>	Jo Shannon	
<b>Director Planning, Place and Sustainability</b>	Susan Appleyard	
<b>Director Engineering Services</b>	Theo Panagopoulos	
<b>Manager Communications and Engagement</b>	Alannah Greenwood	Media enquiries consistent with Media Policy
<b>Executive Assistant to the General Manager and Mayor</b>	Rachelle Henson	Councillor administration matters