

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 civic functions by specifically addressing their ability to interact with and receive advice from Authorised Staff.
- 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.

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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.
- 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

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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:

- (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;

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- (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 duties; and
- (e) they must provide full and timely information to Councillors sufficient to enable them to exercise their civic 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 civic or professional duties for the purposes of securing a 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

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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 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.
- 3.11 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.
- 3.12 The Chief Executive Officer may identify Council support Staff (the Councillor Support Officer) under this Policy for the management of requests from Councillors.
- 3.13 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;
 - (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.
- 3.14 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.

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- 3.15 Staff must make every reasonable effort to assist Councillors with their requests and do so in a respectful manner.
- 3.16 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.
- 3.17 Information provided by Staff to Councillors should be regarded as confidential. Councillors are required to treat all information provided by Staff appropriately and to observe any confidentiality requirements. Where a Councillor wishes to release information provided by Staff they should contact the Chief Executive Officer, or the Staff authorised to manage their request, before releasing any information.
- 3.18 Staff will inform Councillors of any confidentiality requirements for information they provide so Councillors can handle the information appropriately.
- 3.19 Where a Councillor is unsure of confidentiality requirements, they should contact the Chief Executive Officer, or the Staff authorised to manage their request.
- 3.20 The Chief Executive Officer may refuse access to information requested by a Councillor if:
- the information is not necessary for the performance of the Councillor's civic functions;
 - the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it;
 - the Chief Executive Officer is prevented by law from disclosing the information; or
 - if responding to the request would, in the Chief Executive Officer's opinion, result in an unreasonable diversion of Staff time and resources.

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- 3.21 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.
- 3.22 Where a Councillor's request for information is refused by the Chief Executive Officer on the grounds referred to under clause 3.18(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 3.18(b) or (c).
- 3.23 Nothing in clauses 3.18, 3.19 and 3.20 prevents a Councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009* (NSW).
- 3.24 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.
- 3.25 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998* (NSW).

Access to Council Staff

- 3.26 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.
- 3.27 Councillors can contact Staff listed at Schedule 1 about matters that relate to the Staff member's area of responsibility.

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- 3.28 Councillors should as far as practicable, only contact Staff during normal business hours.
- 3.29 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.
- 3.30 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.
- 3.31 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.

Appropriate and Inappropriate Interactions

- 3.32 Councillors and Staff must ensure they always engage in appropriate interactions.
- 3.33 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.
- 3.34 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 civic functions is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies;

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- (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 civic duties;
- (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.

3.35 Inappropriate interactions between Councillors and Staff are identified in Council's Code of Conduct.

Councillor Access to Council Buildings

3.36 For the purposes of conducting their civic 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.

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- 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.
- 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

| | |
|---------------------------|---|
| 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 |

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| 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> <i>Independent Commission and Corruption (ICAC) Act 1998</i> Office of Local Government Model Councillor and Staff Interaction Policy |
| ASSOCIATED POLICIES | Code of Conduct Procedures for the Administration of the Model Code of Conduct Records Management Policy Work Health and Safety Policy |
| ATTACHMENTS | Guidelines for Responding to Councillor Information Requests |

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Schedule 1 - Authorised Staff contacts for Councillors

Office of the CEO

Chief Executive Officer
Chief of Staff - Executive Office
Executive Officer

City Assets & Operations

Executive Director, City Assets & Operations
Group Manager, Regulatory Services
Group Manager, Parks & Open Spaces
Group Manager, Environment & Sustainability
Group Manager, Roads Infrastructure
Group Manager, Waste & Cleansing
Group Manager, Capital Projects Delivery

City Engagement & Experience

Executive Director, City Engagement & Experience
Research & Engagement Manager
Corporate Affairs Manager

Group Manager, City Experience & Identity
Customer Service Centre Manager

City Planning & Design

Executive Director, City Planning & Design
Group Manager, Development & Traffic Services
Group Manager, City Design
Group Manager, Infrastructure Planning and Design
Group Manager, Major Projects and Precincts

Group Manager, Strategic Land Use Planning
Traffic & Transport Manager

Internal Ombudsman Shared Service Staff

City Strategy

Director, City Strategy

Finance and Information Services

Executive Director, Finance & Information
Chief Financial Officer
Group Manager, Legal Services

Chief Technology Officer

Governance Manager

Community Services

Executive Director, Community Services

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

Property & Place

Executive Director, Property & Place
Group Manager, Place Services
Group Manager, Property Development
Group Manager, Project Delivery

Group Manager Property Assets, Services, and Securities
Place Managers

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People, Culture and Workplace

Executive Director People, Culture and
Workplace

Risk & Audit Manager

Group Manager, Risk & Safety

***Support Staff** (*may provide information to and receive information from Councillors, under advice from their
Executive Director / Group Manager*)

Lord Mayor / Councillor Support Staff

Executive Assistants

Governance Support Staff

ICT Help Desk Support Staff

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