

Councillor and Staff Interaction Policy Review 2022 – Summary of Proposed Changes

Changes made to the Policy as a result of the review are summarised below, and have been colour-coded as per the nature of the proposed change:

Type	Description	Reason
Update	Transferred content to current Policy Template	To ensure clear and consistent formatting across Council's policy portfolio
Update	Title: Updated from Interaction Between Councillors and Staff Policy to Councillor and Staff Interaction Policy	To ensure consistency with the OLG's Model Policy
Update	Sections 1 & 2 (Scope and Purpose): Updated statements	To ensure the content provided in these sections is effective and reads consistently with Council's policy portfolio
Deletion	Former Sections 1.4 and 3.1: Deleted summary and objectives statements (repetition)	To support a clear and concise Policy These concepts are covered in the prescriptions within the Policy and therefore do not require summation (duplication) in a separate section of the policy.
Update	Section 3 (Policy): Updated language, list formatting, and referencing.	To improve clarity, and to ensure consistency with applicable Council and legal standards.
Update	Section 3.9: Expanded clause to add statement regarding management process for instances of using improper influence, as follows: <i>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.</i>	Added statement as per clause 6.7 of the OLG's updated Model Policy, to ensure alignment
Update	Section 3.17: Elaborated statement regarding confidential treatment of information provided by Staff to Councillors, as follows: <i>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</i>	As recommended by IOSS to support clear implementation of the Policy.

	<p><i>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.</i></p>	
Update	<p>Section 3.22: Updated list of reasons where a Councillor may raise a Notice of Motion to request information where the request was refused by the CEO.</p> <p>Clause now states that grounds to raise a NOM may include 3.18(a) (referring to where, "the information is not necessary for the performance of the Councillor's civic functions"), or 3.18(d) (referring to where, "if responding to the request would, in the Chief Executive Officer's opinion, result in an unreasonable diversion of Staff time and resources").</p> <p>Added statement as follows:</p> <p><i>This clause does not apply where the Chief Executive Officer refuses a Councillor's request for information under clause 3.18(b) [referring to where, "the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it"] or (c) [referring to where, "the Chief Executive Officer is prevented by law from disclosing the information"].</i></p>	<p>Updated statement as per clause 5.14 of the OLG's updated Model Policy, to ensure alignment.</p>
Addition	<p>Section 3.23: Added clause regarding requesting information in accordance with GIPA Act, as follows:</p> <p><i>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).</i></p>	<p>Added statement as per clause 5.15 of the OLG's updated Model Policy, to ensure alignment</p>
Addition	<p>Section 3.25: Added clause stating that Councillor requests are regarded as state records, as follows:</p> <p><i>Councillor requests are state records and must be managed in accordance with the State Records Act 1998 (NSW).</i></p>	<p>Added statement as per clause 5.17 of the OLG's updated Model Policy, to ensure alignment</p>
Addition	<p>Section 3.31: Added directive that Councillors and Staff must engage in appropriate interactions, as follows:</p>	<p>To support implementation of the Policy by providing additional context to introduce subsequent directives.</p>

	<i>Councillors and Staff must ensure they always engage in appropriate interactions.</i>	
Update	Section 3.34: Removed specific examples of inappropriate interactions. Replaced with reference to Code of Conduct, as follows: <i>Inappropriate interactions between Councillors and Staff are identified in Council's Code of Conduct.</i>	Examples of inappropriate interactions are set out by Council's Code of Conduct. Deleted examples from Policy to avoid duplication with Code of Conduct and risk of inconsistency.
Addition	Section 4 (Delegation): Added statement that there are no applicable delegations	To ensure consistency with policy template requirements
Update	Section 5 (Procedure): Updated language	To improve clarity, and to ensure consistency with applicable Council and legal standards
Addition	Section 5.1: Added clause that policy should be read in conjunction with Council's Guidelines for Responding to Councillor Information Requests	To support implementation of the Policy by clarifying the relationship between the Guideline and Policy.
Update	Section 5.3: Updated procedure for raising complaints, as follows: <i>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).</i>	Updated statement as per clause 9.1 of the OLG's updated Model Policy, to ensure alignment
Addition	Section 5.4: Provided clarification regarding management of improper conduct, as follows: <i>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.</i>	Added statement as per clause 9.2 of the OLG's updated Model Policy, to ensure alignment
Addition	Section 6 (Definitions): Added list of key terms employed in the Policy.	To improve clarity and accuracy in implementation of the Policy, and to ensure consistency with Council's current Policy Template
Update	References: Updated list of references	To ensure sources accurately reflect the updated Policy content
Update	Schedule 1 Authorised Staff contacts for Councillors: Updated list of roles as per current Organisational Structure	To ensure accurate implementation of the Policy

During the review Council officers further determined that certain clauses proposed by the OLG's Model Councillor and Staff Interaction Policy are not recommended to include in Council's Policy, as per the following reasons:

Proposed clause in the OLG Model Councillor and Staff Interaction Policy	Reason not recommended to include in Council's Policy
<p>In reference to what Staff need to understand, <i>4.8 (b) they should not provide advice to Councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to Councillors</i></p>	<p>Modified model statement to, <i>(b) they should not provide advice to Councillors unless they have been approved to do so</i></p> <p>Determined that the clause in the Model Policy does not enable the normal interactions which occur between Staff and Councillors. The requirement for CEO approval or approval from a staff member with relevant delegations to provide advice means conversations occurring between Staff and Councillors would be overly limited, particularly concerning operational matters (e.g. fixing roads or footpaths).</p>
<p>In reference to where Councillors may use the Councillor Request System, <i>5.4 (d) to request that a staff member be present at a meeting (other than a meeting of the Council) for the purpose of providing advice to the meeting</i></p> <p>and</p> <p><i>5.8 Requests under clause 5.4(d) must be made (Council to specify time period) before the meeting. The Chief Executive Officer, or members of staff that are listed at Schedule 1 of this Policy, are responsible for determining: a) whether a staff member can attend the meeting; and b) which staff member will attend the meeting</i></p>	<p>Council's Councillor Request System does not have capability for this. However, generally staff are present at meetings with Councillors and are available to provide advice.</p>
<p><i>7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the Chief Executive Officer.</i></p>	<p>Did not accept new clause as City of Parramatta Councillors may have to access staff-only areas for meeting rooms for Committees.</p>