

COUNCILLOR AND STAFF INTERACTIONS POLICY



Directorate:	Corporate Performance
Responsible Manager:	Manager Governance, Property and Risk
Review Due:	February 2029
Adoption:	Council
Date Adopted:	26 February 2025

Acknowledgement

Central Goldfields Shire Council acknowledges and extends appreciation for the Dja Dja Wurrung People, the Traditional Owners of the land that we are on.

We pay our respects to leaders and Elders past, present and emerging for they hold the memories, the traditions, the culture, and the hopes of all Dja Dja Wurrung People.

We express our gratitude in the sharing of this land, our sorrow for the personal, spiritual, and cultural costs of that sharing and our hope that we may walk forward together in harmony and in the spirit of healing.

1. Purpose

This policy provides guidance and support for Council staff and Councillors in the performance of their duties as established by the Local Government Act 2020 (Act).

This policy is pursuant to section 46(3)(c) of the Act that states that the Chief Executive Officer (CEO) is responsible for:

“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”

This document establishes the protocols for staff regarding their interactions with Councillors, while also supporting Councillors in complying with the Model Councillor Code of Conduct and staff for the Employee Code of Conduct.

Good governance is dependent on the relationship between the Councillors and the organisation. Mutual respect and understanding between Councillors and staff are essential and a foundation of our Shire. Council is committed to ensuring all interactions between Councillors and staff are positive and constructive.

This policy:

- Seeks to provide Councillors, staff and other persons with clarity surrounding their respective roles, responsibilities, and obligations in dealings with each other;
- Seeks to support efficient and timely processing of requests for information, service requests and operational matters that may be submitted via Councillors;

- Seeks to ensure that Council's resources are used efficiently and effectively;
- Supports Councillors in fulfilling the role of a Councillor pursuant to the Act. Section 28 (1A) of the Act specifies the role of the Councillor as including "to participate in the decision-making of the Council".
- Supports Councillors to comply with Section 123 (3C) of the Act, specifically in assisting Councillors to avoid improper direction or influence of members of staff;
- Supports Councillors and staff to avoid disclosures of information that may breach privacy obligations of Council;
- Supports Councillors to avoid conduct, such as repeated or unreasonable communications, which could create a risk to the health and safety of a member of Council staff; and
- Supports staff in the discharge of obligations and responsibilities pursuant to their delegated authority.
- Supports the CEO in the discharge of obligations and responsibilities pursuant to the Act. Section 46 (3c) of the Act stipulates that the CEO is responsible for 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.

2. Application and Scope

This Policy applies to Councillors and staff, including contractors and agency staff while engaged in Council business or activities. All references in this Policy to 'staff' include contractors and agency staff while engaged in Council business or activities.

This Policy applies to all interactions between Councillors and staff. This includes face to face, online (both social media and virtual meeting platforms), phone, text messages and in writing when from a Council email address.

It does not apply where a Councillor is acting in their personal capacity as a resident/ratepayer. Councillors should raise requests relating to their personal circumstances via Council's ordinary customer service channels. Any contact from Councillors to staff deemed by staff to be made in their capacity as a resident/ratepayer or from a personal email address will be referred to customer service. Councillors acting in their private capacity will be treated with the same courtesy and respect as it would treat any customer or community member of Council.

3. Definitions

The Act means the *Local Government Act 2020*.

CEO means the Chief Executive Officer.

CEO's EA means the Chief Executive Officer's Executive Assistant.

Councillors are the elected official responsible for understanding and abiding by this policy at all times and reporting issues to the CEO and Manager Governance, Property and Risk when they believe this policy has not been adhered to.

Conflict of Interest means a Conflict of interest when a Public Officer's duties conflict between public duties and private or personal interests. These conflicts can be actual, potential, or perceived.

4. General Provisions

4.1. Procedural Guidelines

The purpose of this policy is to ensure that Central Goldfields Shire Council is efficient and effective, with high standards of governance and transparency. The following guidelines apply with respect to interactions between Councillors and Council staff:

- Council employs the CEO who is responsible for the administration of the organisation. Therefore, Councillors' primary point of communication should be the CEO, or the applicable General Manager as delegated by the CEO
- Councillors contact with other Council staff will be in accordance with the protocols outlined in this policy
- Councillors are prohibited under subsection 123(3)(c) of the Act from directing or seeking to influence Council staff
- Councillors and Council staff must meet their respective obligations in responding to community requests to maintain appropriate discretion, transparency, and adherence to mitigating any conflict of interest, including adherence to privacy principles, in responding to any such requests
- if a Councillor or staff member has concerns regarding communications between Councillors and Council staff the matter will be referred to the CEO, who is responsible for the management of such interactions under subsection 46(3)(c) of the Act.

4.2. Roles and responsibilities

A cooperative and supportive relationship between Councillors and Council staff ensures effective governance and decision-making. The CEO is responsible for administrative management to avoid conflicting directions, and Council staff are expected to provide professional advice and recommendations.

4.2.1. Role of Councillors

When interacting with members of Council staff, Councillors will:

- Observe the Act, the Model Councillor Code of Conduct, and other relevant Council policies;
- Respect the functions and responsibilities of the CEO and staff, and the proper workings and line management responsibilities of the Council administration;
- Consider the potential impact on staff and available resources and priorities when requesting advice or information;
- Acknowledge that, where they request advice or information, and staff deem that advice or information to be of relevance to all Councillors, the advice or information will be circulated to all Councillors and staff working on matters to which the advice or information relates;
- Acknowledge that they are prohibited under section 124 of the Act from improperly directing staff and will avoid behaving in a way that creates a perception of improper direction of Council staff; and

Actions that demonstrate compliance with this includes:

- Behaving courteously and respecting the professional opinion, skill, and expertise of staff;

- Respecting normal business timeframes associated with the making of a decision, or the taking of action;
- Understand that staff will make decisions under delegated authority within the formal reporting and decision-making processes; and
- Avoiding interference or seeking to influence enforcement activities undertaken by Authorised officers exercising powers under various Acts in support of the amenity, health, and safety of the municipality.
- In accordance with the right to disconnect; reasonable communication outside of normal business hours must be observed.

For complaints relating to Council staff, Councillors should provide their complaint in writing to the CEO. Complaints relating to a breach of these protocols shall be dealt with in accordance with the process set out in the Staff Code of Conduct, as applicable.

4.2.2. Councillor Interaction

- A Councillor, in any private or public forum, is not to direct, unduly influence, or pressure Council staff.
- Councillors are not to influence the authoring of Council reports or recommendations. The report and recommendation are the responsibility of the authoring officer and reflect their professional knowledge and assessment of the relevant issues.
- 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.
- Councillors should not request access to documents or copies of information that relate to operational matters or decisions made by officers under their delegated authorities or as Authorised Officers.
- Council has an approved Complaints Policy. Councillors are not to influence matters subject to this process.

4.2.3. Role of Staff

- Staff are responsible and accountable through the CEO for implementing Council decisions in a timely manner, efficiently and effectively;
- Staff have a responsibility to provide 'frank and fearless' advice to Council with a full understanding of Council's role, and particularly their role in representing community interests. Officers' advice should be based on information, diligent analysis, consultation, and professional opinion;
- Staff will provide concise, timely and relevant briefing material in a way which provides time for Councillors to absorb and consider the information;
- Requests made of staff for advice and information made in accordance with this Policy will be acknowledged by staff within one working day;
- Staff will treat Councillors with respect, and in all formal settings address Councillors and the Mayor by their titles (i.e.: "Councillor Last name" and "Mayor");
- Staff are not to use their position to improperly direct, influence, or seek to direct or influence Councillors;
- Staff will ensure all Councillors are treated equally and that requested advice, and information is shared with all Councillors through existing formal channels where staff consider the advice, or information has relevance to the entire Councillor group;

- Staff will comply with this Policy, and with a view to maintaining consistency of advice will refrain from providing ad hoc or unauthorised advice to Councillors. Only the CEO and General/Executive Managers can authorise staff contact outside of this policy;
- Staff will advise Councillors when information is confidential, relates to privacy matters or matters within the jurisdiction of other agencies; and
- Staff will avoid inappropriate personal relationships with Councillors. Where relationships outside of this policy occur, these will be declared to the CEO and a plan will be put in place as appropriate.

Council staff are empowered to advise Councillors where an interaction is inappropriate. If a 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.

4.2.4. Role of CEO

The CEO is accountable for the operation of this Policy. The CEO may at times refuse access to information where:

- It is considered the information is not necessary for the performance of a Councillor's civic functions;
- The Councillor has previously declared a conflict of interest in the matter and removed themselves from decision making on it;
- The CEO is prevented by law from disclosing the information; or
- It is the CEO's view the request would result in an unreasonable diversion of resources.

Where the CEO refuses access to advice or information, that refusal will be provided in writing and reasoning provided.

- If the CEO refuses a request on the basis that it would result in an unreasonable diversion of resources, the Councillor may seek the information via a Notice of Motion, in accordance with, and subject to, Council's Governance Rules

4.3. Communication Channels & Provision of Information

The Council employs the CEO, and the CEO is responsible for the organisation. Therefore, Councillors' primary point of communication is via the office of the CEO. Contact with other Council Staff will be in accordance with this Policy.

All communication, including requests for information, between Councillors and Council Staff should go through the Office of the Chief Executive or relevant General Manager as appropriate. The CEO or General Manager will then direct Councillor enquiries to the most relevant member of Council staff for a response.

Councillors may also directly communicate with Council's Manager Governance Property and Risk for issues and questions in relation to governance, the Governance Rules, Councillor policies and the Model Councillor Code of Conduct.

The Mayor, or another Councillor who is filling in for the Mayor at a function, must liaise with Council's Manager Community Engagement for advice in relation to speeches, media releases and official statements to the media.

Where possible communication should be via email. This allows for appropriate record keeping in accordance with the relevant legislation.

4.3.1. Community Requests from Community Members

Community members may not be familiar with or understand the role of the Councillors as defined under the Act and may ask Councillors to intervene, 'fast track' or respond personally on a matter.

Councillors should direct Community members to;

- Contact Council (customer service at mail@cgoldshire.vic.gov.au, or 03 5461 0610) in the first instance for routine customer service requests.
- Direct Community Members to the "report a problem" form on Council's website for a community member to lodge a request report an issue or fault at <https://www.centralgoldfields.vic.gov.au/Your-services/Services/Report-a-problem>
- Provide a copy of the "report a problem" card that lists contact information as well as a QR code that will direct users directly to the relevant form to complete.

This reduces delay, enables the most appropriate support or advice, and easily connects the customer to those responsible for the day-to-day operations of Council.

Councillors may lodge a request on behalf of a customer/community member. In this instance, they should contact Council via the method above, including the contact information of the relevant community member. Council staff will respond to and assist the community member directly.

Council recognises the responsibility Councillors have to represent their constituents and in achieving the strategic priorities of the community which requires access to information and resources. Councillors should encourage residents to lodge their request or complaint directly with Council if this has not already been done. Requests can be lodged online or via email, phone, or mail.

4.3.2. Councillor Requests

All Councillor Requests should be sent to councillor.requests@cgoldshire.vic.gov.au. The customer service team leader will then ensure these requests are lodged in Council's system and distributed to the relevant area or staff member.

Councillors should include sufficient information to enable staff to respond, for example, the name and contact details of a resident if staff are required to contact them. Councillors should indicate in the request whether they would like to respond to the member of the public, or whether they would like the appropriate staff member to do so. If the staff member is to reply, the Councillor should be copied into the email reply.

Councillors can also communicate with Council Staff through a range of business processes including:

- Council Meetings and Briefing Sessions; and
- Committees with both Councillor and Council Staff members.

Information required for Councillors to perform their roles will be provided through the above meeting papers.

However, it is recognised that the responsibility Councillors have to represent their constituents and in achieving the strategic priorities of the community may require access to other information and resources. Requests are to be made in accordance with this policy.

Councillors should consider any cost implications in making requests for advice or information including whether it is necessary for making an informed decision and not make requests where the costs cannot be justified as being in the public interest.

If the costs of providing information are considered unreasonable, the Councillor will be requested to consider a Notice of Motion. Where a Councillor's request requires the

allocation of resources or expenditure of funds, the Councillor will be requested to consider a Notice of Motion and present it at a scheduled council meeting.

4.3.3. Community and Compliance Enforcement

Council's Community and Compliance Enforcement Policy recognises the role authorised officers must exercise with delegated powers in relation to enforcement activities. All requests by Councillors for information about compliance and enforcement activities must be sent via the request process in section 4.3.2.

4.3.4. Planning and Environment Act Issues

Council has significant responsibilities under the *Planning and Environment Act 1987*. It is important that Councillors are not excluded from participation and that the decision making of the Council is not tarnished by perceptions of bias, predetermination, inappropriate direction, or inappropriate influence.

Councillors are strongly encouraged to not meet with proponents or objectors to planning matters unless they have an officer present to accompany them.

When meeting with a proponent or objector, the Councillor must adhere to this policy as stipulated in 4.2.2 Councillors are not to create a perception or promise of urgent, preferential, or favourable treatment to community members/customers.

4.3.5. Operational Contractors

Contractor and consultants are engaged by Council including contractor or consultant engaged through an employment agency are to be treated in the same way as staff under this policy.

- Supervise Council Staff
- Undertake work that is of a similar nature to work undertaken by Council staff at a premises or location generally regarded as a Council workplace; or
- Use or have access to Council resources or information that are not normally accessible or available to the public.

4.3.6. Public Liability Insurance

All insurance claims must be sent directly to Governance Property and Risk team via Customer Service or mail@cgoldshire.vic.gov.au and should include an incident form.

Councillors need to:

- Not admit any liability
- Refrain from making/providing any comment or opinion on the matter; and
- Immediately send the insurance claims to Governance Property and Risk team without delay.

Comments, opinions, and/or delays may leave Council uninsured. The incident will be investigated and any comments regarding the incident need to be shared with the investigator.

4.4. Authorised Staff Listing and Types of Requests

The CEO has authorised General Managers to liaise with Councillors directly on matters relevant to their areas. This means that Councillors are entitled to directly contact the CEO or General Manager in connection with their areas of responsibility.

In addition, the following authorisations apply in the circumstances specified below:

TYPE OF REQUEST	AUTHORISED STAFF
Upcoming Council briefing or agenda item <i>All councillors will be included on reply</i>	Relevant General Manager (Copy to CEO)
Queries on Governance and Council business– e.g.: minutes, Notice of Motions, Governance Rules, conflict of interest, Councillor Conduct matters etc All Councillors will be included on reply where appropriate	Manager Governance Property and Risk (Copy to CEO and General Manager Corporate Performance)
Confidential information, employee matters or sensitive matters Responses to all Councillors at CEO discretion	CEO
Operational or service requests and complaints from residents and community escalated requests to Councillors Managed in line with the Councillor Requests Process detailed at section 4.3.1.	All queries to: mail@cgoldshire.vic.gov.au and; CEO EA
Planning and Environment compliance request – including calling in a planning decision and / or developers meeting request Managed in line with the Councillor Requests Process detailed at section 4.3.1.	All queries to: mail@cgoldshire.vic.gov.au and; CEO EA
Media enquiries, communication assistance	Manager - Community Engagement (Copy to CEO)

TYPE OF REQUEST	AUTHORISED STAFF
Support for Councillor's role on Advisory Committees, at Council events or meetings	Specific staff as identified by General Manager and/or Manager Mayor, CEO, CEO's EA, GM's EA, and Community Engagement Staff
General administrative support and advice relating to the role of Councillor e.g.: diary requests, training, development, and expenses.	All queries to: Mayor and CEO's EA.
General IT request and support advice relating Council equipment	All queries to servicedesk.it@cgoldshire.vic.gov.au

For a quick reference guide refer to Appendix A

The CEO and General Managers may authorise individual staff to contact Councillors to provide specific information or clarification relating to a specific matter. This authorisation will be provided in writing on a case-by-case basis.

4.5. Responses to Councillors

If a request from the Councillor relates to matters which are of a whole of Council significance or relevance, then all Councillors will be copied into the reply.

The CEO and General Manager must be copied into or otherwise informed of all communication between Council Staff and Councillors.

Councillors are required to treat all information provided by staff appropriately and to adhere to any confidentiality and privacy obligations/requirements. If a Councillor is unsure whether a document or advice is confidential or contains information of a personal nature, they are to contact the CEO or relevant General Manager for clarification prior to release of information.

Where possible, staff will clearly identify information which is confidential or personal in nature to assist Councillors in the appropriate handling of such information, however it is the Councillors responsibility to ensure they use the information in an ethical manner in accordance with the requirements of the Local Government Act 2020 and other applicable legislation.

4.5.1. Information for Council Meetings

Councillors will be provided with the information necessary to effectively undertake their decision- making role. Where a decision is to be made by Council through resolution, the relevant information to assist their consideration and decision making will be made available through a report or attachment to a report in the Council meeting agenda.

Information required for Councillors to perform their roles is provided through Council Meeting and Councillor Briefing agendas, however, Councillors - in their capacity as elected representatives of the community - may at times, request action, advice and/or information on matters pertaining to their obligation as a Councillor. Reasonable requests for advice and information prior to a Council meeting will be prioritised in accordance with section 4.3.2.

4.6. Interaction between Councillors and staff at Council facilities or functions

Councillors are provided with an area in Council offices within which to conduct Council business. These spaces should be used when Councillors and staff need to meet or discuss Council-related business. Councillor access to operational areas or work locations will only occur with the consent of the CEO.

A Councillor lounge is provided for all Councillors in the Community Hub. This Hub includes access to printers, meeting rooms and kitchen facilities. Councillors' security pass allows access to the community hub and the town hall.

The Mayor is provided with office accommodation in the Community Hub which may be used for Council business.

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 Council duties. The Councillor must be in attendance and bookings must be made through the CEO's EA.

Visits to other Council facilities, other than the various customer services / reception desks as a member of the community, are to be prearranged with the CEO or the relevant General Manager. This prearrangement ensures that the attendance of any relevant staff can be arranged, and any Occupational Health and Safety requirements organised before the visit occurs.

4.7. Personal Interaction between Councillors and staff

While this Policy governs the interactions between Councillors and Council Staff, it does not prevent Councillors and Council Staff from communicating in a capacity as a resident/ratepayer or at social and community events.

Council staff may communicate with Councillors as residents / ratepayers of the Central Goldfields Shire.

From time to time, Councillors and staff may be present at social and community events. In such situations, both parties must refrain from discussing matters relating to Council business.

If a Councillor and a member of Council staff have a pre-existing personal relationship, they must be mindful of this and ensure any conflicts of interest which arise are declared in accordance with the Act and the Governance Rules.

A Conflict-of-Interest Disclosure may be requested where a personal relationship may be perceived by the Community as not arm's length and may have undue influence in decision making of Council. Staff and Councillor's must contact the Manager Governance, Property and Risk to discuss the potential conflict in the first instance.

4.8. Interaction through Committee and / or Board Representation

Individual Councillors are appointed to represent Council on Committees and Boards. There are instances where staff are also appointed as a representative on the same committee and boards. In these instances, engagement between Councillors and Council staff member is appropriate and ensure the Committee / board can effectively fulfil its functions. This may also extend to email correspondences. These interactions are to relate to the Committee and Board business and not represent any interests of Council.

4.9. Interaction through membership of community groups and Organisations

Councillors frequently perform roles in the community which are not related to their appointment as a member of Council.

Councillors should ensure that conflict of interest between their community interest and Councillor role are appropriately declared and should remain conscious of public perception when engaging with Council officers in their roles as a representative of a community group or organisation.

Councillors must not use their roles as a Councillor to improperly influence outcome for the benefit of a community group or organisation of which they are a member.

A Conflict-of-Interest Disclosure may be requested should there be a perception by the Community a conflict of interest may unduly influence decision making of Council. Councillor's must contact the Manager Governance, Property and Risk to discuss the potential conflict in the first instance.

4.10. Improper or undue influence

Under the Act it is the responsibility of the Council to appoint the CEO. The CEO is then responsible for employing staff for the successful operation of the organisation. Council does not employ Council staff or individual Councillors and cannot direct or manage staff. Council are responsible for the performance of the CEO only.

Councillors are prohibited under Section 124 of the Act from improperly directing or influencing Council Staff.

A Councillor must not intentionally direct, or seek to direct, a member of Council staff:

- a) In the exercise of a delegated power, or the performance of a delegated duty or function, of the Council; or
- b) In the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
- c) In the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under this Act or any other Act; or
- d) In relation to advice provided to the Council or a delegated committee, including advice in a report to the Council or delegated committee.

Improper or undue influence can include:

- Disrespecting the professional opinion, skills, or expertise of staff through intimidatory, bullying, harassing or disrespectful behaviour;
- Using rank or position to seek information outside the processes outlined in this Policy;
- Pressuring staff to make a decision outside the formal Council decision making processes;
- Pressuring staff to provide information, services, or assistance to one person, group, or part of the community over another, outside a formal decision of Council;
- Pressuring staff to make a decision to take action outside normal business process timeframes;
- Pressuring staff to change a recommendation in a Council Report.

4.11. Contact Contradictory to this Policy

The CEO in accordance with Section 48 (3C) of the Local Government Act 2020 will monitor compliance with this policy and oversee the management of any complaint or concern raised in relation to compliance with this policy.

If a Councillor believes that there may have been non-compliance with this policy, the matter should first be raised in writing in accordance with the Model Councillor Code of Conduct. If a staff member believes that there may have been non-compliance with this policy (including improper direction), the matter should first be raised in writing with the relevant General Manager, who will advise the CEO.

5. Review

This Policy must be reviewed a minimum of once every four (4) years or in line with legislative changes.

6. Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

7. Relevant Legislation and Council Policies

- Local Government Act 2020
- Charter of Human Rights and Responsibilities Act (2006)
- Domestic Animals Act 1994
- Environment Protection Act 1970
- Equal Opportunity Act 2010
- Food Act 1984
- Freedom of Information Act 1982
- Occupational Health and Safety Act 2004
- Privacy and Data Protection Act 2014
- Planning and Environment Act 1987
- Public Interest Disclosures Act 2012
- Model Councillor Code of Conduct
- Governance Rules
- Staff Code of Conduct
- Councillor Correspondence Policy
- Expenses and Support for Councillors and Members of Delegated Committees Policy
- Prevention of Corruption and Fraud Policy
- Risk Management Policy
- Conflict of Interest Procedure
- Transparency Policy
- Complaints Policy
- Community and Compliance Enforcement Policy

Appendix A – Quick Reference Guide

X = required O = Optional R = Recommend C = Copy

Type of Interaction	Chief Executive Officer	Relevant General Manager	Manager Governance Property and Risk	Manager Community Engagement	Relevant Manager	Nominated Staff Member of Email address	cc-ed CEO EA	Mayor
Confidential or sensitive matters relating to an individual Councillor, staff complaint	X						O	R
Confidential or sensitive matters breach of Model Code of Conduct or policy	X		O					R
Queries on Governance and Council business– e.g.: minutes, Governance Rules, conflict of interest, personal interest returns etc	O	X	X					R
Matters relating to Council Business reports e.g. requests for additional information	C	X	C					R
Matters formally submitted in accordance with Governance rule e.g. Notice of Motions,	C	X	X					R
Matters to be considered at Council meetings e.g.	O	X	X					R

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alternative motions, items of general business, petitions and joint letters, tabling of Delegates Reports								
Media enquiries, communication assistance	C			X			O	R
Support for Councillor's role on Advisory Committees, at Council events or meetings		O	X	O		X	X	X
IT Technical issues						X	O	R
Operational requests / complaints from residents and community members escalated to Councillors including planning, enforcement, and compliance matters						X	O	R