



LEETON  
SHIRE COUNCIL

**DRAFT (REVISED)**

# COUNCILLOR AND STAFF INTERACTION POLICY

February 2025

## DOCUMENT CONTROL

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1	Sept 2021	New			
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## REVIEW OF THIS POLICY

This Policy will be reviewed every four (4) years or as required in the event of legislative changes. The Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy. Any amendment to the Policy must be by way of a Council Resolution or the approval of the General Manager.

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## 1. Introduction

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.

This Policy complements and should be read in conjunction with Leeton Shire Council's Code of Conduct. This Policy is an enforceable part of the Code of Conduct. If this Policy contradicts the Code, the Code of Conduct will prevail.

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.

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

## 2. Scope

This Policy applies to:

- a. all Councillors and Council staff,
- b. all interactions, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing,
- c. whenever interactions between Councillors and staff occur, including inside or outside of work hours, and at both Council and non-Council venues and events.

This Policy does not confer any delegated authority upon any person. All delegations to staff are made and approved by the General Manager.

Council's Code of Conduct provides that Staff and Councillors must not conduct themselves in a manner that is contrary to Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

## 3. Objectives

The objectives of this Policy are to:

- a. establish positive, effective and professional working relationships between Councillors and staff defined by mutual respect and courtesy,
- b. enable Councillors and staff to work together appropriately and effectively to support each other in their respective roles,
- c. ensure that Councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties,
- d. ensure Councillors have adequate access to information to exercise their statutory roles,
- e. provide direction on, and guide Councillor interactions with, staff for both obtaining information and in general situations,
- f. maintain transparent decision making and good governance arrangements,
- g. ensure the reputation of Council is enhanced by Councillors and staff interacting consistently, professionally and positively in their day-to-day duties,
- h. provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

## 4. Principles

Council commits to the following principles to guide interactions between Councillors and staff:

Principle	Achieved by
<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 nine (9) Councillors.
<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.

## 5. Roles and Responsibilities

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.

Council's governing body and its administration (being Council staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy.

Council staff are accountable to the General Manager, who in turn, is accountable to the Council's governing body.

Section 232 of the *Local Government Act 1993* (the LG Act) states that the role of a Councillor is as follows:

- to be an active and contributing member of the governing body,
- to make considered and well-informed decisions as a member of the governing body,
- to participate in the development of the integrated planning and reporting framework,

- to represent the collective interests of residents, ratepayers and the local community,
- to facilitate communication between the local community and the governing body,
- to uphold and represent accurately the policies and decisions of the governing body,
- to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

The Council Staff's role is to advise the Councillors, implement Council's decisions and to oversee service delivery.

It is beneficial if the staff recognises the complex political environments in which Councillors 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.

## 5.1 Councillors

Councillors are the governing body of Council and are responsible for directing and controlling the affairs of Council in accordance with the Act.

Councillors must understand and 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 General Manager by way of a Council or committee resolution, or by the mayor exercising their functions under section 226 of the Act,
- 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.

## 5.2 General Manager

Responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay.

## 5.3 Council Staff

Council staff need to understand that they:

- are not accountable to individual Councillors and are not to take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body,
- should not provide advice to Councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to Councillors,
- must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner,

- must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties,
- must provide full and timely information when requested by the General Manager to Councillors sufficient to enable them to exercise their civic functions in accordance with this Policy,
- must CC the General Manager, their Director and Manager on all email correspondence sent to Councillors.

## 6. Definitions

Title	Definition
<b>The Act</b>	<i>Local Government Act 1993</i>
<b>Code of Conduct</b>	Code of Conduct Policy
<b>Council</b>	Leeton Shire Council
<b>Councillor</b>	A person elected or appointed to civic office as a member (who is not suspended) of the governing body of Leeton Shire Council including the Mayor
<b>General Manager</b>	The General Manger of Leeton Shire Council and includes their authorised representative or delegate.
<b>The Policy</b>	Councillor and Staff Interaction Policy
<b>Regulation</b>	<i>The Local Government (General) Regulations 2005-2021</i>
<b>Staff</b>	Councill staff within the organisation

## 7. Councillor Requests for Information, Community or Support

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

Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest unless the information is otherwise publicly available.

Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a Councillor's request lacks specificity, the General Manager or staff member authorised to manage the matter is entitled to ask the Councillor to clarify their request and the reason(s) why they are seeking the information.

Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.

## 7.1 General Information Requests

For requests for information or questions regarding the Council's strategic position, performance, or operations, or to request the General Manager or a Director's attendance at a meeting (other than a Council meeting) to provide advice, Councillors are to email the General Manager at [jackiek@leeton.nsw.gov.au](mailto:jackiek@leeton.nsw.gov.au).

## 7.2 Community Concerns or Request for Service

For community concerns that need to be brought to the attention of Council staff, Councillors are required to submit requests via email to [councillorrequests@leeton.nsw.gov.au](mailto:councillorrequests@leeton.nsw.gov.au), managed by the Manager Governance, Corporate and Customer Service.

## 7.3 Information and Communications Technology Support

For requests related to information and communications technology or other support, Councillors are required to submit email requests to [support@leeton.nsw.gov.au](mailto:support@leeton.nsw.gov.au), with a copy to the Manager IT and OT ([gerards@leeton.nsw.gov.au](mailto:gerards@leeton.nsw.gov.au)).

## 7.4 Access to Council staff

Councillors may directly contact members of staff that are listed in **Appendix 1** of this Policy. The General Manager may amend this list at any time and will advise Councillors promptly of any changes.

Councillors can contact staff listed in **Appendix 1** about matters that relate to the staff member's area of responsibility and should as far as practicable and only contact staff during normal business hours.

If Councillors **are unsure who to contact** or would like to contact a member of staff not listed in **Appendix 1**, they must receive **written** permission from the General Manager.

~~If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or who will provide advice about which authorised staff member to contact.~~

A Councillor or member of Council staff must not take advantage of their official position to improperly influence other Councillors or members of Council staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

## 7.5 Procedure

Council staff must make every reasonable effort to assist Councillors with their requests and do so in a respectful manner.



### **Timeframes**

The General Manager or the staff member authorised to manage a Councillor request will provide as per Council's Customer Experience Guarantee an email response to your correspondence within five (5) business days and keep you informed of the progress of your request

Where a response cannot be provided within that timeframe, the Councillor will be advised, and the information will be provided as soon as practicable.

### **Recordkeeping**

Councillor requests will be entered into Council's electronic records management system (TRIM) and assigned to a relevant Council officer for actioning.

### **Staff Attendance at Meetings**

Requests that a Director be present at a meeting must be made five (5) working days before the meeting. The General Manager, or members of Council staff that are listed at

**Appendix 1** of this Policy, are responsible for determining:

- a. whether a Council staff member can attend the meeting; and
- b. which Council staff member will attend the meeting

Council staff members who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.

## **7.6 Confidentiality**

Councillors are required to treat all information provided by Council staff appropriately and to observe any confidentiality requirements. Council staff will inform Councillors of any confidentiality requirements for information they provide so Councillors can handle the information appropriately.

Where a Councillor is unsure of confidentiality requirements, they should contact the General Manager, or the Council staff member authorised to manage their request.

## **7.7 Refusal of Information**

The General Manager may refuse access to information requested by a Councillor if:

- a. the information is not necessary for the performance of the Councillor's civic functions, or
- b. if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or
- c. the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
- d. the General Manager is prevented by law from disclosing the information.

Where the General Manager refuses to provide information requested by a Councillor, they must act reasonably.

The General Manager must advise a Councillor in writing of their reasons for refusing access to the information requested.

Where a Councillor's request for information is refused by the General Manager in relation

to (a) or (b), the Councillor may instead request the information through a resolution of the Council by way of a notice of motion. This clause does not apply where the General Manager refuses a Councillor's request for information under (c) or (d).

Nothing in the above paragraphs prevents a Councillor from requesting the information in accordance with the Government Information (Public Access) Act 2009.

Where a Councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of Council staff time and resources the Council may, on the advice of the General Manager, resolve to limit the number of requests the Councillor may make.

## 8. Councillor Access to Council buildings

Councillors are entitled to have access to the Council chambers, ~~committee room~~, Mayor's office (subject to availability), and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.

Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager.

## 9. Appropriate Interactions

Examples of **appropriate** interactions between Councillors and staff include, but are not limited to, the following:

- a. are courteous and display a positive and professional attitude towards one another.
- b. ensure that information necessary for Councillors to exercise their civic functions is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies,
- c. recording of the advice and document Councillor requests of they give in Councils electronic information system to Councillors in the same way they would if it was provided to members of the public,
- d. Council meetings and Councillor ~~briefings~~ **face to face training sessions** are used to establish positive working relationships and help Councillors to gain an understanding of the complex issues related to their civic duties,
- e. Councillors and Council staff feel supported when seeking and providing clarification about Council related business,
- f. Councillors forward requests **through the correct communication channels** ~~the Councillor requests system~~ and staff respond in accordance with the timeframes stipulated in this Policy.

## 10. Inappropriate Interactions

Examples of **inappropriate** interactions between Councillors and staff include, but are not

limited to, the following:

- a. Councillors and Council staff conducting themselves in a manner which:
  - is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety,
  - constitutes harassment and/or bullying within the meaning of the Code of Conduct or is unlawfully discriminatory.
- b. Councillors approaching Council staff and Council staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters.
- c. Council staff approaching Councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters.
- d. subject to clause 7.6 (Refusal of Information), staff refusing to give information that is available to other Councillors to a particular Councillor.
- e. Councillors who have lodged an development application with the Council, discussing the matter with Council staff in staff-only areas of the Council.
- f. Councillors being overbearing or threatening to staff.
- g. Staff being overbearing or threatening to Councillors.
- h. Councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media.
- i. Councillors directing or pressuring staff in the performance of their work, or recommendations they should make.
- j. Staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.

Where a Councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the Councillor's access to staff.

Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.

## 11. Complaints

Complaints about a breach of this policy should be made to the General Manager (if the

complaint is about a Councillor or member of Council staff), or the Mayor (if the complaint is about the General Manager).

This does not prevent matters being reported to Office of Local Government, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

## **12. Legislation**

*Local Government Act 1993*

*Local Government (General) Regulation 2021*

*Government Information (Public Access) Act 2009*

*State Records Act 1998*

*Work Health and Safety Act 2011*

## **13. Supporting Documents**

Code of Conduct

Code of Meeting Practice

Conflict of Interest Policy (when dealing with development applications lodged by Council Staff Councillors or Council)

Councillors Expenses and Facilities Policy

Records Management Policy

Procedures for the Administration of the Code of Conduct

## Appendix 1– Authorised Staff Contacts for Councillors

The Access to Council Staff section (7.4) states that Councillors may directly contact specific staff members listed below. The General Manager has the authority to amend this list at any time.

Councillors should as far as practicable, only contact staff during normal business hours.

If Councillors is unsure which authorised staff member can help with their enquiry or would like to contact a member of staff not listed below, they must receive permission from the General Manager.

In some instances, the General Manager or a member of the Council's Senior Management Team (SMT) may direct a Council staff member to contact Councillors to provide specific information or clarification relating to a specific matter:

Authorised Staff Members Name	Position	Directorate	Email Address
<b>Jackie Kruger</b>	General Manager	General Manager	jackiek@leeton.nsw.gov.au
<b>Avtar Singh</b>	Director Corporate/CFO	Corporate	avtars@leeton.nsw.gov.au
<b>Michelle Evans</b>	Director Economic & Community Development	Economic & Community Development	michellee@leeton.nsw.gov.au
<b>Tracy Pearce-Brambley</b>	Executive Manager People & Culture	People & Culture	tracyp@leeton.nsw.gov.au
<b>Silas Darby</b>	Director Operations	Operations	silasd@leeton.nsw.gov.au
<b>Sarah Graham</b>	Manager Governance & Corporate	Corporate	sarahg@leeton.nsw.gov.au
<b>Gerard Simms</b>	Manager Information Technology	Corporate	gerards@leeton.nsw.gov.au
<b>Melissa Seymour</b>	Executive Assistant to General Manager & Mayor	General Manager	melissas@leeton.nsw.gov.au
<b>General Councillor Requests Contact Details</b>			
<b>Requests from the Community</b>		<a href="mailto:councillorrequests@leeton.nsw.gov.au">councillorrequests@leeton.nsw.gov.au</a>	
<b>Information Technology Support</b>		<a href="mailto:support@leeton.nsw.gov.au">support@leeton.nsw.gov.au</a>	