



Councillor Interaction with Staff and Access to Information

Application	Councillors and Staff
Responsible Officer	Director Corporate & Community Services
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Introduction

The *Local Government Act 1993* provides distinctly different roles for Councillors and Council staff. The elected body is responsible for strategic direction and for determining the policy framework of Council. The General Manager, with the senior officers of Council, is responsible for the effective management of the organisation and the carrying out of Council's policies and strategic objectives.

There often needs to be personal interaction between Councillors and Council officers. This has created the need for policy direction to help Councillors and staff understand their respective roles and how they should operate, in order to perform their job effectively.

Purpose

This policy will:

- Provide guidance to Councillors, staff and the community in relation to Councillor/staff interaction;
- Provide guidance in relation to Councillors accessing information and Council records;
- Provide direction on Councillor's rights of access to Council buildings;
- Provide appropriate sanctions for non-compliance under the Code of Conduct; and
- Facilitate a harmonious and respectful relationship between Councillors and staff.

Definitions

Council:	Carrathool Shire Council
Councillors:	shall mean all elected representatives of Carrathool Shire Council as defined by the Act, which includes the Mayor
Executive Staff:	shall mean the General Manager and all Directors
Non-executive staff:	shall mean all staff below the level of Director and includes permanent, temporary and casual staff members
Public Officer:	Officer delegated by the General Manager to undertake the functions of Public Officer (currently the Manager Organisation Development) as outlined in section 343 of the <i>Local Government Act 1993</i>
Breach:	an act of breaking or failing to observe code of conduct.
Sanction:	a penalty for not obeying a rule.

Reference

This policy complements other legislation and where it is silent on matters referred to in the following legislation such matters must be followed in accordance with the legislation.

O:\Common\Document Control\Council Policy\Adopted\Councillor Interaction with Staff and Access to Information 123.docx	Effective Date:	20.08.2019
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- *Local Government Act 1993*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Local Government (General) Regulation 2005*
- *Health Records and Information Privacy Act 2002*
- *State Records Act 1998*

Policy statements

This policy applies to all elected representatives of Carrathool Shire Council in their interactions with all Council staff, service providers and contractors. This policy will be applied wherever and whenever interactions occur, whether onsite at Council facilities or external to Council facilities, during or outside hours of work.

This policy document should be read in conjunction with council's adopted Code of Conduct.

1. Inappropriate Interactions

Council's policy is that the following interactions are inappropriate:

- Councillors approaching council staff other than managers or senior staff for information on sensitive or controversial matters.
- Council staff approaching councillors directly on individual staffing matters.
- Councillors approaching council staff outside the council building or outside hours of work to discuss council business.
- Council staff refusing to give information which is available to other councillors to a particular councillor because of the staff member's or councillor's political views.
- Councillors who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
- Councillors being overbearing or threatening to council staff.
- Councillors directing or pressuring council staff in the performance of their work, or the recommendations they should make.
- Council staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- Councillors approaching staff and staff organisations to discuss individual or operational staff matters and not broader workforce policy issues.
- Council staff approaching Councillors to discuss individual staff matters and not broader workforce policy issues.

2. Councillors to receive impartial treatment when acting in a private capacity

Councillors will not receive any preferential treatment in the provision of any Council service when the Councillor is acting outside his or her civic role and in their capacity as a private individual.

Councillors have privileges as an elected person which is in addition to their rights as a private individual. However, no Councillor may use his or her role as an elected representative to receive favourable treatment for themselves or any other person.



3. Access to Council Buildings

Councillors are entitled to have access to the Council Chamber, Mayor's Office (subject to availability), function room (subject to availability), and public areas of Council's buildings during normal business hours and for meetings. Councillors needing access to these facilities at other times must obtain authority from the General Manager.

Councillors who are not in pursuit of their civic office functions have the same rights of access to Council buildings and premises as any other member of the public.

Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager (or delegate) or as provided in the procedures governing the interaction of Councillors and Council staff.

4. Interaction During Council Meetings

During council meetings the interaction between councillors and staff is regulated by Council's Code of Meeting Practice. Pursuant to the Code, councillors may, through the Chairperson, ask questions of other councillor and, through the General Manager, ask questions of Council staff.

5. Outside of Meetings

The *Local Government Act 1993* provides that the General Manager is responsible for the performance and direction of all staff and the day to day management of the council.

Councillors may seek information from the General Manager, Directors and Managers:

- By telephone or by making an appointment and meeting with the respective staff member; or
- In the case of more complex matters, by seeking a written response;
- A staff member may, if there are concerns about the provision of the information sought, or if the provision of the information would be unduly time consuming, refer any request to the General Manager. In doing so, the relevant staff member must advise the councillor of the reasons for the referral.
- If a councillor is concerned about any refusal to provide information they should raise the issue with the General Manager (or the Mayor if the refusal is from the General Manager).

6. Access to Information

Councillors may request access to Council documents relating to their civic duty from the General Manager. The General Manager shall not unreasonably decide that a document is not relevant to the performance of the Councillor's civic duty and deny access to a Council document. If access is refused the General Manager must provide reasons for the decision.

Councillors may view development application files that are for determination by Council.

Councillors who have a personal (as distinct from civic) interest in a file have the same rights of access as any other person.

A Council file must not be made available by a Councillor for viewing by any person external to the Council. A Councillor is not entitled to take copies of any document on the file or to give a copy to any person external to the Council without the approval of the General Manager. Any approval must be noted on the relevant file.

7. Use of certain Council information

In regard to information obtained in your capacity as a Council official, you must:



- a. only access Council information needed for Council business
- b. not use that Council information for private purposes
- c. not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with Council only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

8. Use and security of confidential information

You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

In addition to your general obligations relating to the use of Council information, you must:

- a. protect confidential information
- b. only release confidential information if you have authority to do so
- c. only use confidential information for the purpose it is intended to be used
- d. not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e. not use confidential information with the intention to cause harm or detriment to your Council or any other person or body
- f. not disclose any information discussed during a confidential session of a Council meeting.

9. Use of personal information

(Defined in the Privacy Legislation to mean information or an opinion about any individual whose identity is apparent or can reasonable be ascertained from the information or opinion)

When dealing with personal information you must comply with:

- a. the Privacy and Personal Information Protection Act 1998
- b. the Health Records and Information Privacy Act 2002
- c. the Information Protection Principles and Health Privacy Principles
- d. Council's Privacy Management Plan
- e. The Privacy Code of Practice for Local Government

10. Breaches

A breach of this policy is deemed a breach of Council's Code of Conduct. Therefore, the reporting of suspected breaches and the associated complaint handling procedures should be those prescribed within the Code.



Revision Table

Minute /Date	Amendment Reason or Reference
0152 / 19.10.1999	
1582 / 19.06.2007	
0622 / 18.03.2014	Updated to reflect changes to <i>Local Government Act 1993</i> Amended and Reformatted
1056/20.08.2019	Reviewed and updated and added a number of clauses Due for review and changes made in relation to privacy management

Associated Documents

- Code of Conduct
- Code of Meeting Practice
- Privacy Management Plan
- Information Guide
- Internal Reporting Policy

Review

This policy may be amended from time to time and will be reviewed within four years of its adoption (or latest amendment) with reference to any relevant legislation and best practice guides.