

10.2. Policy Review - Councillor and Staff Interaction

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ATTACHMENTS	1. Councillor and Staff Interaction Policy [10.2.1 - 14 pages]
CSP LINK	5. Our Civic Leadership 5.2 Strong civic leadership and customer focussed services

PURPOSE:

The purpose of this report is to present Council with an updated version of the *Councillor and Staff Interaction Policy*.

EXECUTIVE SUMMARY:

- The *Councillor and Staff Interaction Policy* was first adopted in 2004, to provide a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- The Policy complements, and should be read in conjunction with, North Sydney Council's *Code of Conduct - Councillors and Staff* (the Code of Conduct), and *Code of Meeting Practice*.
- 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 North Sydney Council.
- The Policy lists staff members who have the delegated authority to provide Councillors with information on matters relating to their civic functions.
- The updated Policy reflects the changes to the organisational structure across 2023 and 2024, and is based on the Office of Local Government's Model Councillor and Staff Interaction Policy.

RECOMMENDATION:

1. **THAT** Council readopt the *Councillor and Staff Interaction Policy* as attached to this report.

Background

Councillors and Council's administration (being staff within the organisation) must have a clear understanding of their different roles, and the way that these operate within a hierarchy. The administration is accountable to the Chief Executive Officer, who in turn, is accountable to Council.

The *Councillor and Staff Interaction Policy* is a key governance document that provides guidance on this relationship between Councillors and the staff of Council. The Policy has been developed in accordance with the Model Councillor and Staff Interaction Policy from the Office of Local Government (OLG).

Report

With the new term of Council, a review of the *Councillor and Staff Interaction Policy* has been undertaken to confirm that it meets its requirements.

The Policy has been reviewed and updated, and a revised list of authorised staff has been determined for the listing at Schedule 1 of the attachment. The list of authorised staff will also be available for Councillors on Docs on Tap.

Governance staff remain the primary point of contact in relation to Councillor requests so that these can be recorded, tracked, and actioned in an appropriate timeframe, as well as providing Councillors with assistance in identifying the correct staff for particular queries.

As a general principle, the resulting information from a Councillor request should be expected to be shared with other Councillors to ensure that all are equipped with the same information to carry out their civic duties.

Consultation requirements

Community engagement is not required.

There are no specific consultation requirements to readopt this Policy.

Financial/Resource Implications

There are no direct financial or resource implications of this report.

Legislation

Local Government Act defines the role of Councillors and staff members of Council, with Section 232 in particular defining the role of a Councillor.

The Government Information (Public Access) Act 2009, Privacy and Personal Information Protection Act 1998 and Health Records and Information Privacy Act 2002 fundamentally affect the decisions regarding the sharing of requested information with councillors.

This Policy has been based on the Model Councillor Staff Interaction Policy from the Office of Local Government.



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Policy Owner: Director Corporate Services

Category: Statutory

1. STATEMENT OF INTENT

1.1 Councillors must have access to information and staff in order to ensure the smooth functioning of the North Sydney Council. This Councillor and Staff Interaction Policy (the Policy) establishes the protocols to be followed so that access to information and staff is facilitated through appropriate internal or legally available channels. 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 North Sydney Council's *Code of Conduct - Councillors & Staff* (the Code of Conduct) and *Code of Meeting Practice*.

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 North Sydney 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.

2. ELIGIBILITY

2.1 This Policy applies to all councillors and employees of Council

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.

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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 council officials 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.

3. DEFINITIONS

3.1 Councillors - all elected representatives of North Sydney Council as defined by the *Local Government Act 1993*. In this policy a reference to a councillor includes the mayor.

3.2 Documents may refer to:

- files/correspondence
- public registers
- development and other applications
- or any other record of Council business, in whatever form

3.3 Councillor Staff Contacts refers to those staff that councillors may have direct contact with as set out in Schedule 1 to this Policy.

3.4 Records shall have the same meaning as "Documents" as defined under section 3(1) of the *State Records Act 1998* as 'any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means'.

3.5 Statutory Provisions relating to Access to Council information are contained in the *Local Government Act 1993* (LG Act), *Government Information (Public Access) Act 2009* (GIPA), the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the *Health Records & Information Privacy Act 2002* (HRIP Act).

3.6 The LG Act - defines the governing body (section 222) and its role (section 223), together with defining the responsibilities of councillors (including the mayor) as members of a governing body (section 232) but also as an individual and an elected representative of the community (section 232). The additional duties of the mayor's role are also defined (section 226).

3.7 The role of the Chief Executive Officer is to be responsible for the day to day operations of council, while council staff undertake their duties according to directions from the Chief Executive Officer, by following established policy and procedure (section 335).

4. PROVISIONS

4.1 The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy taking into account the differing roles that they are required to undertake as defined in the *Local Government Act 1993*
- b) enable councillors and staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that councillors receive accurate advice in an orderly, courteous, timely and appropriate manner to assist them in the performance of their civic duties
- d) ensure councillors have adequate access to information necessary to exercise their statutory roles
- e) provide direction on, and guide councillor interaction with, staff for both obtaining information and in general situations including Councillors' rights of access to Council buildings
- 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.

4.2 Complaints about a breach of this policy should be made to the Chief Executive Officer (if the complaint is about a councillor or member of council staff), or the Mayor (if the complaint is about the Chief Executive Officer.)

4.3 Clause 4.2 does not operate to prevent matters being report to the Office of Local Government, the NSW Ombudsman, the NSW Independent Commission Against Corruption, or any other external agency.

5. PRINCIPLES/ROLES AND RESPONSIBILITIES

5.1 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

5.2 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.

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5.3 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.

5.4 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.

5.5 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

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

Principle	Achieved by
Equitable and Consistent	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels.
Considerate and respectful	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions.
Ethical, open and transparent	Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct. Ensuring councillors obtain information necessary for them to undertake their decision-making role in Council Meetings.
Fit for purpose	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 ten people.

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Principle	Achieved by
Accountable and measurable	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.

5.7 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

5.8 The Chief Executive Officer is 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. Council staff need to understand:

- a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the Chief Executive Officer, who in turn is accountable to the Council's governing body.
- b) they should not provide advice to councillors unless it has been approved by the Chief Executive Officer or a staff member with a delegation to approve advice to Councillors.
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

5.9 The Chief Executive Officer is responsible to the Council for the performance of all staff and day to day management of council. Therefore, it is appropriate that all requests for information and approaches to staff on matters not generally available to the public and which are outside the forum of Council and

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Committee meetings, be directed to the Chief Executive Officer or to person(s) nominated by the Chief Executive Officer.

5.10 Council's Director Corporate Services will review this Policy and report it to Council for consideration within 12 months of the conduct of an election or as required by Council.

6. COUNCILLOR REQUESTS AND ACCESS TO INFORMATION

6.1 Councillors have a right to request information provided it is relevant to a councillor's exercise of their civic functions.

This right does not extend to matters about which a councillor is merely curious.

Councillors who have a personal (as distinct from civic) interest in a document of council have the same rights as any other person. No provision in this policy will afford any councillor preferential treatment in the provision of any council service when the councillor is acting outside his or her civic role and in their capacity as a private individual.

6.2 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.

6.3 Information not publicly available and not required for councillors to carry out their civic office functions may be applied for through a GIPA application.

6.4 Councillor information requests, are to be sent to:

- a) Council's Manager, Governance at governance@northsydney.nsw.gov.au, who will coordinate requests being forwarded to the appropriate Council Officer for action and ensure a timely response, or
- b) to the Chief Executive Officer, relevant Director and/or the Councillor Staff Contacts- these must be copied to Council's Manager, Governance (at governance@northsydney.nsw.gov.au) for the purposes of maintaining a register of requests.

6.5 The Chief Executive Officer may identify Council support staff under this Policy for the management of requests from councillors.

6.6 Councillors can use the councillor request process to:

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- a) request information or ask question that relate to the strategic position, performance or operation of the Council
- b) bring concerns that have been raised by members of the public to the attention of staff
- c) request ICT or other support from the Council administration
- d) request that a staff member be present at a meeting (other than a meeting of the council) for the purpose of providing advice to the meeting.

6.7 Councillor requests (for information other than that described in Clause 6.6) may be made by contacting the Manager Governance via phone or by email (send to governance@northsydney.nsw.gov.au) All written requests and responses will form part of Council's document management system.

6.8 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 Chief Executive Officer 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.

6.9 Staff must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.

6.10 The Chief Executive Officer or the staff member authorised to manage a councillor request will provide a response within five working days. Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.

6.11 Requests under clause 6.6(d) must be made five working days prior to the meeting. The Chief Executive Officer or members of staff that are listed at Schedule 1 of this Policy are responsible for determining:

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

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

6.12 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality and privacy requirements.

6.13 Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.

6.14 Where a councillor is unsure of confidentiality or privacy requirements, they should contact the Chief Executive Officer, or the staff member authorised to manage their request.

6.15 The Chief Executive Officer 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) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
- c) the Chief Executive Officer is prevented by law from disclosing the information, or
- d) if responding to the request would, in the Chief Executive Officer's opinion, result in an unreasonable diversion of staff time and resources.

6.16 Where the Chief Executive Officer refuses to provide information requested by a councillor they must act reasonably. The Chief Executive Officer must advise a councillor in writing of their reasons for refusing access to the information requested.

6.17 Where a councillor's request for information is refused by the Chief Executive Officer on the grounds referred to under clause 6.15 (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 Chief Executive Officer refuses a councillor's request for information under clause 6.15 (c) or (d).

6.18 Nothing in clauses 6.15, 6.16 or 6.17 prevents a councillor from request the information in accordance with the *Government Information (Public Access) Act 2009*.

6.19 Where a councillor persistently makes requests for information which, in the Chief Executive Officer's opinion, result in a significant and unreasonable diversion of staff time and resources the council may, on the advice of the Chief Executive Officer, resolve to limit the number of requests the councillor may make.

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

6.21 A report will be provided to councillors annually regarding the performance and efficiency of the councillor requests system against established key performance indicators through the Councillor Bulletin.

6.22 The Register of Requests will be maintained and made available to all Councillors. All councillors are entitled to receive information provided to any councillors as detailed in the Register of Requests on demand (subject to any conflicts of interest)

7. ACCESS TO COUNCIL STAFF

7.1 Councillors may directly contact members of staff who are listed at Schedule 1 (Councillor Staff Contacts) of this Policy. The Chief Executive Officer may amend this list at any time and will advise councillors promptly of any changes.

7.2 Councillors can contact staff listed at Schedule 1 about matters that relate to the staff member's area of responsibility.

7.3 With the exception of staff nominated in the Councillor Staff Contacts, other staff members are not to approach councillors directly on other than routine administrative matters. Any other contact with councillors must be arranged through their Divisional Director or the Chief Executive Officer.

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

7.5 If councillors would like to contact a member of staff not listed on Schedule 1, they must receive permission from the Chief Executive Officer.

7.6 If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Manager, Governance who will provide advice about which authorised staff member to contact.

7.7 In some instances the Chief Executive Officer may direct a council staff member, other than those listed in Schedule 1, to contact councillors to provide specific information or clarification relating to a specific matter.

7.8 Councillor Staff Contacts may determine that information provided to a particular councillor may be made available to other councillors.

7.9 A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or members of 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 Chief Executive Officer or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman or the NSW Independent Commission Against Corruption.

7.10 With the exception of those staff nominated by the Chief Executive Officer to provide advice to Councillors, Councillors shall not approach other staff directly for advice. Any advice provided to Councillors must be recorded in Council's document management system.

7.11 Councillors who have lodged a Development Applicant must not discuss their application with staff unless the Director or Chief Executive Officer is present. All enquiries must be directed through the Chief Executive Officer or Director.

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7.12 Discussions must be documented and must not be held in staff-only areas of the Council.

Note: Any Development Application in which a councillor has an interest will be sent to an external consultant for assessment. This will enable transparency and probity to be achieved.

8. COUNCILLOR ACCESS TO COUNCIL BUILDINGS

8.1 Councillors are entitled to have access to the Council Chamber, Supper Room, meeting rooms, Mayor's office (by appointment), Chief Executive Officer's office (by appointment), Councillors' Room and public areas of Council's buildings during normal business hours. Councillors needing access to these facilities at other times must obtain approval from the Chief Executive Officer.

8.2 Councillors must not enter staff only areas of Council buildings without the approval of the Chief Executive Officer.

9. APPROPRIATE AND INAPPROPRIATE INTERACTIONS

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

- a) councillors and council staff are courteous and display a positive and professional attitude towards one another
- b) council staff 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) council staff record the advice they give to councillors in the same way they would if it was provided to members of the public
- d) council staff, including Council's executive team members, document councillor requests via the councillor requests system
- e) council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties
- f) councillors and council staff feel supported when seeking and providing clarification about council related business
- g) councillors forward requests through the councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy.

9.2 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:
 - i. 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

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- ii. constitutes harassment and/or bullying within the meaning of clauses 3.7 and 3.9 of the Code of Conduct, or is unlawfully discriminatory
 - b) councillors approaching staff and staff organisations to discuss individual or operational staff matters, grievances, workplace investigations and disciplinary matters
 - c) staff approaching councillors to discuss individual or operational staff matters, grievances, workplace investigations and disciplinary matters
 - d) subject to Clause 6.15, Councillor Staff Contacts staff refusing to give information that is available to other councillors to a particular councillor
 - e) councillors who have lodged an application with the council, discussing the matter with 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
 - k) councillors requesting staff undertake work of a personal nature for them or any other person

9.3 Where a councillor engages in conduct that, in the opinion of the Chief Executive Officer, put the health, safety or welfare of staff at risk, the Chief Executive Officer may further restrict the councillor's access to staff.

9.4 Any concerns relating to the conduct of staff under this Policy should be raised with the Chief Executive Officer.

10. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Access to Council Information Policy
- Code of Conduct - Councillors and Staff
- Code of Meeting Practice
- Mayor and Councillor Facilities and Benefits Policy
- Privacy Management Plan

The Policy should be read in conjunction with the following documents/legislation:

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- Local Government Act 1993
- Local Government (Meeting) Regulations 2005
- Under Careful Consideration: Key Issues for Local Government (ICAC)
- Good Conduct and Administrative Practice - Guidelines for Councils (NSW Ombudsman)
- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- Private and Personal Information Held by Council - A Reference Guide for Staff, Councillors and Contractors
- Model Councillor Staff Interaction Policy (Draft) Office of Local Government

Version	Date Approved	Approved by	Resolution No.	Review Date
1	2 August 2004	Council	794	2008/09
2	16 February 2009	Council	61	2012/13
3	2 August 2010	Council	473	2012/13
4	18 February 2013	Council	61	2016/17
5	15 September 2014	Council	394	2016/17
6	22 June 2015	Council	205	2017/18
7	25 June 2018	Council	2014	2020/21
8	23 May 2022	Council	143	2024/25
9		Council		2028/29

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Schedule 1. Authorised Councillor Staff Contacts

1. Clause 7.1 of this Policy provides that councillors may directly contact members of staff that are listed below. The Chief Executive Officer may amend this list any time.
2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
3. Councillors should as far as practicable, only contact staff during normal business hours.
4. If councillors would like to contact a member of staff not listed below, they must receive permission from the Chief Executive Officer.
5. If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Director Corporate Services who will provide advice about which authorised staff member to contact.
6. In some instances, the Chief Executive Officer will direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.
7. Other staff may contact councillors for routine administrative matters including meeting arrangements and IT support.

Authorised staff - Positions
Director Open Space & Infrastructure
Director Planning & Environment
Director Corporate Services
Executive Manager Organisational Performance
General Counsel
Chief Financial Officer
Chief Information Officer
Service Unit Manager Customer & Communications
Service Unit Manager Capital Projects & Asset Management
Service Unit Manager Community Resilience and Sustainability
Service Unit Manager Arts, Library & Events
Service Unit Manager Leisure & Aquatics
Service Unit Manager Traffic & Transport
Service Unit Manager People & Culture
Service Unit Manager Strategic Planning
Service Unit Manager Corporate Governance
Service Unit Manager Public Presentation
Service Unit Manager Ranger & Parking Services

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Service Unit Manager Development Services
Service Unit Manager Environmental Health & Building Compliance
Executive Officer to the CEO
Executive Assistant to the CEO
Meeting Administration Coordinator
Manager, Governance
Governance Officer