

## 1.0 INTRODUCTION

- 1.1. Based on the provisions in the *Local Government Act 1993 (the Act)*, Councillors and Council staff have distinctly different roles to play. The Council is responsible for the strategic direction of Council and for determining the policy framework of Council. The Council also has a statutory role as the consent authority, under both the *Environmental Planning and Assessment Act 1979* and the Act, for applications for development consent and local approvals. The General Manager is responsible for the effective day-to-day management of the organisation and the carrying out of Council's policies and strategic objectives.

However, at times the distinction between these two roles may be unclear. There often needs to be Interaction between Councillors and Council staff to effectively integrate policy making and service delivery. This Policy aims to clarify the two roles and provide guidance for both Councillors and Council staff.

- 1.2 The Policy demonstrates the Council's commitment to being a 'A Leading Organisation' as articulated in the 10 Year Community Plan and in particular, strategy L1.7 'Be accountable and transparent in our affairs, operate with integrity, improve our responsiveness and pursue innovative solutions for organizational improvement'.

## 2.0 PURPOSE

- 2.1 To ensure that Councillors receive advice to help them in the performance of their civic duty in an orderly manner in accordance with the Act including appropriate Interactions with Council staff, or contractors of Council.
- 2.2 To provide direction to Councillors on their rights of access to Council premises.
- 2.3 To enhance good governance, transparency and ethical conduct for the operations of Council.

## 3.0 SCOPE

- 3.1 This Policy applies to all Councillors (including the Mayor), and all Council staff and contractors. It applies to all Interactions, regardless of geographic location.

## 4.0 DEFINITIONS

- 4.1 **Contractor** means an independent person or entity that undertakes to provide goods, materials, equipment personnel and/or services for agreed requirements or specifications at a mutually agreed upon price, within a specific timeframe
- 4.2 **Council** means Moree Plains Shire Council
- 4.3 **Councillors** means elected Council representatives, including the Mayor
- 4.4 **Council premises** includes any of the following locations; Level 1 and 2 of the Max Centre Moree Office, Mungindi Office, Northern Area Office, The Moree Waste Management Facility, Moree Artesian Aquatic Centre, Mungindi Pool, Boomi Pool, Gwydir Daycare and Preschool, Moree Regional Library, Moree Community Library and Dhiyaan Aboriginal Centre but excludes non-public premises
- 4.5 **Council staff** means an employee as defined in the *Industrial Relations Act 1996*. For the purposes of this policy, the definition of Council staff covers a volunteer.

- 4.6 **Interaction** means any dealing between a Councillor(s) and a member of Council staff or contractor and includes; in-person, by telephone (including text), internet, email, writing, on a social media platform or any other form of communication
- 4.7 **Manex** means the Management Executive which includes the General Manager and Directors
- 4.8 **Non-public premises** means the Tycannah Street Works Depot, Broadwater Depot, and any other village Depot of the Council or worksite of the Council from time to time
- 4.9 **The Act** means the *Local Government Act 1993*

## 5.0 POLICY STATEMENT

### 5.1 Responsibilities

6.1.1 The Executive Department is responsible for making this Policy readily available to community members and staff on request and for ensuring that this Policy is implemented and adhered to in a consistent manner.

### 5.2 Support and advice

5.2.1 The following Council staff may provide support and advice on this Policy:

- General Manager
- Director of Corporate Services.

### 5.3 Councillor - Staff Interactions

The Act provides that the General Manager is to direct Council staff in the performance of their duties. Any and all Interaction between Council staff and/or contractors and a Councillor(s), other than the General Manager, is to be authorised by the General Manager. This authorisation may be of a general nature, for a specific period of time, or as a “one-off”.

Nothing in this Policy prevents an Interaction between a member of Council staff and Councillor(s) for the purpose of a Councillor(s) seeking clarification on a matter from the relevant member of Council staff. At all times, the member of Council staff may refer the matter to the General Manager should he/she believe acting reasonably, that the matter goes beyond a point of clarification or otherwise potentially breaches this Policy.

A Councillor, member of Council staff or a contractor must not take advantage of their official position to improperly influence other Councillors or members of Council staff in the performance of their civic or professional duties for the purpose of securing private benefit for themselves or for some other person.

#### 5.3.1 Inappropriate Interactions for Councillors

- Directing 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 their power under Section 226 of the Act.
- At any time or in any way, directing or influencing or attempting to direct or influence any member of Council staff or a delegate of the Council in the exercise of the functions of the Council staff member or delegate.

- Contacting a Council staff member on Council-related business outside of avenues available under this Policy and any associated procedures.
- Contacting or issuing instructions to any of Council's contractors or tenderers, including Council's legal advisors, unless by the Mayor exercising their power under Section 226 of the Act. This does not apply to Council's external auditors who, in the course of their work, may be provided with information by individual Councillors.
- Approaching Council staff to discuss individual staff matters and not broader industrial policy issues.
- Councillors who have lodged a Development Application with Council, discussing the matter with Council staff member(s) in staff-only areas of the Council.
- Being overbearing, abusive or threatening to Council staff.
- Making personal attacks on Council staff in a public forum.
- Making threatening or derogatory comments about other Councillors or Council staff.
- Pressuring Council staff in the performance of their work, or recommendations they should make.
- Approaching any Council staff member directly for confidential or otherwise sensitive information that does not relate to the exercise of their civic duties and is not generally available to the public.
- Personally reprimanding Council staff, whether in public or private, rather than raising the matter with the General Manager.

### 5.3.2 Inappropriate Interactions for Council staff or contractors

- Approaching Councillors directly (rather than via their Director, staff representative or union delegate) to discuss individual staff matters rather than broader industrial policy issues.
- Refusing to give information that is available to other Councillors to a particular Councillor.
- Meeting with Councillors who are developers alone and outside of office hours to discuss Development Applications or proposals.
- Lobbying Councillors to change resolutions of Council.
- Giving preferential treatment or service to one or more Councillors.

Council staff are to inform their Manager, Director or the General Manager of any Interaction made directly to them by Councillors if the staff member believes (acting reasonably) the contact does not abide by this Policy. The same applies if a Councillor is made aware of a staff member or other Councillor acting in a manner contrary to this Policy.

### 5.3.3 During Meetings

Interactions between Councillors and Council staff or contractors at Council and Committee meetings are regulated by:

- Council's Code of Meeting Practice
- The Act
- The Local Government (General) Regulation 2005
- Council's adopted Code of Conduct.

#### 5.3.4 Outside of Meetings

Councillors may contact the General Manager, the relevant Director or other Council staff members as authorised by the General Manager to discuss or make arrangements to meet to discuss Council business. Only Council staff authorised by the General Manager will provide advice to Councillors.

It is recognised and expected that the Mayor has a day-to-day need to discuss a wide range of matters with the Manex team and the Executive Assistant to the General Manager.

#### 5.3.5 Councillor requests

Councillors are provided with a range of methods to make requests or ask questions including use of Councillor Request Forms, Questions on Notice at a Standing Committee Meeting or submitting a complaint into the Customer Request Management system. Council's Access to Information Policy provides further information around the options available for Councillors to seek information or make requests.

### 5.4 Councillor access to Council premises

- 5.4.1 Councillors are entitled to have 24 hour, seven day a week access to the Council Chamber, Committee Room, Councillors' Retreat and public areas of Council's administration building located at the Max Centre, 30 Heber Street, Moree, for the purpose of carrying out their civic duties. The Mayor also has 24 hour, seven day a week access to the Mayor's Office.
- 5.4.2 Councillors who are not in pursuit of their civic duties have the same rights of access to Council premises as any other member of the public. A Councillor (including as a member of any Council-appointed committee, advisory group, board or similar) has no rights to enter staff-only areas without the express authorisation of the General Manager. Any access by a Councillor to a non-public premises is deemed inappropriate.
- 5.4.3 Councillors must ensure when they are in a staff-only area they are mindful of potential conflict or pecuniary interest matters and avoid giving rise to the appearance that they may be improperly influencing Council staff decisions.

### 6.0 DELEGATION

- 6.1 The General Manager is authorised, pursuant to Section 377 of the Act, to allow a matter that does not conform with a Policy to proceed if the General Manager is of the opinion that the variation from the Policy is of a minor nature.

### 7.0 REFERENCES

- 7.1 Port Macquarie-Hastings Council – Provision of Information and Interaction between Councillors and Staff Policy
- 7.2 Gosford City Council – Councillor Access to Information, Council Officers and Council Premises
- 7.3 Division of Local Government Circular to Councils 10-30
- 7.4 The Model Code of Conduct for Councils in NSW
- 7.5 *Local Government Act 1993* (relevant sections: s222, s223, s226, s232 and s335)
- 7.6 Local Government (General) Regulation 2005

## 8.0 BREACHES OF THIS POLICY AND DISPUTE PROCEDURE

- 8.1 Each occasion of a Councillor or Council staff member not complying with this Policy should be immediately reported to the Mayor or General Manager. All breaches of this Policy will be dealt with as a breach of Council's Code of Conduct.
- 8.2 In the event of a dispute over any aspect of this Policy, immediate action will be taken by the General Manager through effective and constructive consultation between the parties concerned. If a resolution cannot be reached, the General Manager will determine the matter and that decision shall be final.

## 9.0 REVIEW

- 9.1 Council will review existing policies if at any time it is apparent that the circumstances which gave rise to the policy have changed substantially.
- 9.2 Council will consider existing policies on a progressive basis; however, each policy will be reviewed by staff at least once within four years of the date of adoption and proposed changes reported to the Council.

POLICY	<b>COUNCILLOR INTERACTIONS WITH STAFF AND ACCESS TO COUNCIL PREMISES</b>	
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## HISTORY

Original Policy	<b>Councillor Access to information, Interactions with staff and Access to Council Premises Policy (2013)</b>
Policy drafted by	Executive
Policy reviewed by Managers' Meeting	16 August 2017 + 6 September 2017
Policy reviewed by Manex	12 September 2017
Council Resolution Number, if applicable	17/10/23
Date of Adoption	26 October 2017
Review Date	October 2021
Classification of Policy	External
This Policy works in conjunction with these polices	Model Code of Conduct + Access to Information Policy
This policy works in conjunction with these procedures:	Nil

ELECTRONICALLY SIGNED BY THE GENERAL MANAGER OF MOREE PLAINS SHIRE COUNCIL,  
WHOSE SIGNATURE APPEARS BELOW.

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**LESTER RODGERS**