

Strathbogie Shire Council Councillor/Staff Interaction Policy

OFFICIAL

March 2023



Contents

Councillor/Staff Interaction Policy 3

PART 1 POLICY 3

1. PURPOSE 3

2. POLICY STATEMENT 3

3. APPLICATION OF THIS POLICY 4

4. ACCOUNTABILITY AND RESPONSIBILITIES 4

5. POLICY PRINCIPLES 5

6. APPROPRIATE COUNCILLOR/STAFF INTERACTIONS..... 7

7. COMMUNICATIONS WITH COUNCILLORS DURING AN EMERGENCY
RESPONSE 7

8. ENFORCEMENT RELATED MATTERS 7

9. INFORMATION COMMUNICATIONS TECHNOLOGY (ICT) SUPPORT 8

10. PLANNING AND ENVIRONMENT ACT ISSUES 8

11. MONITORING AND COMPLIANCE 8

15. DEFINITIONS 10

16. RELATED POLICIES AND LEGISLATION..... 10

17. POLICY REVIEW 11

DRAFT

Councillor/Staff Interaction Policy

Document ID:	398807
Effective Date:	19 July 2016
Last Review:	February 2017
Current Review:	March 2023
Date Adopted by Council:	21 March 2017
Next Scheduled Review Date:	March 2025
Responsible Officer:	Director People and Governance

PART 1 POLICY

1. PURPOSE

This policy provides guidance and support for Council staff and Councillors in the performance of their duties as established by the *Local Government Act 2020* (Act).

This policy is pursuant to section 46(3)(c) of the Act that states that the Chief Executive Officer (CEO) is responsible for:

“managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented”

This document establishes the protocols for staff in regard to their interactions with Councillors, while also supporting Councillors in complying with the Councillor Code of Conduct and the Employee Code of Conduct.

2. POLICY STATEMENT

The objectives of this policy are to:

- recognise the respective roles and responsibilities of Councillors and Council members of staff, in particular the Chief Executive Officer (CEO), in accordance with the Strathbogie Shire Council Councillor Code of Conduct
- assist Councillors and members of Council staff in respecting the roles and responsibilities of others in the organisation
- maintain transparent decision making and governance arrangements

OFFICIAL

- ensure regular reports to Council Briefings and via the weekly Councillor eBulletin to enable informed review and discussion of Council's performance in servicing Councillor Requests.
- Support compliance with the provisions of the *Local Government Act 2020*
- recognise the responsibilities of the council in ensuring that it meets the responsibilities of the *Occupational Health and Safety Act 2004* and the *Equal Opportunity Act 2010* to protect people from risks to their health and safety including harassment, bullying, violence and discrimination.

3. APPLICATION OF THIS POLICY

This policy applies to all Councillors and all Council employees. It applies to all forms of interaction between Councillors and staff at all times.

The functions of the CEO are defined in Section 46 of the *Local Government Act 2020* which provides that the CEO is responsible for the day-to-day operations of Council. This means that Councillors are not responsible for implementing Council decisions, and do not have authority to direct Council employees (other than the CEO).

This section of the Act supports the facilitation of effective administration and avoids staff being subject to conflicting directions. Clear lines of managerial authority are critical. This does not prohibit Councillors from expressing their views about administration matters or implementation, however this must be undertaken through the CEO.

All Councillors are to ensure that all communication with Council staff is in accordance with the protocols of this policy at all times. This is reinforced in section 46(3)(c) of the Act which provides that the responsibility of the CEO is to manage interactions between Councillors and staff.

Channels of contact may include, but are not limited to, phone (including text), in person, by email or online and through digital and social media platforms.

4. ACCOUNTABILITY AND RESPONSIBILITIES

Role	Responsibilities
Chief Executive Officer	is responsible for the adoption, application and operation of this Policy.
Councillors	Are responsible for understanding and abiding by this policy at all times and reporting issues to the CEO and Director People & Governance when they believe this policy has not been adhered to
Member of Council staff	Are responsible for understanding and abiding by this policy at all times and reporting issues to the CEO or Director People & Governance when they believe this policy has not been adhered to
Mayor/Deputy Mayor	Are responsible for ensuring Councillors are supported in the implementation of this policy and that any behaviour that is contrary to this policy and the Councillor Code of Conduct in relation to the implementation of Council policies are identified and

	dealt with in accordance with the Local Government Act 2020 and Councillor Code of Conduct.
--	---

5. POLICY PRINCIPLES

Chief Executive Officer (CEO)

The Council employs the CEO and the CEO is responsible for the organisation. Therefore Councillors' primary point of communication is via the office of the CEO.

The CEO is responsible for the determination of the appropriate allocation of Council resources required to best support the Mayor and Councillors to undertake their roles. This includes the nomination of Council staff to provide support to the Mayor and Councillors.

The CEO manages interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.

Director

Councillors have direct contact with the relevant Director to seek advice, information and support to assist them in carrying out their official Councillor duties.

In contacting a Director, Councillors are encouraged to use electronic means, such as email, and the CEO must be copied into the email/correspondence.

If a request from a Councillor relates to matters which are of a whole of Council significance or relevance, then a reply will be sent to all Councillors.

- Director People and Governance

Communication with the Director People and Governance is critical to assist the Mayor and Councillors perform their role, along with ensuring the integrity of Council.

Councillors can engage with the Director People and Governance to seek advice on governance related matters, including, but not limited to the following:

- Conflict of Interest
- Councillor Code of Conduct
- Governance Rules
- Interpretation and adherence to legislation, such as the *Local Government Act 2020*.
- Interpretation and adherence to Council Policies.

- Executive Manager Communications and Engagement

The Mayor is the public face of Council and therefore communication with the community through Council's media platforms is an important component of their role. It is essential that the Mayor has access to work with the Executive Manager Communications and Engagement in respect to media statements, requests and responses.

All media and communication requests from other Councillors can be made to the Executive Manager Communications and Engagement via email preferably.

Executive Assistant to the Chief Executive Officer

It is appropriate for Councillors to contact the Executive Assistant to the CEO in relation to their roles and responsibilities and general enquiries relating to things such as expense claim forms and calendar invitations/management.

Council Staff

Except for general and polite conversation, Councillors should not be approaching Council staff directly to raise issues or seek information.

Councillors are prohibited from directing or seeking to influence the decision of a member of Council staff.

Councillors

Under section 124 of the *Local Government Act 2020* Councillors are not to improperly direct or interact with Council staff.

The Council appoints and reviews the performance of the Chief Executive Officer. The Act establishes that all staff are accountable to the Chief Executive Officer who is responsible for appointing, directing or terminating Council employees.

Councillors must:

- accept that their role is one of strategy and policy development and leadership, as opposed to management or administration
- acknowledge that they do not have a role to instruct or direct or approach staff on any matters pertaining to the performance of their duties
- acknowledge that they are not responsible for implementing Council actions
- acknowledge that under the *Local Government Act 2020* they have no capacity to individually direct Council officers to perform or not perform particular functions
- not use their position to improperly influence members of staff in their duties or functions to gain advantage for themselves or others or to cause detriment to others
- respect the role of members of staff and treat them in a way that engenders mutual respect at all times
- acknowledge the professional obligation members of staff have to give advice based on their knowledge and experience and to write reports and recommendations in a professional, objective and unbiased way
- act with courtesy towards all Council employees and avoid intimidatory behaviour
- refrain from publicly criticising Council staff in a way that casts doubt on their professional competency or credibility.

Councillors should advise the CEO in a timely fashion of any concerns that they may have with any member of staff officers.

6. APPROPRIATE COUNCILLOR/STAFF INTERACTIONS

Subject	CEO	Executive Assistant to CEO	Director	Executive Manager Communication and Engagement
Council Plan, strategies and policy	✓		✓	
Civic and ceremonial	✓	✓	✓	
Operational matters	✓		✓	
Media and communications	✓			✓
ICT support			✓	
Planning matters	✓		✓	
General requests	✓	✓	✓	
Regulatory matters	✓		✓	
Code of Conduct	✓		✓	
Works requests	✓		✓	

7. COMMUNICATIONS WITH COUNCILLORS DURING AN EMERGENCY RESPONSE

During a declared emergency, Council will operate under the relevant emergency management framework and protocols. Council may not be the lead agency or be authorised to initiate activities and release information.

Councillors are not authorised to seek information or updates directly from Council staff.

The CEO will authorise communication to Councillors to provide information that is in addition to that available to the general public.

8. ENFORCEMENT RELATED MATTERS

In compliance with Sections 123 and 124 of the Act, involvement by elected representatives in any stages of matters concerning investigation and enforcement must not occur:

- Section 123(3)(c) relates to misuse of position including directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; and
- Section 124 states that a Councillor must not intentionally direct, or seek to direct, a member of Council staff.

Council makes delegations and authorisations to various Council staff who must, without fear or favour, investigate and enforce various legislation including *Domestic Animals Act 1994*, *Environment Protection Act 1970*, *Food Act 2010*, *Health Act 1958*, *Planning and Environment Act 1987*, *Road Safety Act 1986*.

Delegated and authorised officers must be able to perform investigation, determination of response, management of infringements and prosecutions in a manner that is free of improper direction or improper influence.

Consideration of appeals against the infringement notices will be reviewed in accordance with the relevant guidelines published by the Attorney-General and the internal appeals procedure. Councillors must therefore not involve themselves in matters of investigation and enforcement in a manner that may give rise to a conduct breach.

Where members of the community seek support in relation to such matters, they should be referred to the documentation already provided, including relevant staff identified and available to be contacted.

The provision of related information will be applied in accordance with Privacy Principles.

9. INFORMATION COMMUNICATIONS TECHNOLOGY (ICT) SUPPORT

All ICT issues regarding timing of service delivery or equipment failure, or technical support are to be raised by Councillors with the Manager Information Communication Technology, the Director People and Governance or the CEO.

The Director People and Governance is responsible for the approval of replacement items for lost or faulty ICT equipment.

10. PLANNING AND ENVIRONMENT ACT ISSUES

Council has significant responsibilities under the *Planning and Environment Act 1987*. It is important that Councillors are not excluded from participation and that the decision making of the Council is not tarnished by perceptions of bias, predetermination, inappropriate direction or inappropriate influence.

11. MONITORING AND COMPLIANCE

If a member of Council staff considers that a Councillor has breached the requirements of this protocol, they are to:

- a. advise the Councillor that they are uncomfortable with the interaction and recommend the Councillor speak with either the CEO or relevant Director/Executive Manager if they require any further information, and
- b. report what has occurred to the CEO or Director People and Governance.

If a Councillor considers that a member of Council staff has breached the requirements of this protocol, they are advised to:

- a. have no further contact with the member of Council staff, and
- b. should report what has occurred to the CEO or the Director People and Governance.

The CEO and/or Director People and Governance will assess the matter and determine what further action should be taken.

12. PERSONAL INTERACTION BETWEEN COUNCILLORS AND STAFF

While this Policy governs the interactions between Councillors and Council Staff, it does not prevent Councillors and Council Staff from communicating generally.

OFFICIAL

From time to time, Councillors and staff may be present at social and community events. In such situations, both parties must refrain from discussing matters relating to Council business.

If a Councillor and a member of Council staff have a pre-existing personal relationship, they must be mindful of this and ensure any conflicts of interest which arise are declared in accordance with the Act and Council's Governance Rules.

13. MANAGING CORRESPONDENCE AND COMMUNITY REQUESTS

Councillors should log requests for service through Council directly – info@strathbogje.vic.gov.au

Councillors should include sufficient information to enable Council staff to respond, for example, the name and contact details of a resident.

Councillors should acknowledge requests received from members of the public and let the person know a member of Council staff will respond to them as appropriate. Council staff are then required to respond to the resident (copying in the relevant Councillor/s into the response) in accordance with the Customer Service Charter.

Councillors are required to treat all information provided by staff appropriately and to adhere to any confidentiality requirements. If a Councillor is unsure whether a document or advice contains Confidential Information, they should contact the CEO or relevant Director for clarification prior to releasing the information to the public.

14. UNREASONABLE REQUESTS FOR INFORMATION

Where the CEO, Director or Executive Manager determines that a request for information to be unreasonable, or the information cannot be provided, they must state to the Councillor the reasons for the decision if access is refused. Examples of what is unreasonable may include:

- Information that is not readily available and would require significant officer resource to gather
- Is not required for the Councillor to perform their civic duty and is operational in nature
- Information that is protected by privacy provisions or legislation – for example the number of freedom of information requests in action may be provided on request, but Officers would not disclose the name of the applicant or the details of the information being sought, or where a Councillor wishes to know details of a personal affair nature of a complainant or any information that may unreasonably disclose someone's identify
- Information relating to staff personnel files
- Information relating to Public Interest Disclosure matters that Council's Public Interest Disclosure Officer is managing through direct receipt, or via an IBAC or Victorian Ombudsman enquiry.

If a Councillor is seeking information that is unable to be provided by the Chief Executive Officer, the following mechanisms can be used to seek information or for a decision to be determined by Council:

- Calling of a special council meeting
- Admission of urgent business
- A notice of motion.

All of the above can be enacted provided that they meet the requirements of the Strathbogje Shire Council Governance Rules and do not breach any state or commonwealth legislation

i.e. *Privacy and Data Protection Act 2014*, the *Local Government Act 2020*, *Public Interest Disclosure Act 2012* or the *Freedom of Information Act 1982* by way of example.

15. DEFINITIONS

Term	Meaning
The Act	means <i>Local Government Act 2020</i>
CEO	means Chief Executive Officer and includes acting Chief Executive Office
Council	means Strathbogie Shire Council
Councillor	means a person who holds the office of member of a Council
Governance Rules	means the governance rules adopted by Council under section 60 of the Act, as amended from time to time
Member of Council Staff	Under the Act a member of Council staff means a natural person appointed by the Chief Executive Officer (other than an independent contractor under a contract for services or a volunteer) under section 48 to enable- (a) The functions of the Council under this Act or any other Act to be carried out, and (b) The Chief Executive Officer to carry out their functions Note: The Chief Executive Officer is also a member of Council Staff - sec 44(5).
Worksite	An area a where any council works are taking place or services are delivered. This includes permanent and temporary locations as well as online and social media platforms.

16. RELATED POLICIES AND LEGISLATION

The following Council, state, regional and national plans and policies are relevant to this policy under each subtitle:

Legislation

- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Public Interest Disclosure Act 2012*
- *Freedom of Information Act 1982*
- *Occupational Health and Safety Act 2004*
- *Equal Opportunity Act 2010*
- *The Charter of Human Rights and Responsibilities Act 2006*
- *Domestic Animals Act 1994,*
- *Environment Protection Act 1970,*
- *Food Act 2010, Health Act 1958,*
- *Planning and Environment Act 1987,*
- *Road Safety Act 1986.*

Other Related Council Documents

Councillor/Staff Interaction Policy Document 398807

- Councillor Code of Conduct
- Staff Code of Conduct CEO Directive
- Governance Rules
- Mutual Respect Policy

17. POLICY REVIEW

Council may review this policy at any time and at least two years from the date of adoption.

Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy (e.g. a change to the name of a related document, or a change in legislation).

12. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010

The Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to twenty fundamental human rights under four key values that include freedom, respect, equality and dignity.