



**ORANGE CITY COUNCIL  
ORDINARY COUNCIL MEETING**

**ATTACHMENTS**

**CCL ITEM 5.4**

**STRATEGIC POLICY REVIEWS –  
POST EXHIBITION ADOPTION**

**20 DECEMBER 2022**

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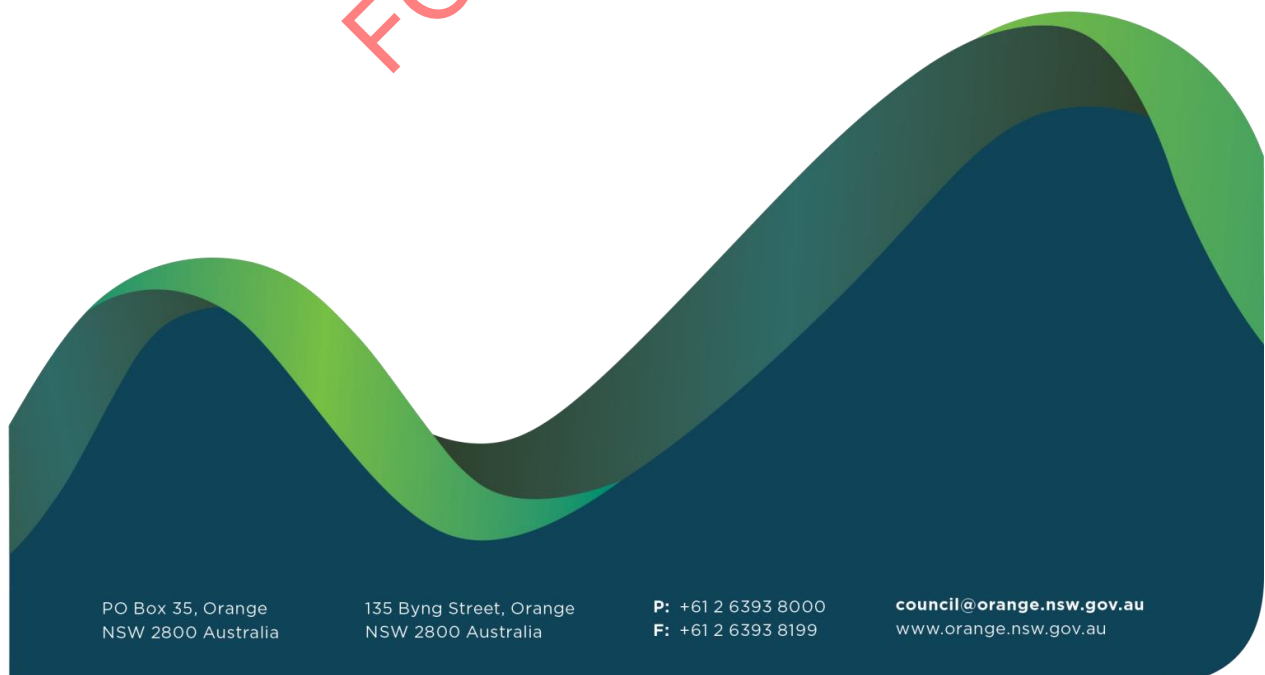
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# Strategic Policy – ST04

Councillor Access to Information and Interaction with Staff

FOR ADOPTION



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All policies can be reviewed or revoked by a resolution of Council, at any time.

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FOR ADOPTION



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## POLICY OVERVIEW

### Purpose

The purpose of this policy is to outline compliance with the Local Government Act 1993 and the Government Information (Public Access) Act 2009, and that Councillors have the same information upon which to make decisions and to ensure that any interaction between Councillors and staff is consistent with Council's Code of Conduct.

This policy :

- documents communication channels to ensure the provision of accurate information from Council records systems to Councillors, within reasonable timeframes to assist Councillors in the performance of their civic duty
- defines appropriate professional interactions between Councillors and Council staff
- outlines Councillors' rights of access to Council buildings
- identifies inappropriate interactions between Councillors and Council staff
- outlines a process for reporting breaches.

### Applicability

This policy applies to all Councillors when requesting information and to staff when providing information.

The Code of Conduct overrides this policy to the extent of information provided to the Conduct Review Panel or Conduct Reviewer.

### Scope

Schedule 1 of the Government Information (Public Access) Regulation 2009 provides that certain documents held by Council are to be made publicly available for inspection, free of charge. This policy supports that requirement and outlines the procedure for accessing such information.

Interactions between Councillors and staff at Council meetings are regulated by Council's Code of Meeting Practice (Local Government (General) Regulation 2005 [Part 10 – Meetings] and Council's Code of Conduct.

Clause 3.1(b) of the Model Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to a council's policies. If adopted by a council, a breach of the policy may also constitute a breach of council's code of conduct.

Concerns or complaints about the administration of a council's councillor request system should be raised with the Chief Executive Officer (or the Mayor in the case of a complaint about the Chief Executive Officer). If the matter cannot be resolved locally, councillors may raise their concerns with OLG.

## 1 INTRODUCTION

1.1. The Councillor and Staff Interaction Policy (the Policy) provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.

1.2. The Policy complements and should be read in conjunction with Council's Code of Conduct.

1.3. The aim of the Policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.

1.4. It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.



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## 2 APPLICATION

- 2.1. This Policy applies to all Councillors and Council Staff.
- 2.2. This Policy applies to all interactions between Councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 2.3. This Policy applies whenever interactions between Councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.
- 2.4. This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the Chief Executive Officer.
- 2.5. The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

## 3 POLICY OBJECTIVES

- 3.1. This Policy applies to all councillors and council staff.
- 3.2. This Policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 3.3. This Policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.
- 3.4. This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the Chief Executive Officer.
- 3.5. The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

## 4 PRINCIPLES, ROLES AND RESPONSIBILITIES

- 4.1. Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 4.2. The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the Chief Executive Officer, who in turn, is accountable to the Council's governing body.
- 4.3. Section 232 of the Local Government Act 1993 (the LGA) states that the role of a councillor is as follows:
  - a) to be an active and contributing member of the governing body
  - b) to make considered and well-informed decisions as a member of the governing body
  - c) to participate in the development of the integrated planning and reporting framework
  - d) to represent the collective interests of residents, ratepayers and the local community
  - e) to facilitate communication between the local community and the governing body
  - f) to uphold and represent accurately the policies and decisions of the governing body
  - g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- 4.4. The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.



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4.5. It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

4.6. Council commits to the following principles to guide interactions between councillors and staff:

<u>Principle</u>	<u>Achieved by</u>
<b>Equitable and consistent</b>	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels
<b>Considerate and respectful</b>	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
<b>Ethical, open and transparent</b>	Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct
<b>Fit for purpose</b>	Ensuring that the provision of equipment and information to councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of twelve (12) people.
<b>Accountable and measurable</b>	Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

4.7. Councillors are members of the Council’s governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:

- a) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
- b) staff are not accountable to them individually
- c) they must not direct staff except by giving appropriate direction to the Chief Executive Officer by way of a council or committee resolution, or

- by the mayor exercising their functions under section 226 of the LGA
- d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
- e) they must not contact a member of staff on council-related business unless in accordance with this Policy
- f) they must not use their position to attempt to receive favourable treatment for themselves or others.















































