

Councillor and Staff Interaction Policy

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1. Scope

- 1.1 This Policy applies to all City of Parramatta Council (**Council**) Councillors and Staff.
- 1.2 This Policy applies to all interactions between Councillors and Staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, any phone messaging system, or in writing.
- 1.3 This Policy applies whenever interactions between Councillors and Staff occur, including inside or outside of work hours, and at both Council and non-Council venues and events.

2. Purpose

- 2.1 The Policy sets out a framework for Councillors when exercising their official functions by specifically addressing their ability to interact with and receive advice from Authorised Staff.

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| Owner: Governance Manager | Area: Governance | POL No: 222 |
| Date of Commencement: 2005 | Approval Authority: Council | Date Approved: 14/08/2023 |
| Amendment: 6 | Date of Next Review: 14/08/2027 | Review period: 4 |

2.2 This Policy intends to facilitate a positive working relationship between Councillors and Staff by providing directives on the interactions between Councillors and Staff to assist both parties in carrying out their day-to-day duties professionally, ethically, and respectfully.

3. Policy

3.1 Several factors contribute to a good relationship between Councillors and Staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.

3.2 Council's governing body and its administration must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. All Staff are accountable to the Chief Executive Officer, who in turn, is accountable to the Council's governing body.

3.3 Section 232 of the *Local Government Act 1993 (NSW) (LG Act)* states that the role of a Councillor is:

- (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;
- (c) to participate in the development of the integrated planning and reporting framework;
- (d) to represent the collective interests of residents, ratepayers and the local community;
- (e) to facilitate communication between the local community and the Governing Body;
- (f) to uphold and represent accurately the policies and decisions of the Governing Body; and
- (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

3.4 The Administration's role is to advise the Governing Body, implement Council's decisions, and to oversee service delivery.

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- 3.5 Staff should be aware of the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.
- 3.6 Council commits to the principles set out in the following table to guide interactions between Councillors and Staff:

| Principle | Achieved By |
|--------------------------------|--|
| Equitable and consistent | Ensuring appropriate, consistent and equitable access to information for all Councillors within established service levels |
| Considerate and respectful | Councillors and Staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions |
| Ethical, open, and transparent | Ensuring that interactions between Councillors and Staff are ethical, open, transparent, honest and display the highest standards of professional conduct |
| Fit for purpose | Ensuring that the provision of equipment and information to Councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of fifteen (15) people. |
| Accountable and measurable | Providing support to Councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data |

- 3.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LG Act. Councillors need to accept that:

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- (a) responses to requests for information from Councillors may take time and consultation to prepare and be approved prior to responding;
- (b) Staff are not accountable to them individually;
- (c) they must not direct Staff except by giving appropriate direction to the Chief Executive Officer by way of a Council or Committee resolution, or by the Lord Mayor exercising their functions under section 226 of the LG Act;
- (d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of Staff in the exercise of their functions;
- (e) they must not contact Staff on Council-related business unless in accordance with this Policy; and
- (f) they must not use their position to attempt to receive favourable treatment for themselves or others.

3.8 The Chief Executive Officer 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. Staff understand:

- (a) they are not accountable to individual Councillors and do not take direction from them. They are accountable to the Chief Executive Officer;
- (b) they should not provide advice to Councillors unless they have been approved to do so;
- (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 functions; and
- (e) they must provide full and timely information to Councillors sufficient to enable them to exercise their official functions in accordance with this Policy.

3.9 A Councillor or member of Staff must not take advantage of their official position to improperly influence other Councillors or Staff in their performance of their official functions or professional duties for the purposes of securing a

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private benefit for themselves or for another person. Such conduct will be managed in accordance with Council’s Code of Conduct and should therefore be reported to the Chief Executive Officer or Lord Mayor in the first instance, or alternatively, to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

Councillor Request System

- 3.10 Councillors have a right to request information that is necessary to effectively discharge their official functions.
- 3.11 Members of Staff of Council who provide any information to a particular Councillor in the performance of their official functions must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 3.12 Councillors who have a private interest only in Council information have the same rights of access as any member of the public.
- 3.13 Despite clause 3.11, Councillors who are precluded from participating in the consideration of a matter because they have a conflict of interest in the matter are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the *Government Information (Public Access) Act 2009 (NSW) (GIPA Act)*.
- 3.14 The Chief Executive Officer may identify Council support Staff (the Councillor Support Officer) under this Policy for the management of requests from Councillors.
- 3.15 Councillors can use the Councillor Request System to:
 - (a) request information or ask questions that relate to the strategic position, performance or operation of the Council;

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- (b) bring concerns that have been raised by members of the public to the attention of Staff;
- (c) request ICT or other support from the Council administration;
- (d) raise Notices of Motions or Questions on Notice for consideration at Council Meetings; or
- (e) lodge an expense claim.

- 3.16 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 Chief Executive Officer or Staff 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.
- 3.17 Staff must make every reasonable effort to assist Councillors with their requests and do so in a respectful manner.
- 3.18 The Chief Executive Officer or the Staff authorised to manage a Councillor request will provide a response in accordance with the time frames and processes set out in the Guidelines for Responding to Councillor Information Requests. Where a response cannot be provided within that timeframe, the Councillor will be advised, and the information will be provided as soon as practicable.
- 3.19 Staff will inform Councillors of any confidentiality requirements, copyright, or privacy restrictions relating to the information that is provided to Councillors. Councillors are required to manage the information appropriately and maintain confidentiality in accordance with the relevant legislation.
- 3.20 Where Staff have not explicitly indicated the nature of any restrictions or limitations on the public release of information, it should be regarded as confidential. Should a Councillor wish to release the information, they should contact the Chief Executive Officer, or the Staff authorised to manage their request, before releasing the information.

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- 3.21 Councillors should refer to Schedule 2 for an indicative list of matters that are regarded as confidential or may be subject to other restrictions on public release.
- 3.22 The Chief Executive Officer may refuse access to information requested by a Councillor if:
- (a) the information is not necessary for the performance of the Councillor's official functions;
 - (b) the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it;
 - (c) the Chief Executive Officer is prevented by law from disclosing the information; or
 - (d) if responding to the request would, in the Chief Executive Officer's opinion, result in an unreasonable diversion of Staff time and resources. In these instances, the Chief Executive Officer may require the Councillor to formally lodge a Question With Notice or Notice of Motion, in accordance with Council's Code of Meeting Practice, to obtain the information via a Council resolution.
- 3.23 Where the Chief Executive Officer refuses to provide information requested by a Councillor, they must act reasonably. The Chief Executive Officer must advise a Councillor in writing of their reasons for refusing access to the information requested.
- 3.24 Where a Councillor's request for information is refused by the Chief Executive Officer on the grounds referred to under clause 3.22(a) or (d), 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 Chief Executive Officer refuses a Councillor's request for information under clause 3.22(b) or (c).
- 3.25 Nothing in clauses 3.22, 3.23 and 3.24 prevents a Councillor from requesting the information in accordance with the GIPA Act.

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3.26 Where a Councillor persistently makes requests for information which, in the Chief Executive Officer's opinion, result in a significant and unreasonable diversion of Staff time and resources the Council may, on the advice of the Chief Executive Officer, resolve to limit the number of requests the Councillor may make.

3.27 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998* (NSW).

Access to Council Staff

3.28 Councillors may directly contact Authorised Staff listed at Schedule 1 of this Policy. The Chief Executive Officer may amend this list at any time and will advise Councillors promptly of any changes.

3.29 Councillors can contact Staff listed at Schedule 1 about matters that relate to the Staff member's area of responsibility.

3.30 Councillors should as far as practicable, only contact Staff during normal business hours.

3.31 If Councillors would like to contact Staff not listed at Schedule 1, permission should be sought from the Chief Executive Officer or relevant Executive Director, including providing the reasons for request to contact the Staff.

3.32 If a Councillor is unsure which Authorised Staff member can help with their enquiry, they can contact the Chief Executive Officer or the Councillor Support Officer who will provide advice about which Authorised Staff to contact.

3.33 Where a face-to-face meeting is organised between a Councillor and an Authorised or otherwise approved Staff member, and the Staff member is in a role below an Executive Team position, a minimum of two Staff must be in attendance.

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Appropriate and Inappropriate Interactions

- 3.34 Councillors and Staff must ensure they always engage in appropriate interactions.
- 3.35 Where a Councillor engages in conduct that, in the opinion of the Chief Executive Officer, puts the health, safety or welfare of Staff at risk, the Chief Executive Officer may restrict the Councillor's access to Staff.
- 3.36 Appropriate interactions between Councillors and Staff include, but are not limited to, the following:
- (a) where Councillors and Staff are courteous and display a positive and professional attitude towards one another;
 - (b) where Staff ensure that information necessary for Councillors to exercise their official functions is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies;
 - (c) where Staff record the advice they give to Councillors in accordance with the requirements under the *State Records Act 1998* and Council's Records Management Policy;
 - (d) where Staff, including Council's Executive Team members, document Councillor requests via the Councillor Request System;
 - (e) where 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 official functions;
 - (f) where Councillors and Staff feel supported when seeking and providing clarification about Council related business; or
 - (g) where Councillors forward requests through the Councillor Request System and Staff respond in accordance with the timeframes stipulated in the Guidelines for Responding to Councillor Information Requests.
- 3.37 Inappropriate interactions between Councillors and Staff are identified in Council's Code of Conduct.

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Councillor Access to Council Buildings

3.38 For the purposes of conducting their official functions, Councillors are entitled to have access to the Council Chamber, committee room, Lord Mayor’s office (subject to availability), Councillors’ rooms, and public areas of Council’s buildings. From time to time, Councillors may also require access to other meeting rooms within staff-only areas.

4. Delegation

4.1 There are no Administrative and/or Legislative Delegations applicable to this Policy.

5. Procedure

5.1 This Policy should be read in conjunction with Council’s Guidelines for Responding to Councillor Information Requests, which provide detailed administrative guidance.

5.2 This Policy is subject to the provisions within Council’s Code of Conduct and must be read in conjunction with the Code, which outlines the relationships between Council Officials, and access to information and Council resources. In accordance with clause 3.1(b) of the Code of Conduct, a breach of this Policy will result in a breach of the Code.

5.3 Complaints about a breach of this policy should be made to the Chief Executive Officer (if the complaint is about a Councillor or Staff), or the Lord Mayor (if the complaint is about the Chief Executive Officer).

5.4 Clause 5.3 does not operate to prevent matters being reported to the Office of Local Government, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

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5.5 A report will be provided to Councillors regularly (at least monthly) regarding to the performance and efficiency of the Councillor Request System against established key performance indicators.

6. Definitions

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| Administration | Comprises of all Staff and is accountable to the Chief Executive Officer, who in turn, is accountable to the Council's governing body. |
| Authorised Staff | Staff nominated by the Chief Executive Officer and listed in Schedule 1 of this Policy, who can interact with or provide advice to Councillors. |
| Councillor | Any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations |
| Councillor Request System | System for receiving and managing Councillor requests |
| Chief Executive Officer | The General Manager appointed under section 334 of the <i>Local Government Act 1993</i> . |
| Governing Body | The elected representatives, called "councillors", comprise the governing body of the City of Parramatta Council. |
| OLG | Office of Local Government |
| Staff | A person who is directly employed by Council on a full time, part time, temporary, or casual basis. |

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| REFERENCES | <i>Anti-Discrimination Act 1977</i> <i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2021</i> <i>Local Government (State) Award</i> <i>Environmental Planning and Assessment Act 1979</i> <i>Government Information (Public Access) Act 2009</i> |
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| | <i>Independent Commission and Corruption (ICAC) Act 1998</i> Office of Local Government Model Councillor and Staff Interaction Policy |
| ASSOCIATED COUNCIL DOCUMENTS | Code of Conduct Guidelines for Responding to Councillor Information Requests Procedures for the Administration of the Model Code of Conduct Records Management Policy Work Health and Safety Policy |
| ATTACHMENTS | Schedule 1 - Authorised Staff contacts for Councillors Schedule 2 – Identifying Confidential Information |

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Schedule 1 - Authorised Staff contacts for Councillors
Code of Conduct Part 7 - Relationships Between Council Officials

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| Position Title |
| Internal Ombudsman Shared Service Staff |
| |
| Office of the Lord Mayor and Office of the CEO |
| Chief Executive Officer |
| Executive Officer – CEO |
| Executive Assistant – CEO |
| Chief of Staff |
| Group Manager Office of the Lord Mayor & CEO |
| Executive Officer |
| Executive Assistance – LMO |
| Senior Policy & Advocacy Adviser |
| Civic Advisor |
| Executive Officer Councillor Support |
| Chief People Culture & Performance Officer |

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| Finance & Information |
| Executive Director, Finance & Information |
| Business Support Coordinator |
| Chief Financial Officer |
| |
| Chief Technology Officer |
| Chief Governance & Risk Officer |
| Group Manager, Property Development & Asset Services |
| Principal Solicitor, Legal Services |
| Governance & Procurement Manager |
| Council Secretariat & Policy Officer |
| ICT Helpdesk |

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| City Assets & Operations |
| Executive Director, City Assets & Operations |
| Executive Assistant |
| Business Support Coordinator |

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| Group Manager, Waste & Cleansing |
| Group Manager, Environment & Sustainability |
| Group Manager, Project Delivery |
| Group Manager, Infrastructure Grants and Major Projects |
| Group Manager, Roads Infrastructure |
| Group Manager, Regulatory Services |
| Group Manager, Capital Projects Delivery |
| Group Manager, Parks & Open Spaces |
| |
| City Planning & Design |
| Executive Director, City Planning & Design |
| Executive Assistant |
| Group Manager, Development & Traffic Services |
| Group Manager, City Design |
| Group Manager, Infrastructure Planning and Design |
| Group Manager, Major Projects and Precincts |
| Group Manager, Strategic Planning |
| Traffic & Transport Manager |

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| City Engagement & Experience |
| Executive Director, City Engagement & Experience |
| Business Support Coordinator |
| Group Manager, Marketing, Brand & Creative Services |
| Group Manager, Communications & Customer Engagement |
| Manager Events |

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| Community & Culture |
| Executive Director, Community & Culture |
| Business Support Coordinator |
| Library Services Manager |
| Group Manager, 5/7 Parramatta Square and Community Hubs |
| Group Manager, Social & Community Services |
| Riverside Theatre Director |
| Director Parramatta Artist Studios & Cultural Services |

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Schedule 2 – Identifying Confidential Information

Confidential information is defined in the *Local Government Act 1993* (NSW) (**LG Act**).

Confidential information distributed to an external party or media would be considered a breach of section 664 of the LG Act in that, Councillors must not, at any time, disclose materials classified as confidential in reports presented to our discussions held at Council.

Categories of confidential information

There are some categories of information held by Council that may be available within Council but not for public release initially or at all.

As a public body, Council is subject to a range of legal requirements and obligations concerning the management and disclosure of confidential information. What may be confidential initially, may be later available to release.

While the specific categories of confidential information will depend on Council's functions and activities, the following is a list of general categories, and includes the matters listed in the *Government Information (Public Access) Act 2009* (NSW) and section 10A of the LG Act:

1. **Personal information** about individuals, such as names, addresses, and contact details, as well as sensitive information such as health or financial information.
2. **Commercial information**, such as details of contracts or tender processes, financial information, or intellectual property. If disclosed, this information could confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
3. **Legal advice or documents**, such as legal opinions or advice received by the council or its employees, as well as documents subject to legal professional privilege. It is important not to provide a summary of the legal advice without authority, as this will waive legal professional privilege over the whole of the document which means the whole of the advice would be available to the public.
4. **Internal council documents or information**, such as minutes of confidential meetings or discussions, correspondence between Councillors or Staff, or documents subject to copyright or other intellectual property rights.

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This includes the details of discussions held during workshops or briefing sessions. Making this information available may inhibit the free flow of discussion and the amount of information provided at the workshop. Public availability may hinder the decision-making process – remember the workshops and briefing are for a purpose of providing Councillors with information and for them to ask questions, to enable their understanding for the Council meeting when their decision will be made. It is at that time the information may be made available (subject to other confidential constraints).

5. **Operational information**, such as details of Council operations, plans, or strategies, and technical information that could be used to compromise the security or integrity of council systems or infrastructure.

It is important to recognise that the disclosure of security systems information could affect the security of the Council, Councillors, Staff (including their families); or, Council property.

6. **Information provided in confidence by third parties**, such as information obtained from community groups, businesses, or other government agencies.

Council officers are sometimes asked to sign confidentiality agreements with a government agency, such as Planning, to enable the agency to factor into its decision, facts only known to Council. The issues about which the officers provide information, may concern future confidential planning or development matters of the State Government.

7. **Aboriginal significance on community land**, such information includes the nature and location of a place or an item of Aboriginal significance.
8. **Information concerning the conduct** of Council Officials and third-parties, including alleged contraventions of any code of conduct requirements applicable under section 440 of the LG Act; matters reported to ICAC, or other investigatory agency.

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