

COUNCIL POLICY

Councillor and Staff Interaction Policy

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1. Purpose

This policy provides guidance and support for Council staff and Councillors in the performance of their duties as established by the *Local Government Act 2020* (Act).

This policy is pursuant to section 46(3)(c) of the Act that states that the Chief Executive Officer (CEO) is responsible for:

“managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented”.

This document establishes the protocols for staff in regard to their interactions with Councillors, while also supporting Councillors in complying with the Councillor Code of Conduct.

2. Scope

This policy applies to all Councillors and all Council employees. It applies to all forms of interaction between Councillors and staff at all times.

The functions of the CEO are defined in Section 46 of the *Local Government Act 2020* which provides that the CEO is responsible for the day-to-day operations of Council. This means that Councillors are not responsible for implementing Council decisions, and do not have authority to direct Council employees (other than the CEO).

This section of the Act supports the facilitation of effective administration and avoids staff being subject to conflicting directions. Clear lines of managerial authority are critical. This does not prohibit Councillors from expressing their views about administration matters or implementation, however this must be undertaken through the CEO.

All Councillors are to ensure that all communication with Council staff is in accordance with the protocols of this policy at all times. This is reinforced in section 46(3)(c) of the Act which provides that the responsibility of the CEO is to manage interactions between Councillors and staff.

Channels of contact may include, but are not limited to, phone (including text), in person, by email or online and through digital and social media platforms.

3. Policy details

3.1 CHIEF EXECUTIVE OFFICER (CEO) INTERACTIONS

The Council employs the CEO and the CEO is responsible for the organisation. Therefore, Councillors' primary point of communication is via the CEO.

The CEO is responsible for determining the appropriate allocation of Council resources required to best support the Mayor and Councillors to undertake their roles. This includes the nomination of Council staff to provide support to the Mayor and Councillors.

The CEO manages interactions between members of Council staff and Councillors and ensures that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.

3.2 DIRECTOR INTERACTIONS

Councillors have direct contact with the relevant Director to seek advice, information, and support to assist them in carrying out their official Councillor duties.

In contacting a Director, Councillors are encouraged to use electronic means, such as email, and the CEO must be copied into the email/correspondence.

If a request from a Councillor relates to matters which are of a whole of Council significance or relevance, then a reply will be sent to all Councillors.

3.3 MANAGER INTERACTIONS

Councillors predominantly have contact with Managers through weekly Briefing Sessions at which the CEO or a delegate is in attendance.

Interaction between Councillors and Managers outside of a Briefing Session is subject to the approval of the CEO or the relevant Director, with approval preferably to be provided via email. Where approval has been provided, Councillors are encouraged to use electronic means to interact with a Manager where this is possible. The CEO or relevant Director must be copied into the email/correspondence.

3.3.1 Manager Customer Experience

The Mayor, or Deputy Mayor in the Mayor's absence, is the public face of Council and therefore communication with the community through Council's media platforms is an important component of their role. It is essential that the Mayor or Deputy Mayor has access to work with the Manager Customer Experience in respect to media statements, requests and responses. The Manager Customer Experience can delegate day-to-day engagement on agreed media statements, requests and responses to the Engagement and Communications Coordinator, however new requests should be made in the first instance to the Manager Customer Experience.

The Mayor, or the Deputy Mayor in the Mayor's absence will be the only Councillors that may provide official comment to the media on behalf of Council.

All new media and communication requests from other Councillors must have approval from the Mayor or Deputy Mayor.

3.4 STAFF INTERACTIONS

3.4.1 Executive Assistant to the Chief Executive Officer

It is appropriate for Councillors to contact the Executive Assistant to the CEO in relation to their roles and responsibilities and general enquiries relating to things such as expense claim forms and calendar invitations/management.

3.4.2 Engagement and Communications Coordinator

The Mayor, or Deputy Mayor in the Mayor's absence, can engage directly with the Engagement and Communications Coordinator to coordinate the preparation of media statements, speeches, key message and media releases in order to ensure effective and timely communication to the public.

3.4.3 Council staff

Except for general and polite conversation, Councillors must not approach Council staff directly to raise issues or seek information and are prohibited from directing or seeking to influence the decision of a member of Council staff.

3.5 COUNCILLOR INTERACTIONS

Under section 124 of the *Local Government Act 2020*, Councillors must not improperly direct or interact with Council staff in accordance with the provisions set out by the Councillor Code of Conduct.

The Council appoints and reviews the performance of the CEO. The Act establishes that all staff including volunteers are accountable to the CEO who is responsible for appointing, directing, or terminating Council employees.

Councillors must:

- accept that their role is one of strategy and policy development and leadership, as opposed to management or administration.
- acknowledge that they do not have a role to instruct or direct or approach staff on any matters pertaining to the performance of their duties.
- acknowledge that they are not responsible for implementing Council actions.
- acknowledge that under the *Local Government Act 2020* they have no capacity to individually direct Council officers to perform or not perform particular functions.
- not use their position to improperly influence members of staff in their duties or functions to gain advantage for themselves or others or to cause detriment to others.
- respect the role of members of staff and treat them in a way that engenders mutual respect at all times.
- acknowledge the professional obligation members of staff have to give advice based on their knowledge and experience and to write reports and recommendations in a professional, objective and unbiased way.
- act with courtesy towards all Council employees and avoid intimidatory behaviour.
- refrain from publicly criticising Council staff in a way that casts doubt on their professional competency or credibility.

Councillors should advise the CEO in a timely fashion of any concerns that they may have with any member of staff.

3.6 INTERACTIONS THROUGH COMMITTEE AND/OR BOARD REPRESENTATION

Individual councillors are appointed to represent Council on Committees and Boards, and there are instances where members of staff are also appointed as representatives on the same Committees and Boards. Examples include appointment to a Director role on the Board of Alpine Children's Services, or membership of the Alpine Resilience Partnership.

In these instances engagement between Councillor and Council staff member is appropriate during meetings of the Committee and/or Board to ensure the Committee/Board is able to effectively fulfil its function.

Councillors should not direct staff members in the way in which they should interact and the input they should provide into the Board/Committee, and must not direct staff members to take action as a result of any decisions of the Board/Committee.

3.7 INTERACTIONS THROUGH MEMBERSHIP TO COMMUNITY GROUPS AND ORGANISATIONS

Councillors frequently perform roles in the community which are not related to their appointment as a member of Council.

Councillors should ensure that Conflicts of Interest between their community interests and Councillor role are appropriately declared and should remain conscious of public perception when engaging with the Council administration team in their role a representative of a community group or organisation.

Councillors should not use their role as a Councillor to improperly influence outcomes for the benefit of a community group or organisation of which they are a member.

3.8 PERSONAL INTERACTIONS BETWEEN COUNCILLORS AND STAFF

While this Policy governs the interactions between Councillors and Council staff which relate to the business of Council, it does not prevent Councillors and Council staff from communicating generally.

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

If a Councillor and a member of Council staff have a pre-existing personal relationship, they must be mindful of this and ensure any conflicts of interest which arise are declared in accordance with the Act and Council's Governance Rules.

3.9 CONTRACTORS AND CONSULTANTS

Contractors or consultants engaged by Council (including contractors or consultants engaged through an employment agency) are to be treated in the same way as staff under this Policy, where the contractors or consultants:

- Supervise Council employees.
- Undertake work that is of a similar nature to work undertaken by Council employees at a premise or location generally regarded as a Council workplace; or
- Use or have access to Council resources or information that are not normally accessible or available to the public.

3.10 SUMMARY OF APPROPRIATE COUNCILLOR AND STAFF INTERACTIONS

Appropriate direct councillor and staff interactions are outlined in the following table. Definitions of the subject matters can be found after the table.

Subject Matter:	Staff member to interact with:								
	CEO	EA to CEO	Relevant Director	Relevant Manager (subject to Director Approval)	Manager Customer Experience	Engagement & Communications Coordinator	IT Helpdesk	Planning Officer (at a Planning Forum)	Civil Works Coordinator
Policy direction and gaps	x		x						
Service development and review	x		x						
Routine service delivery and projects	x	x	x	x					
Media and communications matters	x	x	x		x	x			
Governance Issues	x		x						
Information Systems/Day to day service matters	x	x	x				x		
Representation on Committees,	x	x	x	x	x	x		x	

Subject Matter:	Staff member to interact with:								
	CEO	EA to CEO	Relevant Director	Relevant Manager (subject to Director Approval)	Manager Customer Experience	Engagement & Communications Coordinator	IT Helpdesk	Planning Officer (at a Planning Forum)	Civil Works Coordinator
Forums, and Community Pop-ups.									
Councillor Code of Conduct matters	x								
Enforcement related matters	x		x						
<i>Planning and Environment Act 1987</i> matters	x		x	x					
Councillor vehicles	x	x							x
Civic and ceremonial matters	x	x	x		x				

Policy direction and gaps

This includes areas relating to policy direction, gaps or contradictions in policy, consideration of alternatives, impact analysis, forward scheduling, budget proposals or priority timetables.

Service development and review matters

This includes where Councillors are seeking clarification on service development and review such as perceived service failure, further information on matters sent to Councillors by the administration, interpretation of a policy, clarification of a service level, management response to emerging trends, or information on priority of services or works within a project plan.

Routine service delivery and projects

This includes where Councillors are seeking information on day-to-day service and project matters such as perceived minor service failure, information on service levels, information on scheduling of work, or seeking advice on behalf of a member of the public.

Media and communications matters

This includes all areas relating to media and communications. All media and communication requests should be made through the Chief Executive Officer, relevant Director or to the Manager Customer Experience.

Governance matters

This includes all areas relating to governance.

Information systems day to day IT service matters

Where the issue is relatively simple such as an enquiry regarding timing of service delivery or equipment failure Councillors should direct enquiries via the Executive Assistant to the CEO. Councillors may be referred to the IT Helpdesk if necessary in order to resolve the matter.

More complex issues, including service complaints and requests for new or upgraded services, are to be raised by Councillors with the relevant Director or the CEO.

Representation on Committees, Forums, and at Community Pop-ups

This includes all areas relating to the administration of or the attendance at a committee or forum or community pop-up, or the business or service-related content of a committee or forum.

Councillor Code of Conduct matters

This includes all areas involving potential breaches of the Councillor Code of Conduct or queries in relation to the application of the Councillor Code of Conduct.

Enforcement related matters

This includes all areas relating to enforcement of any law or local law by Council.

Involvement by a Councillor in any stage of investigation or enforcement must not occur.

Council makes delegations and authorisations to various Staff who must, without fear or favour, investigate and enforce various legislation including the *Domestic Animals Act 1994*, *Environment Protection Act 1970*, *Food Act 1984*, *Public Health and Wellbeing Act 2008*, *Planning and Environment Act 1987*, *Road Safety Act 1986* and any local laws.

In accordance with section 124 of the *Local Government Act 2020*, Councillors must not direct or seek to direct a member of Council staff in the exercise of a delegated power, or the performance of a delegated duty or function of the Council.

Delegated and authorised officers must be able to perform investigation, determination of response, management of infringements and prosecutions in a manner that is free of improper direction or improper influence.

Consideration of appeals against the infringement notices will be reviewed in accordance with the relevant guidelines published by the Attorney-General and the internal appeals procedure. Councillors must therefore not involve themselves in matters of investigation and enforcement in a manner that may give rise to a conduct breach. Where members of the community seek support in relation to such matters, they should be referred to the documentation already provided, including relevant Staff identified and available to be contacted.

Councillors may contact the Chief Executive Officer or relevant Director with any requests for information regarding such matters. The provision of related information will be applied in accordance with the Information Privacy Principles set out in the *Privacy and Data Protection Act 2014*.

Planning and Environment Act 1987 related issues

Council has significant responsibilities under the *Planning and Environment Act 1987*. It is important that the decision making of the Council is not tarnished by perceptions of bias, predetermination, inappropriate direction, or inappropriate influence.

Councillors may contact the relevant Director with any requests for information regarding such matters.

Councillors are invited from time-to-time to attend Planning Forums to ensure they are fully informed ahead of a decision to be taken at a Council Meeting. Director Corporate and Community and/or the relevant Manager (with Director approval) will be in attendance at all Planning Forums.

Councillor vehicles

This includes all matters related to access to Council pool vehicles or the maintenance of the Mayoral vehicle, including break-downs, accidents and accidental damage.

Civic and ceremonial matters

Includes all areas relating to, but not limited to, any Civic Ceremonies.

3.11 COMMUNICATION BETWEEN COUNCILLORS AND STAFF DURING AN EMERGENCY

During a declared emergency, Council will operate under the relevant emergency management framework and protocols. Council may not be the lead agency or be authorised to initiate activities and release information.

Councillors are not authorised to seek information or updates directly from Council staff.

The CEO will authorise communication to Councillors to provide information that is in addition to that available to the general public.

3.12 MANAGING CORRESPONDENCE AND COMMUNITY REQUESTS

Where Councillors receive requests for support from members of the public in relation to matters under the control of the CEO, in the first instance they should request the member of the public to log a service request via the customer service team. In this way, the customer will receive a service request number which will allow them to follow up directly on the progress of their request if required.

Where Councillors choose to lodge a request on behalf of a community member, they should preferably do so through the customer portal or via an email to the customer service team. Councillors should provide sufficient information to enable Council staff to respond, including as a minimum the name and contact details of the customer and brief details of their request.

Councillors should acknowledge requests received from members of the public and let the person know that a member of Council staff will respond to them as appropriate.

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 contains confidential information, they should contact the CEO or relevant Director for clarification prior to releasing the information to the public.

3.13 UNREASONABLE REQUESTS FOR INFORMATION

Where the CEO or Director consider that a request for information may be unreasonable, or the information cannot be provided, they must state to the Councillor the reasons for the decision if access is to be refused. Examples of what is unreasonable may include:

- Information that is not readily available and would require significant officer resource to gather.
- Is not required for the Councillor to perform their civic duty and is operational in nature.
- Information that is protected by privacy provisions or legislation – for example the number of freedom of information requests in action may be provided on request, but Officers would not disclose the name of the applicant, or the details of the information being sought, or where a Councillor wishes to know details of a personal

affair nature of a complainant or any information that may unreasonably disclose someone's identity.

- Information relating to staff personnel files.
- Information relating to Public Interest Disclosure matters that Council's Public Interest Disclosure Officer is managing through direct receipt, or via an IBAC or Victorian Ombudsman enquiry.

If a Councillor is seeking information that is unable to be provided by the Chief Executive Officer, the following mechanisms can be used to seek information or for a decision to be determined by Council:

- Calling of a special council meeting
- Admission of urgent business
- A notice of motion.

All of the above can be enacted provided that they meet the requirements of the Alpine Shire Council Governance Rules and do not breach any state or commonwealth legislation ie. *Privacy and Data Protection Act 2014*, *Local Government Act 2020*, *Public Interest Disclosures Act 2012* or the *Freedom of Information Act 1982*.

4. Roles and responsibilities

The following positions are responsible for

Role / Position	Responsibility
Chief Executive Officer	Adoption, application and operation of this Policy
Mayor, Deputy Mayor	Ensuring Councillors are supported in the implementation of this policy and that any behaviour that is contrary to this policy and the Councillor Code of Conduct in relation to the implementation of Council policies are identified and dealt with in accordance with the <i>Local Government Act 2020</i> and Councillor Code of Conduct.
Councillors	Understanding and abiding by this policy at all times. Reporting issues to the CEO when they believe this policy has not been adhered to.
Council staff	Understanding and abiding by this policy at all times. Reporting issues to the CEO when they believe this policy has not been adhered to.

5. Breaches

If a member of Council staff considers that a Councillor has breached the requirements of this protocol, they are to:

- advise the Councillor that they are uncomfortable with the interaction and recommend the Councillor speak with either the CEO or relevant Director if they require any further information, and
- report what has occurred to the CEO or Director Customer and Community.

If a Councillor considers that a member of Council staff has breached the requirements of this protocol, they are advised to:

- have no further contact with the member of Council staff, and
- should report what has occurred to the CEO or the Director Customer and Community.

The CEO and/or Director Customer and Community will assess the matter and determine what further action should be taken

6. Human Rights Charter compatibility

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006 [Vic]*.

7. Supporting documents

This policy should be read in conjunction with all other relevant, Council policies and procedures, as well as relevant legislative requirements.

Related Legislation

- *Local Government Act 1989 [Vic]*
- *Local Government Act 2020 [Vic]*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Domestic Animals Act 1994,*
- *Environment Protection Act 1970,*
- *Equal Opportunity Act 2010*
- *Food Act 1984*
- *Freedom of Information Act 1982*
- *Public Health and Wellbeing Act 2008,*
- *Occupational Health and Safety Act 2004*
- *Privacy and Data Protection Act 2014*
- *Planning and Environment Act 1987*
- *Public Interest Disclosures Act 2012*
- *Road Safety Act 1986.*

Related Guidelines, Operational Directives or Policies

- Governance Rules
- Councillor Code of Conduct
- Employee Code of Conduct

Related Procedures

- Nil

8. Definitions and abbreviations

Term	Meaning
Act	<i>Local Government Act 2020</i>
CEO	Chief Executive Officer
Council	Alpine Shire Council
Councillor	A person who holds the office of member of a Council
Governance Rules	the governance rules adopted by Council under section 60 of the Act, as amended from time to time
Member of Council staff	<p>Under the Act, a natural person appointed by the Chief Executive Officer (other than an independent contractor under a contract for services or a volunteer) under s48 to enable-</p> <ol style="list-style-type: none"> The functions of the Council under this Act or any other Act to be carried out, and The Chief Executive Officer to carry out their functions <p>Note: The Chief Executive Officer is also a member of Council Staff - s44(5).</p>
Worksite	<p>An area a where any Council works are taking place or services are delivered.</p> <p>This includes permanent and temporary locations as well as online and social media platforms</p>

9. Approval

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this XX day of
<Month> 20XX
in the presence of:

COUNCILLOR

SIGNATURE

COUNCILLOR

SIGNATURE

CHIEF EXECUTIVE OFFICER

SIGNATURE