

Interaction Between Councillors and Staff

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1. Scope

This Policy applies to Councillors and Council employees, including contract and casual employees engaged by Council and members of Council Committees.

2. Purpose

The Interaction between Councillors and Staff Policy provides a framework for Councillors in exercising their civic duties by specifically addressing their ability to interact and receive advice from authorised staff. This Policy supports the provisions of the Code of Conduct.

Specific aims of the policy are

- To provide guidance on the most effective processes for Councillors to obtain information in accordance with legislative and policy directives.
- To provide guidance for appropriate interaction between Councillors and staff.

3. Policy

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The *Local Government Act* defines the roles and responsibilities of the Lord Mayor and Councillors, and specifies that the Chief Executive Officer is to direct staff in the performance of their duties. Appropriate interactions between Councillors and staff are often necessary to facilitate well-informed decisions and the provision of Council services.

In accordance with Council's Code of Conduct (Part 3 – General Conduct Obligations and Part 7 – Relationships Between Council Officials), Councillors, Administrators and staff are expected to conduct their interactions with each other with respect, professionalism, objectivity, honesty and to a high standard of ethical behaviour. This Policy supplements the Code of Conduct and nominates those Council staff (Appendix A) that Councillors may access to exercise their civic leadership and represent the views of the community.

This policy is not intended to limit any statutory and common law rights Councillors have to access information. However, Councillors should seek to avoid any perceptions of wrongdoing when exercising their rights as an elected person, particularly the appearance of trying to improperly influence staff. Equally, staff should be mindful of Councillors' rights to exercise their role as elected representatives of the community.

3.1 Access To and Interactions Between Councillors and Staff

In addition to the Chief Executive Officer, Councillors can access the staff authorised by the Chief Executive Officer as listed in Appendix A.

Whilst this policy supports open interaction between Councillors and staff, Councillors must not direct Council staff in the performance of their duties or request that staff undertake work on their behalf (see Code of Conduct clause 7.2).

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

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performance of their civic or professional duties, or otherwise, or for the purpose of securing private benefit for themselves or for another person.

In circumstances where staff are unsure whether or not they should provide information to, or respond to a request from a Councillor, they should refer the matter to their Executive Director or the Chief Executive Officer, or request that the Councillor make the request through the Chief Executive Officer.

The interaction between Councillors and staff at Council meetings and committee meetings is regulated by:

- Section 360 of the *Local Government Act 1993*;
- Clause 249 of the *Local Government (General) Regulation 2005*;
- Council's Code of Conduct; and
- Council's Code of Meeting Practice.

3.2 Councillor Access to Information

To assist Councillors in accessing Council information in the course of undertaking their civic role, the following provisions apply to Councillor access to Information.

Access to Council information by Councillors will be in accordance with Part 8 of Council's Code of Conduct.

Councillors can request the Chief Executive Officer to provide access to a particular Council record. The Chief Executive Officer must act reasonably in deciding whether a document is relevant to the performance of the Councillor's civic duty. In normal circumstances, the Chief Executive Officer will make this decision within two working days of receipt of the request.

Councillors can also request access to other documents of the Council either by a Notice of Motion to the Council or a Government Information Public Access (GIPA) application.

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If a Councillor is concerned about any refusal to provide information, they should firstly raise the matter with the relevant Executive Director, the Chief Executive Officer or the Lord Mayor (if it was the Chief Executive Officer who refused to provide the advice). If the Councillor is still dissatisfied they should request the information by way of a Notice of Motion to the Council.

Councillors will not under any circumstance be provided access to staff personal records.

Staff shall keep a record of all service requests by Councillors in Council's CRM system.

3.3 Councillor Access to Buildings

Councillors have the same rights of access to Council buildings and premises as any other member of the public except when they are in pursuit of their civic duties.

Councillors are not permitted access at any time to staff only areas. This is to safeguard against any potential for conflict or pecuniary interest situations and / or perception that they may bring influence to bear on staff in the course of their duties.

For meetings between Councillors and staff, meetings should be arranged in the facilities provided for Councillors.

(see Code of Conduct paragraphs 8.25, 8.26 & 8.27).

3.4 Breaches of this Policy

Noncompliance with this Interaction between Councillors and Staff Policy will be considered a breach of the Code of Conduct and will be dealt with in accordance with that Code. The protocols governing Councillor Access to Information and Council Resources are incorporated in Council's Code of Conduct.

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4. Related Resources

4.1 Legislation

- *Local Government Act 1993*
- *Local Government Amendment (Governance and Planning) Act 2016*
- *Local Government (General) Regulation 2005(NSW)*
- *Environmental Planning and Assessment Act 1979 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *NSW Anti-Discrimination Act 1977*
- *Local Government (State) Award*

4.2 Associated Documents

- City of Parramatta Council 'Code of Conduct'
- City of Parramatta Council Access to Information Policy
- City of Parramatta Council Equal Employment Opportunity Policy
- Procedures for the Administration of the Code of Conduct
- Independent Commission Against Corruption (ICAC) 1997 'Under Careful Consideration: Key Issues for Local Government'

4.3 Definitions

Authorised staff *Staff nominated by the Chief Executive Officer who can interact with or provide advice to Councillors.*

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Appendix "A" staff nominated by the CEO authorised to provide advice to Councillors

Office of the CEO

Chief Executive Officer
Chief of Staff - Executive Office

City Assets and Operations

Executive Director City Assets & Operations
Group Manager Regulatory Services
Group Manager City Assets & Environment
Group Manager City Operations
Group Manager Place Services

Property Development

Director Property Development
Manager Asset Strategy & Property Management

Corporate Services

Executive Director Corporate Services
Group Manager Governance and Risk
Chief Financial Officer
Group Manager Legal Services
Chief of People and Change
Group Manager PMO
Chief of Information Management & Technology

Community Services

Executive Director Community Services
Group Manager Social & Community Services
Group manager Cultural Strategy
Director Riverside Theatres

City Engagement and Experience

Executive Director City Engagement & Experience
Group Manager City Identity
Group Manager City Engagement
Group Manager City Experience
Chief Customer Officer

City Strategy & Development

Executive Director City Strategy & Development
Group Manager Development & Traffic Services
Group Manager Future City
Group Manager City Strategy
Group Manager City Economy

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