

POLICY OBJECTIVES

The Councillor and Staff Interaction Policy (Policy) provides a framework for councillors in exercising their civic duties by specifically addressing their ability to interact and receive advice from authorised staff. This policy works in concert with Edward River Council's Code of Conduct and Code of Meeting Practice.

LEGISLATIVE REQUIREMENTS

- Local Government Act 1993
- Local Government (General) Regulation 2021

SCOPE

This policy applies to all councillors and council staff members.

DEFINITION

Authorised staff – staff nominated by the general manager who can interact with or provide advice to councillors as set out in APPENDIX A.

POLICY STATEMENT

The NSW *Local Government Act 1993* (Act) defines the roles and responsibilities of the mayor and councillors, and specifies that the general manager is to direct council staff in the performance of their duties. Interactions between councillors and staff are necessary to facilitate well-informed decisions and the provision of council services.

In accordance with council's Code of Conduct, councillors and staff are expected to conduct their interactions with each other with respect, professionalism, objectivity, honesty and to a high standard of ethical behaviour. This policy sets out the obligations of councillors and staff in dealing with each other.

Only those staff nominated by the general manager can provide advice to councillors. Appendix A sets out the staff that councillors may access to exercise their civic leadership. Contact with staff other than those listed in Appendix A should be through the general manager in the first instance and with the approval of the relevant director.

Council recognises that incidental contact between councillors and staff is likely to occur in rural communities as councillors and staff may already be known to each other socially or through their involvement in community activities. This policy does not aim to restrict these types of contact. If a councillor or staff member is unsure they should seek advice from the director or general manager.

OBLIGATIONS OF COUNCILLORS

Each council is a body corporate. The councillors 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.

Councillors or mayors must not:

- a) 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 exercising his/her power under section 226 of the Act (*section 352*).
- b) 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 (Schedule 6A of the Act).
- c) contact a council staff member on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager.
- d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the mayor exercising their power under section 226 of the Act. This does not apply to the chair of council's Audit, Risk and Improvement Committee who may be provided with any information by individual councillors reasonably necessary for the Audit, Risk and Improvement Committee to effectively perform its functions.
- e) take advantage of their official position to improperly influence other councillors or staff members in the performance of their civic or professional duties for the purpose of securing private benefit for themselves or for another person.
- f) access staff-only areas unless approval has been provided by the general manager or director

Additional information for councillors:

Requests for information/action should be made by email where possible to the general manager or director. The recipient will reply to provide an estimated timeframe for answering the request, and forward the request to the responsible officer.

The general manager or their delegate may refuse requests that, in their opinion, fall outside the prescribed role and responsibilities of the councillor or that would involve the unreasonable diversion of council staff and resources. In such cases, the request would need to be endorsed by a council resolution. Where a request is refused, the reasons will be provided.

If a request for information is refused, the councillor may submit the request to the council for endorsement by resolution by way of notice of motion, provided the general manager is satisfied it is lawful.

OBLIGATIONS OF STAFF

Council's staff members must:

- a) give their attention to the business of council while on duty
- b) ensure that their work is carried out efficiently, economically and effectively
- c) carry out lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Staff who participate in political activities must ensure they do not have a conflict with their primary duty to serve the council of the day in a politically neutral manner. This is important because council needs to maintain public confidence in council staff, especially their impartial approach in taking action and providing advice.

In circumstances where staff are unsure whether or not they should provide information to, or respond to a request from a councillor, they should refer the matter to the relevant departmental director or to the general manager or ask the councillor to make the request through the general manager.

BREACHES

Noncompliance with this policy is considered a breach of the Edward River Council Code of Conduct and will be dealt with in accordance with the council’s disciplinary policies.

ASSOCIATED POLICIES AND PROCEDURES

- Edward River Council Code of Conduct
- Edward River Council Code of Meeting Practice
- Edward River Council Audit, Risk and Improvement Committee Charter

POLICY HISTORY AND VERSION CONTROL

Policy Title	Councillor and Staff Interaction Policy
Department	Corporate Services
Function	Governance
Policy Group	Leadership
Responsible Officer	Director Corporate Services
Version	3
Adopted	19/10/17 Resolution 208/17 (update to Appendix A changing position titles to match Organisational Structure in 2018, and 2022)
Next revision	October 2024

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APPENDIX A

Authorised contact staff for councillors
<ul style="list-style-type: none">• General Manager
<ul style="list-style-type: none">• Director Corporate Services
<ul style="list-style-type: none">• Director Infrastructure
<ul style="list-style-type: none">• Executive Assistant to the General Manager, Mayor & Councillors – relating to general administrative needs