



# POLICY REGISTER

## Interaction between Councillors and Staff Policy

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## DOCUMENT CONTROL

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1.0	Glenn Wilcox A/General Manager	First Edition	Council Minute No. ( 2021)

## **Interaction between Councillors and Council staff**

Council officials are to comply with Council's Code of Conduct, and this policy, regarding interaction between Councillors and Council staff.

## **Obligations of Councillors**

1. Council is a body politic. The Councillors are the governing body of the Balranald Shire Council (BSC). The governing body has the responsibility of directing and controlling the affairs of the Council in accordance with the Local Government Act (the Act) and is responsible for policy determinations,
  2. Councillors must not:
    - (a) Direct Council staff other than by giving appropriate direction to the General Manager in the performance of Council's functions by way of Council or Committee resolution, or by the Mayor exercising power under section 226 of the Act (& Section 352 of the Act).
    - (b) In any public or private forum, direct or influence or attempt to direct or influence any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate.
    - (c) Contact a member of the staff of the Council on Council-related business unless in accordance with this policy.
    - (d) Contact or issue instructions to any of Council's contractors or tenderers, including Council's legal advisers, unless by the Mayor exercising power under Section 226 of the Act.
- *Note: for this policy, Administrators should be read as Councillor or as Mayor as appropriate.*

## **Obligations of staff**

1. The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay. Members of staff of council must:
  - Give their attention to the business of Council while on duty
  - Ensure that their work is carried out efficiently, economically and effectively
  - Carry out lawful directions given by any person having authority to give such directions
  - Give effect to the lawful decisions, policies, and procedures of the Council, whether or not the staff member agrees with or approves of them
  - Ensure that participation in any activities (including political) outside the service of Council, does not conflict with the performance of their official duties.

## **Obligations during meetings**

1. All Council officials must act in accordance with Council's Code of Meeting Practice and the Local Government (General) Regulation 2005 during Council and Committee meetings.
2. Council officials must show respect to the Mayor, other Council officials and any members of the public present during Council and Committee meetings or other formal proceedings of the Council.

## **Outside of meetings**

1. The General Manager is responsible to the Council for performance and direction of all staff and day-to-day management of Council. Therefore, it is appropriate that all requests for information and approaches to staff outside the forum of a Council or Committee meetings

be directed to the General Manager or persons nominated by the General Manager.

2. For all but straightforward advice on administrative matters, Councillors should put their requests for information or advice in writing to be answered by the General Manager or the appropriate Council officer. These written requests then form part of Council records and can be filed appropriately. The General Manager must indicate in writing the reasons for refusing a request.
3. If a Councillor is concerned about any refusal to provide information, they should firstly raise the matter with the General Manager (or the Mayor if it was the General Manager who refused to provide the advice).
4. Councillors must not attempt to direct staff as to the performance of their work. Staff must report all such attempts immediately to their Manager or the General Manager.
5. Councillors must not request staff to undertake work for the Councillor or any other person.
6. A Councillor, member of staff or delegate must not take advantage of their official position to improperly influence other Councillors, members of staff or delegates in the performance of their public or professional duties for the purpose of securing private benefit for themselves or for some other person.

#### **Inappropriate interactions between Councillors and staff**

1. In accordance with the provisions of Council's Code of Conduct the following interactions have been deemed inappropriate, and should not be carried out by Council officials under any circumstances:
  - a) Councillors approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues;
  - b) Council staff approaching Councillors to discuss individual or operational staff matters other than broader workforce policy issues;
  - c) Councillors being overbearing or threatening to Council staff;
  - d) Councillors making personal attacks on Council staff in a public forum;
  - e) Councillors directing or pressuring Council staff in the performance of their work, or recommendations they should make (staff performance issues should be addressed to the General Manager).

#### **Councillor access to Council buildings**

1. Subject to availability, Councillors may access the Council Chamber, the Mayor's Office, and the public areas of the Council's buildings whilst undertaking their civic duties.
2. Councillors who are not in pursuit of their civic duties have the same rights of access to Council buildings and premises as any other member of the public.
3. Councillors and administrators must not enter staff-only areas of Council buildings without the approval of the General Manager.
4. Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.

### **Breaches of this policy**

1. All parties need to have confidence that the policy will be complied with and breaches will be dealt with appropriately. Any breaches of the policy that are not dealt with appropriately will erode confidence in the ability of the Council to deal with complaints and reduce the efficiency of the Council.
2. Non-compliance with this policy is a breach of Council's Codes of Conduct.
3. Breaches will be dealt with in accordance with the provisions of Council's Codes of Conduct and the Procedures for the Administration of the Code of Conduct (prepared by the Office of Local Government).

### **Reporting breaches of this policy**

Breaches of this policy must be reported in accordance with the provisions outlined in Part 8 of Council's Codes of Conduct.

### **Review**

This policy should be reviewed every 4 years or following an ordinary election of Council. The policy may be reviewed and amended at any time at Council's discretion (or if legislative or State Government Policy changes occur).