

## **PROTOCOL FOR INTERACTION BETWEEN COUNCILLORS AND STAFF**

Based on the provisions of the *Local Government Act 1993*, Councillors and staff have distinctly different roles to play in Council. Council has adopted the following protocol to recognise the role of Councillors as members of the governing body and as elected representatives of the community. The protocol should be read in conjunction with current Model Code of Conduct adopted by Council.

### **Protocol**

1. As elected members of the Council, Councillors have access to the Mayor's Office (subject to the Mayor's approval at all times), the Councillors' Lounge and public areas of Council's buildings during normal business hours, meetings, etc. Should Councillors need access to these facilities at other times, authority is required from the General Manager in order that necessary arrangements can be made. Councillors are not permitted to enter staff areas of administration buildings unless on the invitation of and accompanied by a member of staff.
2. For reasons of probity, Councillors should ensure that when they are within a staff area, they are conscious of potential conflict or pecuniary interest matters and/or the perception that they may bring influence to bear on officers' decisions, and should avoid any comment or conduct which may give rise to this perception (Clause 8.25 Model Code of Conduct).
3. If Councillors require the attendance of an officer at a meeting they are holding with a member of the public, they must contact the appropriate Director or Manager and provide adequate notice so that the officer can undertake any necessary preparation and the meeting can be scheduled.
4. So that visitors can be welcomed and their appointment confirmed and so that the Councillors' Lounge can be suitably prepared, Councillors should call the Executive Assistant and book the Councillors' Lounge when making appointments with residents. Public access is restricted to the Councillors' Lounge.
5. In any public or private forum, Councillors will ensure that their comments do not seek to direct, or influence in any way, members of staff in the exercise of their professional responsibilities. This can include Councillors directing or pressuring staff in the performance of their work or recommendations they should make; being overbearing or threatening to staff; and making personal attacks on staff.
6. The General Manager and Directors are to be highly accessible to Councillors on formal meeting days and operate an open door policy. Councillors should not hesitate to make direct contact if they feel it necessary.
7. Council does not provide secretarial services to Councillors, excepting the Mayor in accordance with Council's *Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors*.

### **Councillor access to information**

8. Outside of a formal meeting environment, if Councillors seek further information about matters listed for Council and Committee consideration, they should in the first instance contact the Reporting Officer as listed on the agenda item. If deemed

appropriate, the Officer should advise of the contact to the Manager, Director or General Manager. Complete files will be made available unless otherwise directed by the General Manager or Public Officer (See Clause 8.8 Model Code of Conduct).

9. Outside of a formal meeting environment, Councillors should direct all other contact or requests for information (not related to the current agenda items) to the relevant Unit Manager as detailed on the organisational responsibility lists.
10. Councillors are entitled to access all Council files, records or other information where that information is identified in Schedule 1, GIPA Regulation 2009 or which is reasonably necessary for exercising the functions of their civic office. Much of the information referred to in Schedule 1 may be viewed on Council's website.
11. 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 their civic role and in their capacity as a private individual.
12. Councillors can direct requests for access to Council information relating to their civic duties by lodging a request in writing to the appropriate officer identified in clauses 8 and 9 of this protocol.
13. Where the General Manager or Public Officer determine to refuse access to a document sought by a Councillor they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the Councillor to perform their civic duty (see Clause 8.2 of the Model Code of Conduct). The General Manager and Public Officer must state the reasons for the decision if access is refused. Councillors may request the General Manager and Public Officer to review the decision.
14. Councillors not satisfied with the decision of the General Manager or Public Officer to refuse access and a subsequent review of the decision, may direct complaints to the NSW Ombudsman or Office of Local Government complaint handing function.
15. Councillors refused access to Council information in accordance with the above, are entitled to lodge a request for access to Council information as provided for under the GIPA Act and Council's Access to Information Policy. The review mechanisms provided for in the Access to Information Policy would apply.

### **Breaches**

16. Breaches of this protocol by Councillors may be reported to the General Manager. Dependent upon the General Manager's determination, the matter could be referred to the Conduct Review Committee/Reviewer for investigation or in pecuniary interest matters referred to the Chief Executive, Office of Local Government.