

# COUNCILLOR AND STAFF INTERACTIONS POLICY



Directorate:	Corporate Performance
Responsible Manager:	Manager Governance, Property and Risk
Review Due:	September 2024
Adoption:	CEO
Date Adopted:	9 September 2020

## Acknowledgement

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Central Goldfields Shire Council acknowledges that we are situated on the traditional lands of the Dja Dja Wurrung people, and we offer our respects to their elders past, present and emerging.

## 1. Purpose

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This Policy is to provide guidance and support for Councillors and Council Staff in the performance of their duties. It complements the Councillor and Staff Codes of Conduct and supports compliance with the Local Government Act 2020.

This Policy provides assistance to Councillors in getting the information they need to perform their role in a timely manner and through the appropriate channels.

## 2. Application and Scope

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This Policy applies to all Councillors and Council Staff of the Central Goldfields Shire Council.

## 3. Definitions

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**The Act** means the Local Government Act 2020.

**CEO's EA** means the Chief Executive Officer's Executive Assistant.

## 4. General Provisions

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### 4.1. Communication Channels & Provision of Information

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. Contact with other Council Staff will be in accordance with this Policy.

All communication, including requests for information, between Councillors and Council Staff should go through the Office of the Chief Executive or relevant General Manager as

appropriate. The CEO or General Manager will then direct Councillor enquiries to the most relevant member of Council staff for a response.

Councillors may also directly communicate with Council's Manager Governance Property and Risk for issues and questions in relation to governance, the Governance Rules, Councillor policies and the Councillor Code of Conduct.

The Mayor, or another Councillor who is filling in for the Mayor at a function, may liaise with Council's Manager Community Engagement for advice in relation to speeches, media releases and official statements to the media.

Where possible communication should be via email. This allows for appropriate record keeping in accordance with the relevant legislation.

All Councillor Requests should be sent to [CouncillorRequests@cgoldshire.vic.gov.au](mailto:CouncillorRequests@cgoldshire.vic.gov.au) The CEO's EA will then ensure these requests are lodged in Council's electronic records management system and distributed to the relevant staff member. Councillors should include sufficient information to enable staff to respond, for example, the name and contact details of a resident if staff are required to contact them. Councillors should indicate in the request whether they would like to respond to the member of the public, or whether they would like the appropriate staff member to do so. If the staff member is to reply, the Councillor should be copied into the email reply.

Councillors can also communicate with Council Staff through a range of business processes including:

- Council Meetings and Briefing Sessions; and
- Committees with both Councillor and Council Staff members.

A large amount of information required for Councillors to perform their roles will be provided through the above meeting papers.

However, it is recognised that the responsibility Councillors have to represent their constituents and in achieving the strategic priorities of the community may require access to other information and resources.

Councillors should consider any likely cost implications in making requests for advice or information, and not make requests where the costs cannot be justified as being in the public interest. If the costs of providing information are likely to be high, the Councillor will be requested to consider a Notice of Motion.

Where a Councillor's request requires the allocation of resources or expenditure of funds, the Councillor will be requested to consider a Notice of Motion.

## 4.2. Responses to Councillors

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

The CEO and General Manager should be copied into or otherwise informed of all communication between Council Staff and Councillors.

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 is

confidential they should contact the CEO or relevant General Manager for clarification prior to releasing the information.

Where possible, staff will clearly identify information which is confidential to assist Councillors in the appropriate handling of such information, however it is the Councillors responsibility to ensure they use the information in an ethical manner in accordance with the requirements of the Local Government Act 2020.

#### **4.3. Interaction between Councillors and staff at Council facilities or functions**

A Councillor Hub is provided for all Councillors in the Community Hub. This Hub includes access to printers, meeting rooms and kitchen facilities.

The Mayor is provided with office accommodation in the Community Hub which may be used for Council business.

Councillors may book meeting rooms owned and controlled by Council for meetings, interviews and other functions where the primary purpose is to allow the Councillor to discharge their Council duties. The Councillor must be in attendance and bookings must be made through the CEO's EA.

Visits to other Council facilities, other than the various customer services / reception desks as a member of the community, are to be prearranged with the CEO or the relevant General Manager. This prearrangement ensures that the attendance of any relevant staff can be arranged and any Occupational Health and Safety requirements can be organised before the visit occurs.

#### **4.4. 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.

Council staff may communicate with Councillors as residents / ratepayers of the Central Goldfields Shire.

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.

#### **4.5. Improper or undue influence**

Under the Act it is the responsibility of the Council to appoint the CEO. The CEO is then responsibly for employing staff for the successful operation of the organisation. As Council does not employ the staff Council, or individual Councillors, cannot direct or manage staff and are responsible for the performance of the CEO only.

Further to this Councillors are prohibited under Section 124 of the Act from improperly directing or influencing Council Staff.

A Councillor must not intentionally direct, or seek to direct, a member of Council staff:

- a) In the exercise of a delegated power, or the performance of a delegated duty or function, of the Council; or
- b) In the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or

- c) In the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under this Act or any other Act; or
- d) In relation to advice provided to the Council or a delegated committee, including advice in a report to the Council or delegated committee.

Improper or undue influence can include:

- Disrespecting the professional opinion, skills or expertise of staff through intimidatory, bullying, harassing or disrespectful behaviour;
- Using rank or position to seek information outside the processes outlined in this Policy;
- Pressuring staff to make a decision outside the formal Council decision making processes;
- Pressuring staff to provide information, services or assistance to one person, group or part of the community over another, outside a formal decision of Council;
- Pressuring staff to make a decision to take action outside normal business process timeframes;
- Pressuring staff to change a recommendation in a Council Report.

#### **4.6. Contact Contradictory to this Policy**

Where any Councillor or staff member has concerns in regard to communications between Councillors and Council staff, the matter will be referred to the CEO.

Council staff are to inform their General Manager of any communication made directly to them by a Councillor not in accordance with this Policy.

### **5. Review**

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This Policy must be reviewed a minimum of once every 4 years or in line with legislative changes.

### **6. Human Rights Statement**

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It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

### **7. Relevant Legislation and Council Policies**

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- Local Government Act 2020
- Councillor Code of Conduct
- Staff Code of Conduct
- Councillor Correspondence Policy
- Expenses and Support for Councillors and Members of Delegated Committees Policy