

GOVERNANCE – COUNCILLOR AND STAFF INTERACTIONS POLICY

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| Date Adopted: | 14 November 2018 |
| Adopted By: | Council |
| Review Due: | 2022 |
| Responsible Officer: | Governance Coordinator |
| RM8 No: | D/18/94366 |

PURPOSE

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 'Conduct and Interests' provisions in Part 4 of the Act.

This Policy seeks to ensure that Councillors understand their responsibilities under the Act and do not improperly direct or influence Council Staff.

DEFINITIONS

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| The Act | means the Local Government Act 1989. |
| CEO | means the Chief Executive Officer |
| CEO's EA | means the Chief Executive Officer's Executive Assistant. |

APPLICATION AND SCOPE

This Policy applies to all Councillors and Council Staff of the Southern Grampians Shire Council.

GENERAL PROVISIONS

IMPROPER OR UNDUE INFLUENCE

Under the Act it is the responsibility of the Council to appoint the CEO. The CEO is then responsible 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 76E of the Act from improperly directing or influencing Council Staff.

A Councillor must not 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 legislation; 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 legislation; or
- d) in relation to advice provided to the Council or a special committee, including advice in a report to the Council or special 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.

COMMUNICATION CHANNELS

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. This office includes the CEO, the CEO's EA, the Council Support Officer and the Governance Coordinator. All communication between Councillors and Council Staff should go through the Office of the Chief Executive or relevant Director as appropriate.

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

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

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

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

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

COUNCILLOR REQUESTS

Council also recognises the responsibility Councillors have to represent their constituents and in achieving the strategic priorities of the community which requires access to information and resources.

All Councillor Requests should be sent to CouncillorRequests@sthgrampians.vic.gov.au These requests are then lodged as CRM's and distributed to the appropriate 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.

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.

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

Where the CEO or a Director determines to refuse access to a document or information sought by a Councillor, they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the Councillor to perform his or her civic duty. The CEO or Director must state to the Councillor the reasons for the decision if access is refused.

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 Director 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 and legal manner.

PERSONAL INTERACTION BETWEEN COUNCILLORS AND STAFF

While this Policy governs the interactions between Councillors and Council Staff in relation to Council work, it does not prevent Councillors and Council Staff from communicating generally.

From time to time, Councillors and Council Staff may be present at social and community events. In such situations, both parties must refrain from discussing matters relating to council business.

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 Director or the CEO of any conduct made directly to them by a Councillor.

IMPLEMENTATION

This Policy will be published on Council's website, intranet and a copy provided to all Councillors.

REVIEW

This Policy must be reviewed a minimum of once every 4 years.