



Council Policy

WEST WIMMERA SHIRE COUNCIL

COUNCIL POLICY	
COUNCILLOR AND COUNCIL STAFF INTERACTIONS POLICY	Policy No:
	Approved by CEO: 1 December 2022
	Next review date: 1 December 2026
Senior Manager:	Chief Executive Officer
Responsible Officer:	Governance Manager
Functional Area:	Governance
Introduction and Background	This Policy applies to all Councillors and Council Staff of the West Wimmera Shire Council.
Purpose and Objectives	<p>This Policy is made pursuant to s 46(3)(c) of the Local Government Act 2020 and provides guidance and support for Councillors and Council Staff in the performance of their duties. It complements the Councillor and Staff Codes of Conduct and supports compliance with the Local Government Act 2020.</p> <p>This Policy provides assistance to Councillors in getting the information they need to perform their role in a timely manner and through the appropriate channels.</p>
Response to the Overarching Governance Principles of the Local Government Act 2020	<p>Section 9 of the Local Government Act 2020 states that Council must in the performance of its role give effect to the overarching governance principles.</p> <p>This Policy gives effect to the following overarching governance principles:</p> <ul style="list-style-type: none"> ➤ Council decisions are to be made and actions taken in accordance with the relevant law ➤ The transparency of Council decisions, actions and information is to be ensured.



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Definitions	Act means the Local Government Act 2020.
	CEO means the person appointed to, or acting in, the position of Chief Executive Officer from time to time.
	Council Staff means each person from time to time employed, or otherwise engaged, by the CEO to a position within Council and/or to perform work on behalf of Council, and includes the CEO, contractors, consultants and volunteers.
	Customer Service Staff means each member of Council Staff who is employed in the Customer Service Department from time to time
Policy Details	
1.	<p>General</p> <p>1.1 Legislative basis for Councillor and Council Staff interaction</p> <p>The Act prescribes the respective roles and functions of Council, Councillors and Council Staff and the nature of the relationships between them.</p> <p>Relevantly:</p> <ul style="list-style-type: none"> ➤ The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community (see s 8 of the Act) ➤ The role of a Councillor is to participate in the decision-making of Council, represent the local 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 (see s 28 of the Act) ➤ The role of the CEO includes ensuring the effective and efficient management of the day to day operations of Council, ensuring that Council receives timely and reliable advice about its obligations, responsibility for all staffing matters and managing interactions between Councillors and Council Staff (see s 46 of the Act) and responsibility for providing a safe work environment (see, generally, the Occupational Health and Safety Act 2004). <p>Importantly:</p> <ul style="list-style-type: none"> ➤ The role of a Councillor does not include the performance of any of the responsibilities or functions of the CEO (see s 28(3) of the Act). ➤ Councillors are prohibited from directing or seeking to direct Council Staff in the performance of their functions, and commit an offence if they do (see ss 123 and 124 of the Act). <p>Council Staff will, in accordance with the reasonable directions of the CEO:</p> <ul style="list-style-type: none"> ➤ Provide frank and fearless advice respectfully to Council in aid of its primary objective as the key decision-making body for West Wimmera Shire Council.



- Be responsible and accountable through the CEO for implementing Council's decisions, efficiently and effectively, to deliver beneficial outcomes for the whole municipal community.

1.2 Councillor and Council Staff interaction

The Act requires appropriate separation between the strategic and operational functions of Council to ensure that it observes best practice in governance and mitigates risks.

When Councillors have direct dealings with Council Staff, there are a number of potential risks that may arise, including:

- Councillors might inadvertently seek, or be perceived as seeking, to improperly influence a member of Council Staff in the provision of advice to Council or in the discharge of a delegated or statutory power, function or duty
- In an effort to be responsive to individual Councillor requests, members of Council Staff might inadvertently act contrary to Council policy or beyond the scope of their delegated or statutory powers, functions and duties
- Members of Council Staff might provide advice or act when not in possession of all relevant facts and information in an effort to please a Councillor, thereby inadvertently misleading the Councillor. This is a particular risk during busy times when an issue is a focus of the community or on a media deadline. This may also present a potential breach of the Staff Code of Conduct in terms of proper process of escalating issues
- Councillors might inadvertently seek, or be perceived as seeking, to obtain information from members of Council Staff for their own political or personal benefit, or that of someone else
- Members of Council Staff might inadvertently act, or be perceived as seeking, to influence Councillors for their own personal advantage, or that of someone else
- Councillors might create, or be perceived as creating, a risk to the health and safety of members of Council Staff.

These risks are magnified when Councillors engage with less senior members of Council Staff, because of the inherent power imbalance between Councillors and Council Staff. To comply with the Act, meet contemporary governance standards and appropriately manage these risks, it is important that Councillors and Council Staff act consistently with the requirements of this Policy.

It is also important that Council Staff are not deterred from providing clear, consistent and lawful guidance to residents and ratepayers because of a fear that Councillors will be critical of them and seek to undermine them, particularly when they have been demonstrating organisational values during their interactions. Where Council Staff experience such actions, they will take note of them and alert their supervisor and Director.



2.

Contact between Councillors and Council Staff

In their capacity as elected representatives of the community, Councillors will have a need to request action, advice and/or information. Councillors will generally be entitled to access Council information where the information:

- Is relevant to an issue before, or concerning, Council
- Is reasonably necessary to enable the Councillor properly to perform their functions as a Councillor
- Does not constitute personal or health information (except in certain limited circumstances).

To ensure a consistent, coordinated and timely response to Councillor requests for information, Councillors and Council Staff are required to comply with the following arrangements when dealing with a Councillor request for action, advice or information.

2.1 Communication Channels generally

Councillors' first point of contact for all communications is via the CEO. Contact with other members of Council Staff is only permitted in accordance with this Policy.

All interactions/communications initiated by Councillors, including requests for information, complaints of any nature, travel claims, proposed motions, raising of agenda points etc. must be forwarded to the CEO at ceo@westwimmera.vic.gov.au.

Communication via the CEO is the safest way to ensure that those communications are addressed effectively and efficiently, and that Councillors are complying with the Act.

Councillors may only directly communicate with members of Council Staff (other than the CEO) via the normal systems and procedures that are also available to the public, such as registering customer requests with Customer Service staff, or otherwise with the prior approval of the CEO.

2.2 Support to Councillors in their decision-making role

The primary role of Councillors is to participate fully, actively and in an informed way in making decisions at Council meetings in the best interests of the community as a whole over the longer term.

Outside of formal Council meetings, Councillor Forums and, from time to time, briefing sessions are used to inform Councillors and engage them in discussion in a less formal and structured way prior to matters being formally deliberated upon and decided at formal Council meetings. These Councillor Forums and briefing sessions are designed to provide Councillors with an opportunity to receive information, ask questions and become fully informed without the ordinary constraints of formal



Council meetings so that they can more effectively perform their functions and role.

Councillors can also verbally lodge requests for information via the CEO at Councillor Forums and briefing sessions. If the CEO is not present for any reason, requests for information should be directed to the CEO by email instead.

2.3 Provision of Information

Councillor requests for information must be emailed to the CEO at ceo@westwimmera.vic.gov.au. The CEO will forward the request for information to Governance to log the request in the Request for Information Register and, where appropriate, the CEO will direct a member of Council Staff to respond to the request. The member of Council Staff may, in their discretion, copy all Councillors on their response if they consider the information to be relevant to all Councillors. Councillors should include sufficient information with their requests to enable Council Staff to respond fully and meaningfully. Responses will also be logged in the Request for Information Register, which will be provided to all Councillors at the monthly Councillor Forum.

Councillors should consider any likely cost implications in making requests for advice or information, and should not make requests where the costs cannot be justified as being in the public interest. If the costs of providing information are likely to be high, the Councillor will be requested to consider submitting a Notice of Motion as a means of accessing the advice or information sought.

Councillors are required to treat all information provided by Council Staff appropriately having regard to whether it is 'confidential information' for the purposes of the Act. If a Councillor is unsure whether a document, advice or information is 'confidential information', they should contact the CEO for clarification prior to disclosing it to any person. It is each Councillor's responsibility to ensure they use Council information in an ethical manner in accordance with the requirements of the Act.

2.4 Councillor requests to log issues (personal or on behalf of residents)

Councillors may directly communicate with Customer Service Staff via the normal systems and procedures that are also available to the public, such as customer requests or registering matters in the innovation platform.

Councillors may also report matters, such as service requests or complaints, on behalf of residents and ratepayers to Customer Service Staff. Any customer request/complaint forwarded by a Councillor on behalf of a resident will be logged in the Customer Request Management (CRM) System and actioned as per the normal process for customer requests/complaints. When requests/complaints are reported by Councillors on behalf of residents, full names, contact particulars and sufficient detail should be provided to enable Customer Service Staff to register and action the



matters effectively and efficiently.

Directors will monitor progress of all, and provide a monthly report to Councillors at the Councillor Forum on any outstanding, customer complaints/requests submitted by Councillors on behalf of residents and ratepayers.

Councillors are encouraged to direct residents and ratepayers to Council's Customer Service Centre on 13 99 72, or at council@westwimmera.vic.gov.au, rather than personally managing their requests/complaints, particularly if it is the first time the resident or ratepayer is reporting an operational matter.

2.5 Media enquiries

Should Councillors receive any media request or enquiry, they must direct the media to lodge enquiries on Council's media portal on the West Wimmera Shire Website in accordance with Council's Media Relations Policy.

The Mayor may liaise with Council's Communications Officer for advice in relation to speeches, media releases and official statements to the media. Individual Councillors must not make comments to the media purporting to speak on behalf of Council.

2.6 Councillor complaints

Any complaint that a Councillor has with respect to the behaviour of, or delivery of services by, Council Staff must be forwarded to the CEO to consider appropriate action. If the complaint is about the CEO, it must be reported to the Mayor.

Should a Councillor have a complaint regarding the conduct of any of their fellow Councillors, that complaint must be addressed in accordance with the processes stipulated by the Councillor Code of Conduct and not discussed with, or reported to, members of Council Staff. The CEO will provide guidance to Councillors about the processes stipulated by the Councillor Code of Conduct but will not otherwise have any involvement in the preparation of applications made under it.

2.7 Interaction between Councillors and Council Staff at Council facilities or functions

Councillors may book meeting rooms owned and controlled by Council for meetings, interviews and other functions where the primary purpose is to allow the Councillor to discharge their functions. The Councillor must be in attendance for the duration of the booking and all bookings must be made through Customer Service Staff.

Visits to other Council facilities, other than the various Customer Service desks as a member of the community, are to be prearranged with the CEO. This prearrangement ensures that the attendance of any relevant Council Staff can be arranged, and any Occupational Health and Safety requirements can be organised



before the visit occurs.

2.8 Personal/Social Interaction between Councillors and Council Staff

While this Policy governs the interactions between Councillors and Council Staff, it does not prevent Councillors and Council Staff from communicating generally.

It is recognised that Councillors and members of Council Staff might have private relationships outside of their respective Council roles, and that they may be together at social and community events attended in their personal capacities.

It is imperative that both parties manage a clear separation between the private aspects of their relationships and their professional responsibilities. Both parties must refrain from discussing matters relating to Council business. Contact between Councillors and Council Staff that is not in accordance with this Policy may result in a breach of the Act, the Councillor Code of Conduct and/or the Staff Code of Conduct.

If a Councillor and a member of Council Staff have a pre-existing private relationship, they must ensure that any conflicts of interest which arise are declared in accordance with the Act and Council's Governance Rules.

2.9 Interactions between Councillors and Council Staff as community members

It is recognised that members of Council Staff will often also be members of the community entitled to engage with Councillors as their elected representatives. Nothing in this Policy is intended to prevent members of Council Staff from accessing their elected representatives and Council services.

Both parties must ensure that their interactions and communications are professional and consistent with the interactions and communications to be expected between a Councillor and a community member. Neither party will seek to use their Council role or position to unduly influence the outcome of any matter.

2.10 Councillors attending meetings with individuals or community groups, and attending community consultation sessions

Part of a Councillor's role is to represent the views of the community in Council decision-making. This is ordinarily achieved through participation in formal Council meetings and meetings conducted under the auspices of Council, like Councillor Forums. The Act requires every Councillor to represent the interests of the municipal community in decision-making, but Councillors are encouraged to avoid taking an advocacy role for individual residents or individual community groups in Council decision-making or in relation to administrative or operational matters.

Councillors may, if exceptional circumstances exist, wish to be present at meetings (including site inspections) between residents, ratepayers, community groups and



other stakeholders and Council Staff about an administrative or operational issue. In such cases the Councillor should notify the CEO prior to the meeting (generally 48 hours' notice should be given). The CEO may, in their discretion, determine that it is inappropriate for a Councillor to attend, or that it is appropriate for additional persons (e.g. members of Council Staff) to attend, such an occasion, for any reason.

Councillors are expected to exercise due care in attending meetings between Council Staff and individual residents, ratepayers, community groups and other stakeholders. They must not, and must not be seen to, try to direct or influence Council Staff. To do so risks the Councillor committing an offence against the Act.

Equally, Councillors must not criticise or belittle members of Council Staff, especially in front of third parties. Any concerns held by a Councillor about the performance of a member of Council Staff must be raised privately with the CEO.

Council Staff will frequently undertake community consultation or engagement processes on behalf of Council in respect of Council decisions and Councillors may wish to attend such consultation sessions. The opportunity to attend will be afforded to every Councillor and Councillors should advise the CEO that they will be attending ahead of time (generally 48 hours' notice should be given). This will assist in the planning and conduct of the community consultation.

2.11 Administrative

Should Councillors require assistance with administration issues such as photocopying, IT issues, booking a vehicle or a meeting room etc, a request should be forwarded to the CEO who will direct it to the appropriate member of Council Staff.

2.12 Improper or undue influence

In addition to, and without limiting, what is said elsewhere in this Policy, Councillors must never, in their interactions with Council Staff, direct, influence or manage, or seek to direct, influence or manage, Council Staff in the performance of their functions and duties. Doing so may amount to improper or undue influence, misconduct and/or an offence against the Act.

Improper or undue influence can include, but is not limited to, the following:

- Disrespecting the professional opinion, skills or expertise of members of Council Staff through intimidation, bullying, harassment or disrespectful behaviour
- Using rank or position to seek information outside the processes outlined in this Policy
- Directing or pressuring members of Council Staff to make a decision outside the formal Council decision-making processes
- Directing or pressuring members of Council Staff to provide information, services or assistance to one person, group or part of the community over



	<p>another, outside a formal decision of Council</p> <ul style="list-style-type: none"> ➤ Directing or pressuring members of Council Staff to make a decision to take action outside normal business process timeframes ➤ Directing or pressuring members of Council Staff to change a recommendation in a Council Report. <p>2.13 Conduct Contradictory to this Policy</p> <p>Where any Councillor or member of Council Staff has concerns regarding interactions or communications between Councillors and Council Staff, the matter is to be referred to the CEO at first instance. Where the matter concerns the conduct of a Councillor, the CEO will refer it to the Mayor or, if the matter concerns the Mayor, to the Deputy Mayor, for action.</p> <p>Council Staff are to inform their Director of any interaction sought directly with, or communication made directly to, them by a Councillor not in accordance with this Policy.</p> <p>Conduct of a Councillor that is contrary to this Policy constitutes misconduct for the purposes of the Act, and may constitute an offence against the Act.</p> <p>Conduct of a member of Council Staff that is contrary to this Policy may constitute a breach of their professional responsibilities and may result in disciplinary action being taken by the CEO.</p>
3.	<p>Revocation</p> <p>On the date that this Policy is approved by the CEO, the previous West Wimmera Shire Council, Councillor and Staff Interaction Policy is revoked.</p>
4.	<p>Review</p> <p>This Policy must be reviewed a minimum of once every four years or in line with legislative changes.</p>
5.	<p>Human Rights Statement</p> <p>It is considered that, to the extent that this Policy limits any rights in the Charter of Human Rights and Responsibilities Act 2006, those limits are proportionate and justified. West Wimmera Shire Council is committed to consultation and cooperation between Councillors and Council Staff.</p>
6.	<p>Relevant Legislation and Council Policies</p> <ul style="list-style-type: none"> • Local Government Act 2020 • Occupational Health and Safety Act 2004



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	<ul style="list-style-type: none">• Councillor Code of Conduct• Staff Code of Conduct• Media Relations Policy• Council Expenses Policy• Fraud & Corruption Control Policy
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Policy Approved by CEO:	1 December 2022	RecFind: C22/007978	Signature 
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