



## Interactions Between Councillors & Staff

*To clarify the differing roles of Councillors and staff,  
provide guidance on appropriate interactions and  
Councillors rights of access to Council buildings.*

## **POLICY REGISTER**

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## 1 Background

### 1.1 Title of Policy and Commencement Date

*The Interactions Between Councillors & Staff Policy will be effective upon adoption by Council.*

### 1.2 Purpose of the Policy

Based on the provisions in the *Local Government Act 1993*, Councillors and Council staff have distinctly different roles to play. The Council is responsible for the strategic direction and for determining the policy framework of Council. The Council also has a statutory role as the consent authority, under both the *Environmental Planning and Assessment Act* and the *Local Government Act*, for applications for development consent and local approvals. The General Manager is responsible for the effective day to day management of the organisation and the carrying out of Council's policies and strategic objectives.

However, the distinction between these two roles may be unclear. There often needs to be interaction between Councillors and Council staff to effectively integrate policy making and service delivery.

This policy will help Councillors and staff understand their respective roles and how they should operate, in order to perform their roles effectively. The policy does not restrict Councillors' legal rights to access staff and information and does not limit any statutory and common law rights Councillors have to access information.

This policy is to promote a positive working relationship between Councillors as the elected people of the community and the staff employed to administer the operations of Council.

## 2 Objective

### 2.1 Objectives and Coverage of the Policy

2.1.1 To ensure Councillors and staff interact appropriately.

2.1.2 To provide direction on Councillors rights of access to Council buildings.

## 3 Application

### 3.1 Application of this Policy

This policy applies to all Council staff and Councillors.

## 4 Definitions

For the purposes of this policy the following definitions apply:

- The Act the *Local Government Act, 1993*
- Administrator an administrator of a Council appointed under the Act other than an administrator appointed under section 66
- Councillor a person elected or appointed to civic office and includes the Mayor
- Committee a Council committee
- Council Committee a committee established by resolution of Council
- The Regulation the *Local Government (General) Regulation 2005*

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## 5 Principles/Body

### 5.1 Obligations of Councillors and Administrators

- 5.1.1 Each Council is a body politic. The Councillors or administrator/s are the governing body of the Council. The governing body has the responsibility of directing and controlling the affairs of the Council in accordance with the Act and is responsible for policy determinations.
- 5.1.2 Councillors or administrators must not:
- Direct Council staff other than by giving appropriate direction to the General Manager in the performance of Council's functions by way of Council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act.
  - In any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate.
  - Contact a member of the staff of the Council on Council related business unless in accordance with this policy.
  - Contact or issue instructions to any of Council's contractors or tenderers, including Council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to Council's external auditors or the Chair of Council's Audit Committee who may be provided with any information by individual Councillors reasonably necessary for the External Auditor to effectively perform their functions.

### 5.2 Obligations of Staff

- 5.2.1 The General Manager is responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation of the decisions of the Council without delay.
- 5.2.2 Council staff members must:
- Give their attention to the business of Council while on duty.
  - Ensure that their work is carried out efficiently, economically and effectively.
  - Carry out lawful directions given by any person having authority to give such directions.
  - Give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them.
  - Ensure that any participation in political activities outside the service of the Council does not conflict with the performance of their official duties.

### 5.3 Inappropriate interactions

Council's policy is that the following interactions are inappropriate:

- Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
- Council staff approaching Councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
- Council staff refusing to give information that is available to other Councillors to a particular Councillor.
- Councillors and administrators who have lodged a development application with Council, discussing the matter with Council staff in staff-only areas of Council.
- Councillors and administrators being overbearing or threatening to Council staff.
- Councillors and administrators making personal attacks on Council staff in a public or private forum.
- Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make.

- Council staff providing ad hoc advice to Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- Council staff meeting with applicants or objectors alone and outside office hours to discuss applications or proposals.
- Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

## 5.4 Interaction between Councillors and Council staff

### 5.4.1 During Meetings

Interaction between Councillors and staff at Council Meetings and Committee Meetings is regulated by:

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

Section 360 of the Act enables the Council to make regulations in regard to the conduct of meetings and to adopt a Code of Meeting Practice and states that meetings must be conducted in accordance with the Code of Meeting Practice. Balranald Council has adopted a Code of Meeting Practice.

The Regulation details how, in Council Meetings, Councillors can ask questions of other Councillors through the Chairperson. The Regulation also details the process Councillors must follow if they wish to ask a question of Council staff, through the General Manager.

You must show respect to the chair, other Council officials and any members of the public present during Council and Committee Meetings or other formal proceedings of Council.

### 5.4.2 Outside of Meetings

The Regulation makes provision for a Councillor to obtain information at a Council Meeting or by a Motion pursuant to Notice submitted to a Council Meeting

- The General Manager is responsible to the Council for performance and direction of all staff and day-to-day management of Council. Therefore, it is appropriate that all requests for information and approaches to staff outside the forum of a Council or Committee meeting be directed to the General Manager or persons nominated by the General Manager (refer to Annexure 1 - "Councillor/Staff Liaison Listing").
- Only those officers nominated by the General Manager (refer to **Annexure 1** - "Councillor/Staff Liaison Listing") can provide advice to Councillors.
- For all but straight forward advice on administrative matters, Councillors should put their requests for information or advice in writing to be answered by the General Manager or the appropriate nominated Council officer. These written requests then form part of Council records and can be filed appropriately, monitored and reported on. The General Manager must indicate in writing the reasons for refusing a request. Further information on access to information can be found in Council's Policy - Records Management Policy and Information Collection Policy for Councillors.
- A Council officer has the discretion to refer any request from a Councillor for information to the General Manager. The Council officer must indicate to the Councillor their reasons for the referral.
- If a Councillor is concerned about any refusal to provide information, they should firstly raise the matter with the General Manager (or the Mayor if it was the General Manager who refused to provide the advice). If the Councillor is still dissatisfied they should request the information by way of a Motion pursuant to Notice to the Council.
- Councillors must not attempt to direct staff as to the performance of their work. Staff must report all such attempts immediately to their Director or the General Manager.
- Councillors must not request staff to undertake work for the Councillor or any other person.

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- A Councillor, member of staff or delegate must not take advantage of their official position to improperly influence other Councillors, members of staff or delegates in the performance of their public or professional duties for the purpose of securing private benefit for themselves or for some other person.

### **5.5 Access to Council Offices**

- Councillors and administrators are entitled to have access to the Council Chamber, Meeting Room, Mayor's Office (subject to availability), and public areas of Council's buildings during normal business hours and for meetings. Councillors and administrators needing to access these facilities at other times must obtain authority from the General Manager (or delegate).
- Councillors and administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or delegate).
- Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.
- Councillors and administrators not in pursuit of their civic duties only have the same rights of access to Council buildings and premises as any other member of the public.

### **5.6 Mode of Address**

Councillors and staff shall address Councillors by their official designation, as Mayor or Councillor, as the case may be as a mark of respect for the position.

### **5.7 Councillor Questions of Which Notice Has Been Given and Requests**

- 5.7.1 Councillors have the ability to raise written questions at Council meetings in accordance with Council's Code of Meeting Practice. Questions of which notice has been given are for those matters of a business nature which require a written response or a report for the attention of Council for either discussion or resolution or matters requiring detailed response by a Councillor to a resident.

The opportunity to raise questions at Council meetings should not be abused. Councillors should bear in mind that there may be other effective avenues of obtaining information, for example through the General Manager outside the formal meeting cycle (see 5.4.2).

As in the case of putting forward notices of motion, Councillors must, in submitting questions, balance their civic responsibility for representing the interests of their community with their obligation to use Council's resources effectively and efficiently.

- 5.7.2 For requests by Councillors for operational matters such as maintenance or repair of a Council asset or for action to be taken to satisfy an enquiry from a resident, Councillors are to contact the Governance Coordinator or the Executive Assistant for all requests of this nature. Requests by Councillors will be recorded in Council's Customer Request Management System and will be dealt with in accordance with the Complaints and Customer Requests Management Policy and associated procedures.

## **6 Relevant Legislation**

- *Local Government Act, 1993*
- Local Government (General) Regulation 2005

## **7 Related and Associated Council Policy and Procedures**

- Code of Conduct
- Code of Meeting Practice

## **8 Responsible Officer / Policy Owner**

Ownership of this policy rests with the Director Corporate & Community Development Group.

## **9 Responsibilities**

### **9.1 Mayor**

To lead Councillors in their understanding of, and compliance with, this policy.

### **9.2 Councillors**

To comply with this policy.

### **9.3 General Manager**

To lead staff in their understanding of, and compliance with, this policy and to manage any reports made in relation to this policy.

### **9.4 Staff**

To comply with this policy.

## **10 Review Date**

This policy, once adopted, is to remain in force until it is reviewed by the Council. This policy is to be reviewed approximately every two years to ensure that it meets legislative requirements.

## **11 Record Keeping, Confidentiality and Privacy**

This policy is to be made available for public viewing as required under the *Government Information (Public Access) Act 2009, NSW*.

## **14 Breaches and Sanctions**

All occasions of a Councillor or staff member not complying with this Policy should be immediately reported to the General Manager. Reports relating to the General Manager should be made to the Mayor. Where the report, other than a report relating to a breach of the Code of Conduct, relates to the conduct of a Councillor, the General Manager shall immediately report the matter to the Mayor. Where the report, other than a report relating to a breach of the Code of Conduct, relates to the conduct of a member of staff, the General Manager shall deal with the matter according to the terms and conditions of employment of the staff member.

If the report relates to a breach of the Code of Conduct provisions, the matter is to be dealt with under the Procedures for the Administration of the Code of Conduct.

**Annexure 1**  
**Councillor/Staff Liaison Listing**

**General Manager's Office**

General Manager – 0429 201300  
Executive Assistant 03 50 201300

**Corporate & Community Development Department**

Director - 0438 201301

**Infrastructure & Development Department**

Director - 0408 506384