

Title	Councillor and Staff Interactions Policy
Description	To support the arrangements for interactions between Councillors and members of Council staff in accordance with Section 46(3)(c) of the <i>Local Government Act 2020</i> .
Category	Governance
Type	Policy
Approval authority	Chief Executive Officer
Responsible officer	Manager Governance and Integrity
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Review date	April 2027
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Human Rights compatibility	This policy has been assessed and is compatible with the Victorian <i>Charter of Human Rights and Responsibilities Act 2006</i>

1. Purpose

To set out the arrangements for interactions between Councillors and Council staff in accordance with Section 46(3)(c) of the *Local Government Act 2020 (Act)*.

2. Objectives

The objectives of this Policy are to:

- a) Enable Councillors and Council staff to work together in the capacity of their respective roles and responsibilities in accordance with the *Local Government Act 2020*, the *Local Government Act 1989* and associated regulations, relevant policies, Model Councillor Code of Conduct and Staff Code of Conduct.
- b) Support professional, respectful and effective working relationships and building of trust between Councillors and Council staff.
- c) Assist Councillors to fulfil their role pursuant to the Act by:
 - ensuring Councillors are provided consistent, coordinated, accurate, timely and well-informed advice and information to help them to fulfil their role in an effective manner;
 - incorporating good governance principles to information-sharing, including transparency, accessibility and accountability; and
 - supporting Councillors to conduct themselves with integrity as outlined in Part 6 of the Act (Section 123, relating to misuse of position; Section 124, relating to directing a member of staff; and Section 125, relating to confidential information).
- d) Support Councillors' compliance with the Model Councillor Code of Conduct and the Guidance on the Model Councillor Code of Conduct.
- e) Enable Council staff to discharge their obligations and responsibilities pursuant to their delegated authority and generally to act in accordance with relevant legislation.

- f) Support customers to receive efficient, accurate and timely processing of requests for information, service requests and operational matters that they may choose to submit via Councillors.
- g) Provide Councillors with confidence that an issue raised will be systematically managed in accordance with appropriate legislation, regulations and Council policy.
- h) Support Council to meet its responsibilities under the *Occupational Health and Safety Act 2004* and the *Equal Opportunity Act 2010* to protect people from risks to their health and safety including harassment, bullying, violence and discrimination.
- i) Ensure that Council information is appropriately managed.

3. Scope

3.1. This Policy applies to

- Councillors and all Council staff; and
- all interactions between Councillors and Council staff whether face-to-face, online, by phone, text message or in writing.

3.2. While this Policy governs interactions between Councillors and Council staff, it does not prevent Councillors and Council staff from communicating generally (for example exchanging pleasantries, relaxed and informal conversations etc). Practical common sense is to be applied.

3.3. This Policy is also not intended to apply to circumstances where Councillors and members of Council staff may have contact in a social context unrelated to Council or its business. This recognises that Councillors and members of Council staff are members of the community more broadly and may develop or have pre-existing social connections. In such social contexts, Councillors and members of Council staff are expected to refrain from discussing Council business.

3.4. If this Policy does not specifically address a situation faced by a Councillor or member of Council staff, then advice and guidance should be sought from the Chief Executive Officer (CEO) or relevant General Manager.

3.5. This Policy does not seek to limit Councillors expressing their views about administration matters or the implementation of policy or Council decisions, but rather outlines how such matters will be communicated. This type of feedback should be directed to the CEO.

3.6. This Policy is to be read in conjunction with the Model Councillor Code of Conduct, Staff Code of Conduct and any other relevant Council policy.

4. Background

4.1 It is acknowledged in the local government sector that the relationship between Council administration and Councillors can be complex, but the strength of this relationship is critical to achieving good governance for the benefit and wellbeing of the municipality.

4.2 The Act prescribes the roles and functions of Council, Councillors and Council staff and, to some degree, the nature of the relationship between them.

4.3 Section 8(1) of the Act states that “the role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.”

4.4 The core role of a Councillor is to participate in the decision-making of the Council; represent the interests of the municipal community in that decision-making and contribute to the strategic direction of Council through the development and review of key strategic documents, including the Council Plan. Collectively, Councillors exercise leadership in providing good governance of the organisation and the local community to which they are ultimately accountable.

- 4.5 The administrative or operational arm of Council comprises the CEO and Council staff who are responsible for implementing Council policy and decisions, service delivery and providing professional advice to Councillors to enable decision-making by Council.
- 4.6 Amongst other functions, Section 46(3)(c) of the Act states the CEO is responsible “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”.
- 4.7 The Model Councillor Code of Conduct provides that Councillors must act in accordance with any such policies, practices and protocols developed by the CEO, and Section 139(1) of the Act provides that Councillors must observe the Model Councillor Code of Conduct. Councillors are therefore obliged by the Act to comply with this Policy.
- 4.7 The Act provides clear separation between the governance function of Councillors and the administrative and operational functions of the Council administration.
- 4.8 This Policy is intended to contribute to lawful, respectful, trusting, and constructive relationships between Councillors and Council staff by articulating their different but complementary roles, defining reasonable expectations, and establishing clear and effective interaction and communication protocols.
- 4.9 This Policy seeks to mitigate potential risks and unintended consequences that may arise when Councillors deal directly with Council staff. It seeks to safeguard the integrity of both Councillors and Council staff, for example when:
- a) Councillors might inadvertently seek, or be perceived as seeking, to directly or improperly influence a staff member in the provision of advice to Council or in the discharge of a delegated or statutory function;
 - b) Councillors seek advice/information/service on operational matters;
 - c) Councillors might inadvertently seek advice from unauthorised staff;
 - d) in an effort to be responsive to individual Councillor requests, staff inadvertently act contrary to Council policy or beyond delegated or statutory function;
 - e) staff provide advice or act when not in possession of all relevant facts and information, thereby inadvertently providing inaccurate information or misleading the Councillor. This is a particular risk during busy times and may represent a breach of the Staff Code of Conduct in terms of proper process of escalating issues;
 - f) Councillors might inadvertently seek, or be perceived as seeking, to obtain information from a staff member for their own political or personal benefit; and
 - g) staff might inadvertently seek, or be perceived as seeking, to influence Councillors for their own personal advantage.

5. Process

5.1 General position

Unless otherwise provided for in this Part 5, any communication from a Councillor to a member of Council staff must be made in accordance with Table 1.

5.2 Operational and service requests/complaints from residents and community members escalated to Councillors

- 5.2.1 This clause 5.2 is intended to apply to operational and service requests and complaints. Table 1 will not apply to matters within the scope of this clause 5.2.

- 5.2.2 If a Councillor receives any operational or service requests / complaints from residents and community members, they are to be provided in writing and directed to councillorsupport@yarracity.vic.gov.au in the first instance.
- 5.2.3 Alternatively, Councillors can contact the Councillor Support Unit and the team will lodge the matter on Council's Customer Request Management (**CRM**) system. The Councillor Support Unit staff will then formally lodge the request on Council's CRM system and allocate the request to the CEO or relevant General Manager to arrange a response.
- 5.2.4 Operational requests / complaints from residents and community members will be responded to directly by the Council staff except where this is not possible due to the resident or community member remaining anonymous, in which case cl 5.6 will apply.
- 5.2.5 If a Councillor is unsure whether a matter falls within the scope of this clause 5.1, they should direct their enquiry to either the CEO or the Councillor Support Unit.

5.3 Councillor requests for administrative support

- 5.3.1 Requests for administrative support are to be provided in writing and directed to councillorsupport@yarracity.vic.gov.au in the first instance or alternatively via phone with the Councillor Support Unit.
- 5.3.2 The administration will not print documents for Councillors.

5.4 Councillor enquiries, requests for service or information

- 5.4.1 All Councillor enquiries, including requests for information or officer advice, are to be provided in writing and directed to councillorsupport@yarracity.vic.gov.au in the first instance.
- 5.4.2 Alternatively, Councillors can contact the Councillor Support Unit and the team will lodge the matter on Council's CRM system.
- 5.4.3 The Councillor Support Unit staff will then allocate the request to the CEO or relevant General Manager to arrange a response.
- 5.4.4 If a Councillor is unsure, then Councillors should direct their enquiry to either the CEO or the Councillor Support Unit.

5.5 Councillor requests for support for Council meetings

- 5.5.1 All Councillor requests for support for Council meetings, including in connection with additional information, officer advice and preparation of motions and amendments, are to be provided in writing and directed to councillorsupport@yarracity.vic.gov.au in the first instance.
- 5.5.2 The Councillor Support Unit staff will then allocate the request to the CEO or relevant General Manager to arrange a response.
- 5.3.4 If a Councillor is unsure, then Councillors should direct their enquiry to either the CEO or the Councillor Support Unit.

5.6 Councillor requests on behalf of anonymous community member(s)

- 5.6.1 If the Councillor does not provide the contact details of the community member/customer that has made a request to the Councillor, but the Councillor has their contact details, the Councillor will be responsible for advising the community member the following:

- a) Council officers will be unable to respond to the customer or seek further information in relation to the matter raised; and
- b) there will be no record of the customer in relation to the request for any further follow-up or action.

5.6.2 Councillors will receive a notification when the matter has been resolved.

5.7 Concerns/complaints about staff

- 5.7.1 All matters/concerns/queries from Councillors relating to staff conduct, service and performance must only be provided to the CEO directly and privately, and treated confidentially.
- 5.7.2 The CEO will then discuss the matter with the Councillor to understand and clarify any concerns.
- 5.7.3 The CEO will then manage the matter directly and in their absolute discretion.

5.8 Confidential or sensitive matters relating to an individual Councillor or breach of the Model Councillor Code of Conduct

- 5.8.1 If a Councillor has concerns relating to an individual Councillor or an alleged breach of the Model Councillor Code of Conduct, the Councillor should raise this with the Mayor in the first instance.
- 5.8.2 In the event that this is not desirable, these matters are to be raised with the Deputy Mayor.
- 5.8.3 For the avoidance of doubt, Council staff will have no involvement in matters relating to an individual Councillor or an alleged breach of the Model Councillor Code of Conduct, except to provide any necessary administrative support to the Councillors concerned in seeking to resolve the matter.

Table 1 – Approved Councillor and Staff Matrix

Where multiple options exist, Councillors may contact any or all of the identified staff

Type of interaction	Chief Executive Officer	Relevant General Manager	Manager Stat Planning	Manager Governance and Integrity	Councillor Support Unit	Manager Strategic Communications	Principal External Affairs (Media) Advisor
All matters relating to concerns or complaints about staff	X						
Matters relating to Council Business reports (including requests for additional information), endorsed strategies and strategy policy matters	X	X			X		
Matters to be considered or presented at Council meetings (including requests for alternative motions, petitions and joint letters, tabling of Delegates Reports)	X			X	X		
Matters related to the <i>Planning and Environment Act 1987</i> to be considered or presented at Council meetings (including requests for alternative motions)		X	X		X		
Matters formally submitted in accordance with Council's Governance Rules (ie Notice of Motion)	X			X	X		
Routine service delivery, projects and ordinary business activities					X		
Enquiries regarding Governance matters, including Council meeting rules and procedure, conflicts of interest enquiries, personal interests returns etc	X			X	X		
Matters relating to enforcement, investigations or other statutory compliance matters	X	X			X		
Media and communications issues						X	
Media issues							X
Operational requests / complaints from residents and community members escalated to Councillors					X		
Councillor administrative matters, including invites, meeting requests, expense reimbursements					X		
IT technical issues	X				X		

Advisory Committee administration (calendar entries, business papers)		X		X			
Booking meeting rooms/events for Councillors				X	X		

In addition to the matters set out in the matrix, specific arrangements not anticipated at the time of preparing this protocol may be approved by the CEO from time to time.

6. Universal

- 6.1 Communication between Councillors and Council staff must be professional, courteous and respectful.
- 6.2 Communication should be written via email. This allows for appropriate record keeping and tracking of Councillor requests.
- 6.3 All communication between Councillors and Council staff is private and is designated as not suitable for further circulation, forwarding to members of the public, posting on social media or otherwise to be released without the prior written permission of the CEO.
- 6.4 Private email accounts are not appropriate for Council-related interactions and should not be used by Councillors or Council staff for Council-related matters.
- 6.5 Councillors and Council staff may contact each other outside of business hours due to work and other commitments. Consistently with the right to disconnect, Councillors and Council staff are not expected to read or respond to correspondence or contact outside business hours, unless advised otherwise by the CEO from time to time.
- 6.6 As noted at cl 3.3, from time to time, Councillors and Council staff may interact in a personal capacity in a social setting. In such situations, both parties are to refrain from discussing Council business.

7. Councillor Influence

- 7.1 A Councillor, in any private or public forum, is not to direct, unduly influence or pressure Council staff.
- 7.2 Councillors are not to influence the authoring of Council reports or recommendations. The report and recommendation are the responsibility of the authoring Council officer and reflect their professional knowledge and assessment of the relevant issues.
- 7.3 Councillors are not to create a perception or promise of urgent, preferential or favourable treatment to community members/customers. All routine community/customer requests and responses will be treated as per standard service levels and protocols, and/or legislative and statutory processes and timeframes.
- 7.4 Councillors should not request access to documents or copies of information that relate to operational matters or decisions made by Council officers under their delegated authorities or as Authorised Officers.
- 7.5 Council has an adopted Complaints Handling Policy. Councillors are not to influence matters that are subject to processes under the Complaints Handling Policy.

8. Administration of requests

- 8.1 Requests from Councillors to Council staff shall be administered as follows:
 - a) Council staff are to record all requests and responses in Council's approved content management and customer request system (Oracle).

- b) Ideally, all incoming Councillor requests are to be directed to councillorsupport@yarracity.vic.gov.au for registering in Oracle. When a request is directed to a specific member of Council staff in accordance with Table 1 (not Councillor Support), it is to be forwarded to Councillor Support for registering
- c) Where Councillors and Council staff verbally discuss matters or receive requests/follow-up, it is best practice to make a brief file/diary note capturing important elements of the discussion or provide a follow-up email which includes the relevant Councillor, the relevant member of Council staff and the relevant General Manager.
- d) Sometimes Councillors designate a communication as confidential, private or not for distribution. If a Councillor expressly requests that a response be provided only to them, it may result in the request being refused. A member of Council staff receiving this type of communication is to consult with the Manager Governance and Integrity or the relevant General Manager. The distribution reply will be at the discretion of the General Manager or CEO.
- e) Responses which are considered confidential are to be provided via Diligent Boards or similar communication tool.

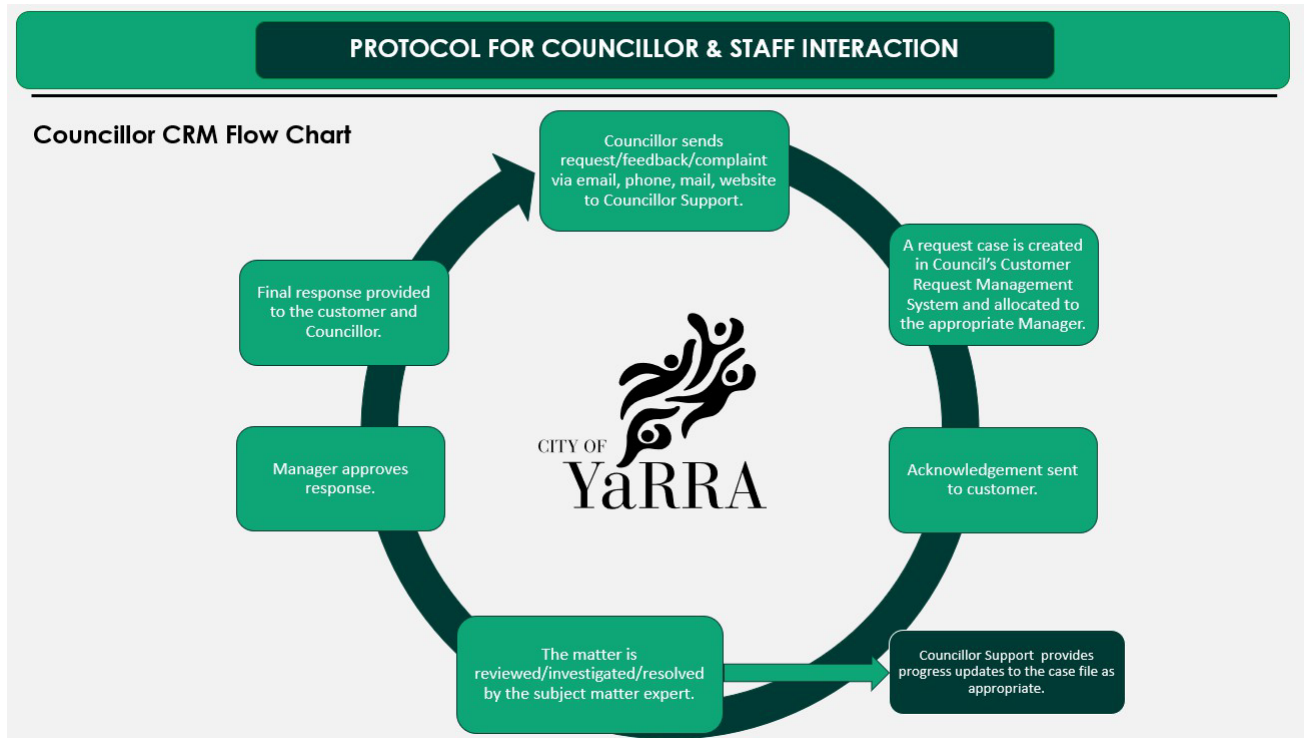
9. Chief Executive Officer

- 9.1 Where extended dialogue or repetitive communication is occurring between Councillors and Council staff, the CEO will determine whether to bring the matter to the next practical briefing session where an efficient and shared discussion can occur or provide a briefing note via Diligent Boards to streamline communications.
- 9.2 The CEO may also decline a request if it is deemed to be for improper use, vexatious, or an unreasonable diversion of staff time and resources.

10. Reporting and Monitoring

- 10.1 Councillors can access their individual submitted requests via their Councillor portal.
- 10.2 General Managers will receive a weekly outstanding Councillor requests report and will be responsible for follow-up and department responsiveness.

Process



11. Complaints

- 11.1 Council staff are empowered to advise Councillors where an interaction is inappropriate. If a member of Council staff considers that a Councillor has failed to adhere to this Policy, they must contact the relevant General Manager or CEO for guidance, and then provide their complaint in writing to the CEO and/or Manager Governance and Integrity.
- 11.2 For complaints relating to Council staff, Councillors should provide their complaint in writing to the CEO, consistently with clause 5.7.
- 11.3 Complaints relating to a breach of this Policy shall be dealt with in accordance with the process set out in the internal resolution procedure established under s 140 of the Act or in the Staff Code of Conduct, as applicable.

4. Related Documents

- Charter of Human Rights and Responsibilities Act 2006
- Equal Opportunity Act 2010
- Health Records Act 2001
- Local Government Act 1989
- Local Government Act 2020
- Privacy and Data Protection Act 2014
- Councillor Social Media Policy

- Councillor Support Policy
- Customer Complaints Policy
- Governance Rules (including the Election Period Policy)
- Guidance on the Model Councillor Code of Conduct (October 2024)
- Internal resolution procedure
- Local Government (Governance and Integrity) Regulations 2020
- Model Councillor Code of Conduct
- Staff Code of Conduct
- Staff Disciplinary Policy and Procedure