

DOCUMENT ON EXHIBITION

Interactions Between Councillors and Staff Policy Review

**Exhibition Period: 28 Days
22 November – 20 December
2024**

Please address any queries to:
Governance Coordinator

**Please submit your feedback in writing
addressed to the General Manager**

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ADOPTED TBC	
COUNCIL MEETING MIN NO	TBC
DATE: OCTOBER 2024	

REFERENCE	2.0
REVIEW DATE	TBC
FILE NUMBER	GOV400047

Objective

- Facilitate a positive working relationship between Councillors and staff to work together appropriately and effectively to support each other in their respective roles
- Ensure Councillors have adequate access to information and receive advice in an orderly, courteous and appropriate manner from nominated staff to assist them in the performance of their civic duties
- Enhancing the reputation of Council by maintaining transparent decision making and good governance
- Provide a protocol for the provision of regular updates to all Councillors of strategic meetings attended by the Mayor and or the General Manager that influence councils strategic objectives (*Community Plan / Operating Plan / Resourcing Plan*)
- Provide direction on Councillors' rights of access to Council facilities
- Provide clear and consistent direction for Councillor interaction with staff through which breaches of the policy will be managed in accordance with Code of Conduct

Legislative requirements

- *Local Government Act 1993 s232 and s335*
- *Government Information (Public Access) Act 2009*

Related policies and plans

- Code of Conduct
- Councillor Expenses and Facilities Policy

Policy

Authorised Contact Officers for Councillors

Staff members provide important services to Councillors to support them in the performance of their civic duties. Contact between Councillors and staff will be managed to ensure that Councillors are able to access the most appropriate staff.

- Councillors are only authorised to contact staff directly about matters that relate to the staff member's area of responsibility as identified on the *List of Authorised Contact Officers for Councillors* which is held and maintained by the General Manager. The General Manager may amend this list at any time and will promptly advise Councillors of any changes.
- Should a Councillor contact a staff member who is not the appropriate person, the staff member is expected to refer the Councillor to the appropriate staff member or to the *List of Authorised Contact Officers for Councillors*.
- If a Councillor is not sure who the appropriate contact officer is, they should contact the General Manager's Office who will attend to the matter or advise them of the appropriate contact officer.
- Where a staff member not on the *List of Authorised Contact Officer for Councillors* is the contact officer for a particular matter e.g. a letter written to a constituent may have the staff member's name as the contact, Councillors should still contact the appropriate officer on the *List of Authorised Contact Officer for Councillors*.
- A Councillor or staff member must not take advantage of their position to improperly influence other Councillors or members of staff in the performance of their role for the purpose of securing a private benefit for themselves or another person.

Councillor Access to Information

Councillors have a right to request access to information provided it is relevant to the exercise of their civic duties. This right does not extend to matters about which a Councillor is merely curious.

- Councillors must be provided with full and timely information sufficient to enable them to carry out their civic office functions, in accordance with the provisions of the *Local Government Act 1993* and the Code of Conduct.
- Information provided to a Councillor in the performance of their civic duties shall also be made available to all other Councillors where considered appropriate by the General Manager.
- Councillors requesting access to information should make a request to the General Manager or nominated staff on the *List of Authorised Contact Officer for Councillors*. Councillors must, to the best of their knowledge, be specific about what information they are requesting. Where a Councillors request is unclear, the General Manager or authorise staff member is entitled to ask the Councillor to clarify their request and the reason for seeking access to the information.
- Where information cannot be provided in a timely manner, the Councillor will be advised, and the information will be provided as soon as practicable.
- Councillors are required to treat all information provided by staff appropriately and will observe any confidentiality and privacy requirements. Staff will inform Councillors of any confidentiality requirements for information they provide. If a Councillor is unsure of the confidentiality or

privacy requirements of information, they should contact the General Managers office or the staff member authorised to manage the request.

- For technical or sensitive matters, Councillors should put their requests for information or advice in writing.
- Councillors are required to make an application under the *Government Information (Public Access) Act 2009* (GIPA Act) for information that they are requesting in a personal capacity as opposed to a civic capacity. Councillors will not be provided preferential treatment as a private citizen and will be required to pay any associated costs.
- This policy does not preclude a Councillor from making a request for access to information through a Notice of Motion at a Council Meeting.

The General Manager may refuse access to information requested by a Councillor and must advise the Councillor in writing of their reasons for refusing access to the requested information. Access to information may be refused where:

- The information is not necessary for the performance of the Councillors civic functions.
- The Councillor has previously declared a conflict of interest in the matter and have been removed from decision making.
- The General Manager is prevented by law from disclosing the information.
- Responding to the request for information would result in an unreasonable diversion of staff time and resources. Where a Councillors request for information is refused on these grounds, The General Manager may require a Councillor to submit a Notice of Motion under Council's Code of Meeting Practice. The Mayor and General Manager will liaise to determine if it is believed that significant resources will be required to respond to a request for information and if so, the General Manager should advise the Councillor and provide details of the estimates of time and/or costs that are likely to be incurred in providing the information. An indication should also be given of what other matters will not be able to be attended to as a result of compiling the requested information.

Councillor and Staff Interaction at Meetings

- Questions to staff from Councillors at Council meetings must be through the General Manager in accordance with the provisions of Council's Code of Meeting Practice.
- A Council staff member must oblige to answer a question put to them through the General Manager at the direction of the General Manager in accordance with Council's Code of Meeting Practice.
- Councillors and staff are entitled to be given reasonable notice of any questions and where notice is not given, may take it on notice and report the response to the next Council meeting in accordance with Council's Code of Meeting Practice.
- Councillors may give a direction to the General Manager by way of a Council resolution.

4.4 Councillor and Staff Interaction Outside of Meetings

4.4.1 The office of the General Manager will develop and manage protocols for the regular reporting to all Councillors on the strategic meetings attended by the Mayor and or the General Manager

4.4.2 Enquiries to staff on matters generally not available to the public should be directed to the General Manager or to those on the List of Authorised Contact Officer for Councillors. Similar procedures shall apply where a Councillor has lodged an application, for example a development application, with the Council.

4.4.3 Councillors shall not approach staff, other than those nominated on the List of Authorised Contact Officers for Councillors, for advice.

4.4.4 Notwithstanding these specific provisions, it is recognised and expected that the Mayor has a day-to-day need to discuss a range of matters with Council staff. In these circumstances the Mayor will enquire as to the availability of staff concerned to enable appropriate discussion or enquiry.

Councillor Access to Council Facilities

As elected members of Council, Councillors are entitled to have access to the Council Chambers, the Committee Room and public areas of Council buildings during normal business hours. All other areas are deemed staff-only areas. Booking are required for the use of meeting rooms and can be made with the General Manager's Office.

Councillors have after-hours access to the Council Chambers and Committee Room whenever a Council or Committee meeting is scheduled.

Inappropriate Councillor/Staff Interaction

All Councillors and staff are to interact in accordance with the provisions of the Code of Conduct. Staff are not accountable to Councillors individually and do not take direction from them.

Councillors must ensure that:

- They must not direct staff except by giving appropriate direction to the General Manager by way of a Council or committee resolution, or by the Mayor exercising their functions under s226 of the *Local Government Act 1993*.
- They must not in any public or private forum, direct or influence, or attempt to influence a member of staff in the exercise of their functions.
- Where they have lodged a development application with council, discussing the matter with council staff must occur in public areas of Council offices only
- They are not being overbearing or threatening to Council staff and must not make personal attacks on Council staff in a public forum.
- They must not direct or pressure Council staff in the performance of their work, or recommendations they should make.

They should not attend on-site 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 *Local Government Act*.

Council staff must ensure that:

- They must not approach Councillors and Administrators to discuss individual or operational staff matters other than broader workforce policy issues.
- They should not provide advice to Councillors unless it has been approved by the General Manager.
- When providing ad hoc advice to Councillors and administrators it must be recorded or documented as if the advice was provided to a member of the community.
- They must not refuse to give information that is available to other Councillors to a particular Councillor.
- They must not meet with applicants or objectors alone or outside office hours to discuss applications and proposals.

Breaches of this Policy

A breach of this policy will be taken to be a breach of the Code of Conduct and any complaints alleging a breach of this policy must be made in accordance with Part 4 of the Procedures for the Administration of the Model Code of Conduct.