



WARRNAMBOOL
CITY COUNCIL

Councillors and Staff Interaction Protocol

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1. PURPOSE

The purpose of this Protocol is to regulate and support the management of interactions between Councillors and Council staff.

2. CONTEXT

This Protocol complements the Councillor and Staff Codes of Conduct and supports compliance with section 46(3)(c) of the *Local Government Act 2020* ('the Act') which requires the CEO to manage interactions between members of Council staff and Councillors, and ensuring protocols that support arrangements for interactions between Councillors and staff are developed and implemented.

This Protocol is also developed to support adherence to section 124 of the Act, which prevents Councillors from intentionally directing or influencing, or seeking to direct or influence a member of Council staff.

124 Directing a member of 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.*

Penalty: 120 penalty units.

3. SCOPE

This Protocol applies to all Warrnambool City Council Councillors and staff, volunteers, and contractors.

4. DEFINITIONS

Council Management and Staff (Officers) – includes full-time, part-time and casual employees; temporary and contract employees; trainees, apprentices and volunteers employed or engaged by Council through an agency, apprentice centre or similar, and contractors.

Interactions/Communications – includes Council work related contact in writing, by phone, in person, via email or online and through social media platforms.

Council Worksites - includes any area where Council works are taking place or services are being delivered by Council staff and contractors.

5. OBJECTIVES

The objectives of this Protocol are to:

- provide a clear and consistent framework for all interactions between Councillors and Council staff;

- maintain transparent decision making and good governance arrangements;
- ensure Councillors have access to advice and information to help them to perform and discharge their functions and duties;
- support compliance with the relevant provisions of the Local Government Act 2020;
- recognise Council's responsibilities, pursuant to the Occupational Health and Safety Act 2004 and Equal Opportunity Act 2010, to protect employees and other persons from risks to their health and safety including harassment, bullying, violence and discrimination.

6. PROTOCOLS

6.1 Guiding Principles

To achieve good governance, clear and effective communication protocols for Councillors and Council staff is essential.

In accordance with section 46 of the Act, the CEO is responsible for supporting the Mayor and the Councillors in the performance of their roles, and ensuring the effective management of the day to day operations of the Council. The CEO is therefore the primary staff contact for Councillors.

Contact by Councillors with Council staff shall be in accordance with the following:

- a) Contact between Councillors and Council staff outside of this protocol with respect to Council related matters must not occur.
- b) All communications between Councillors and Council staff must be courteous and respectful and in accordance with the appropriate Code of Conduct.
- c) Unless otherwise specified in **Table 1 (Appendix A)**, Councillors seeking information or wishing to make comment on a specific matter should raise the matter at a Councillor briefing or directly with the CEO.
- d) Where a matter specifically relates to a particular Directorate, the Councillor may contact the relevant Director. For more information see **Clause 6.2**.
- e) Operational service/customer requests from ratepayers, residents and constituents received by Councillors should be reported through Council's Customer Request Management System (CRMS). For more information see **Clause 6.3**.
- f) Council staff must inform their Manager and Director or the CEO of any contact made directly to them by Councillors.
- g) Councillors will be provided building access to the Civic Centre's councillors' room and meeting rooms during business hours. Access by Councillors to operational staffing areas of the Civic centre or other Council buildings shall be by invitation, or as arranged on an as needed basis. For more information see **Clause 6.4**.
- h) Conduct of a Councillor and or Council staff member not in accordance with this Protocol or the respective Staff and Councillors Codes of Conduct should be reported to the CEO.

6.2 Councillor Access to Information

A Councillor shall only request information from the CEO or Directors in order to gain a broader understanding of an issue that falls under their role and responsibility (for example, as a committee delegate), or if it relates to a matter currently before or expected to come before Council for a decision.

In assessing the validity or need for information as requested by a Councillor, the CEO, and/or Directors, must take into account a range of factors, including:

- a) If the information relates to a new issue, an issue currently before Council or a matter already dealt with by Council.
- b) If the information is readily accessible and/or in the public domain.
- c) Privacy and Data Protection Act principles, including the responsibility of the organisation to remove identifying personal information.
- d) Existing priorities, workload and resources involved in responding to a request.

A Councillor request for information should be made at Councillor briefings, where all Councillors, the CEO and officers, as a group can properly understand the nature of the request, whether the request is likely to have the support of Council, and any resource implications.

Unless otherwise advised, Councillors requests for information outside of Councillor Briefings should be directed to the CEO or the relevant Director.

Councillor information requests may be denied where the information requested does not:

- meet the need of, or assist a Councillor in the fulfilment of their role as Councillor;
- fall within the remit or functions of Council or Councillors; or
- comply with Council's privacy obligations, or any other relevant Acts which may prevent the information from being provided.

Where an information request is denied the requesting Councillor/s are to be notified as soon as is practicable, including the grounds for the denial.

Councillor Information Request Protocols:

In responding to Councillors information requests, the following applies:

- a) Requests relating to an issue or decisions currently before Council shall be treated with priority and the response provided to all Councillors, unless the CEO determines providing the information is likely to be a breach of privacy, prejudice Council or any person, would undermine legal privilege, or would be otherwise inappropriate.
- b) Access to information held by the organisation which is not publicly available shall be made available to all Councillors only if such information will assist in their consideration of a matter that requires a Council decision. At the CEO's discretion, such information may be designated as confidential in accordance with section 3(1) of the Act and only be provided as part of a Councillor briefing or closed Council meeting.
- c) Access to information that is of interest to a Councillor but not related to a matter requiring a Council decision will be dealt with at the discretion of the CEO or relevant Director, and where such requests are able to be carried out without impacting on existing priorities, workload or resources.
- d) If the information cannot be provided within a reasonable timeframe, then the requesting Councillor should be advised of the outcome/timeline.

6.3 Requests from residents and constituents received by Councillors

It is important that customer enquiries, complaints and operational service requests are reported and recorded through Council's Customer Request Management System (CRMS) so that there is an official record and mechanism for monitoring actions and response times.

Where a Councillor comes across a matter that requires action by the organisation or has been approached by a person, the request should be lodged in Council's CRMS in one of the following ways:

- a) Encourage the person to report their request direct with Council's City Assist team (tel: 1300 003 280 (local call) or (03) 5559 4800 or online via Council's website: <http://www.warrnambool.vic.gov.au/online-customer-request>
- b) Lodge the request on behalf of the person directly by contacting the City Assist team or via Council's website.
- c) Lodge the request using the SNAP SEND SOLVE mobile application for customer requests (available on all Council iPhones & Tablets).
- d) Contact the responsible Director by email, who will lodge it for the Councillor in the CRMS.

Councillors will be provided with a CRMS Request Number that confirms the request has been logged.

6.4 Councillor access to Council buildings, depots, worksites and resources

Councillors are provided with electronic access cards that allow access during business hours to the Civic Centre's Councillors room and meeting rooms.

Access by Councillors to operational (staffing) areas of the Civic Centre or other Council buildings or worksites shall be by invitation or appointment as determined and/or approved by the CEO.

Staff access to and use of the Councillors meeting room is subject to the CEO's Executive Officer's authorisation, on the condition that Councillors have priority access at any time.

The Mayor's office is provided for use by the Mayor.

Staff access to and use of the Mayor's Office must be authorised by the Mayor. Enquiries should be directed to the CEO's Executive Officer.

Councillor requests for access to other council buildings, depots and worksites are to be directed to the CEO. The Executive Officer to the CEO will coordinate such requests. If permissions are granted, Councillors must comply with worksite safety requirements and directions given by the site/facility manager.

6.5 Compliance with the Protocol

Officers will provide regular reports to council briefings to enable informed review and discussion between relevant staff and Councillors on matters of relevance to the Council.

If a Councillor or the member of Council staff considers that either has breached any aspect of this Protocol:

- They may immediately terminate the interaction with Councillor or Council staff member;
- Council staff are to inform their Manager, Director or the CEO of any contact with a Councillor.
- Councillors can contact the CEO to notify them of the interaction with a staff member.

A review of any reported incidence of this Protocol being breached will be assessed, and where deemed appropriate, action in accordance with Council Policies and Codes of Conduct, and/or legislation may be taken.

7. GOVERNANCE

7.1 Owner

The Manager Governance, Property, Projects & Legal is responsible for monitoring the currency and viability of this policy and updating it when required.

7.2 Review

The Manager Governance, Property, Projects & Legal will review the policy for any necessary amendments no later than three years after its formulation or after the last review.

7.3 Charter of Human Rights Compliance

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006).

Warrnambool City Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee health and safety representatives in any workplace change that may affect the health and safety of any of its employees.

APPENDIX A

Table 1: Councillor and Staff Interaction Protocol

Councillor Matter	RESPONSIBLE OFFICER/STAFF CONTACT							
	Executive Assistant to the CEO (first contact point)	Chief Executive Officer	Relevant Director	Manager Governance Property, Projects, & Legal.	Relevant Manager	Manager Communications	Information Systems Helpdesk Officer	City Assist Unit
Council Plan, Policy directions and gaps		X	X					
Service development and review		X	X					
Operational issues, Service Delivery and Projects		X	X					
Operational Service /Customer Requests (CRMS reporting)								X
Enforcement matters		X	X					
Planning matters		X	X					
Arrangements for Council meetings, Councillor briefings, civic events and ceremonial activities	X							
Councillor support, reimbursements and professional development	X			X				
Media & Communications		X	X			X		
Governance issues		X		X				
Councillor Code of Conduct matters		X		X				
Council administration/staff conduct matters		X						
Information systems day to day equipment/service matters							X	
Administration of a Council advisory committee or forum	X		X					

Explanatory Notes

Council Plan, Policy Direction and Gaps:

Issues involving Council policy directions, gaps or contradictions in policy, consideration of alternatives, impact analysis, forward scheduling, budget proposals or timelines etc.

Service Development and Review Issues:

Issues where Councillors are seeking clarification on service development and review, i.e. perceived service failures, require further information on matters sent to Councillors by the administration, assistance with interpretation, clarification on service levels, seeking management's response to emerging trends, or information on priority of services or works within a project plan.

Operational, Service Delivery and Projects:

Where Councillors are seeking general information on day to day service and project matters i.e. service breakdowns, information on service levels, and information on scheduling of work.

Operational Service/Customer Requests:

Where Councillors receive requests from members of the public or where Councillors wish to alert the organisation to an operational service matter e.g. damaged infrastructure.

Enforcement Issues:

The Council makes delegations and authorisations to various staff who must, without fear or favour, investigate and enforce various legislation including *Domestic Animals Act 1994*, *Environment Protection Act 1970*, *Food Act 2010*, *Health Act 1958*, *Planning and Environment Act 1987*, *Road Safety Act 1986* and the Council's Local Laws.

Delegated and authorised officers must be able to perform investigation, determination of response, management of infringements and prosecutions in a manner that is free of improper direction or improper influence.

Councillors must therefore not involve themselves in matters of investigation and enforcement in a manner that may give rise to a conduct breach under Act.

Where members of the community seek support from a Councillor in relation to an enforcement matter, e.g. infringement notice, they should be referred to the documentation already provided, including relevant staff contacts. Councillors should advise the CEO or relevant Director of any requests regarding on such matters. Any information provided to a Councillor in regards to such matter must comply with Privacy legislation. .

Planning and Environment Act Issues:

The 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 by Councillors and officers. Unless otherwise advised Councillors should direct their enquiries on planning matters to the CEO and relevant Director only.