

# APPENDIX A



## COUNCILLOR AND STAFF INTERACTION PROTOCOLS

The following Protocols apply whenever a Councillor and Council staff member interact. They cover both:

- requests for information on strategic and service issues; and
- discussions or other communications (including verbal discussions, emails and SMS communications) that take place outside a formal meeting (eg where a Councillor approaches a staff member for clarification in relation to a report) and involve an issue affecting Council.

### PART A: CENTRAL CONCEPT IN ALL INTERACTION

#### 1. Respect

- 1.1 The Councillor and member of Council staff will in all interactions treat each other respectfully. The respect should help build and maintain a constructive relationship between Councillors and Council staff.
- 1.2 The Councillor will, in accordance with section 76E(1) of the *Local Government Act 1989*, refrain from improperly directing or improperly influencing, or seeking to improperly direct or improperly influence, the member of Council staff.
- 1.3 The Council staff member will, in accordance with the Excellence in Governance Employee Code of Conduct, maintain the integrity of the decision making process.
- 1.4 Any interaction between Councillors and Council staff should be restricted to those interactions required to further matters of Council business following the normal course of Council operating procedures and processes. Where social interaction occurs between Councillors and Council staff, any discussion of Council business and/or operational matters is prohibited.

### PART B: REQUESTS FOR INFORMATION

#### 2. Reasonableness of Request

- 2.1 The Councillor's request for information must be reasonable in the circumstances.
- 2.2 It must not, for example, impose an unreasonable burden on the member of Council staff or set an unrealistic or impracticable deadline for a response.
- 2.3 The Councillor may in the first instance, request information from the relevant Director or Manager. If the councillor requests information from a Manager, then the Director must be copied into any such requests.
- 2.4 The request should not be designed to embarrass a member of Council staff or put him or her in a difficult position. If the Councillor intends to make public the information sought, this must be communicated to the staff member prior to disclosure to the public.

#### 3. Responsiveness

- 3.1 The member of Council staff must, in respect of any request for information which is reasonable in the circumstances, endeavour to provide the information sought in a considered, responsive and timely way.

#### **4. Transfer of Request**

- 4.1 If the Director considers that the request for information can or should more appropriately be dealt with by a staff member, the Director may transfer the request to the appropriate staff member.
- 4.2 In that event, the Director who has transferred the request must inform the Councillor that the request has been transferred and advise of the name of the staff member now processing the request.

#### **5. Copying Response**

- 5.1 Unless the member of Council staff considers that it is inappropriate to do so, he or she will copy any written communication to or from the Councillor to all other Councillors.
- 5.2 The member of Council staff must also copy the written communication to or from the Councillor to their Director. If he or she considers that the contents of the communication should be brought to the attention of the Chief Executive, the Chief Executive must be copied into the response.
- 5.3 If the written communication is copied under 5.1 and/or 5.2 of these Protocols, the Councillor will be advised by being copied into the email (or other communication).

#### **6. Reacting to the Response**

- 6.1 The member of Council staff's role is to provide the information which has been requested.
- 6.2 The Councillor should not, therefore, debate or attempt to debate any aspect of the information, or anything arising out of the information with the staff member.
- 6.3 If the Councillor feels the information is inadequate or inappropriate, they may take this up with the Chief Executive Officer or the relevant Director.

### **PART C: OTHER INTERACTION**

#### **7. Recording of Discussion or Other Communication**

- 7.1 Any other communication, including text messages and oral discussions between Councillors and Council staff, must be recorded by the Council staff member on a file note and referred to the relevant Director for endorsement and filing by the Director within one working day of the communication occurring.
- 7.2 Where there is oral communication between a Councillor and Director, the Director must record the request or discussion on a file note.
- 7.3 The Chief Executive and Executive Management Team are exempt from recording every discussion with Councillors however the exemption does not apply in relation to the recording of discussions that are of a confidential nature.

### **PART D: COMPLIANCE**

#### **8. Complaints**

- 8.1 If a Councillor or the member of Council staff considers that either has breached any of these Protocols, he or she:
  - 8.1.1 may immediately terminate the interaction with the Councillor or Council staff member;

- 8.1.2 must report, in relation to a Councillor, what has occurred to the Chief Executive who must inform the Councillor of the nature of the complaint; or
  - 8.1.3 must report, in relation to a member of Council staff, to the Chief Executive the nature of the complaint.
- 8.2 The Chief Executive or a person chosen by the Chief Executive for the purpose who is independent of the parties must, if it is practicable to do so, encourage the Councillor and member of Council staff to attend a mediation. If held, the mediation and everything said or done with respect to the mediation must be kept confidential by the Chief Executive, Councillor and member of Council staff.
- 8.3 If it is not practicable to encourage the parties to attend a mediation or:
- 8.3.1 encouragement is given but the mediation does not take place; or
  - 8.3.2 the mediation takes place but the Councillor or member of Council staff still feels aggrieved by the interaction which occurred
- the Chief Executive may progress the handling of the complaint in the manner set out in paragraphs 8.4 and 8.5.
- 8.4 The Chief Executive may engage a person chosen for the purpose who is independent of the parties to investigate the complaint. In that event:
- 8.4.1 the investigation must be carried out fairly and sensitively;
  - 8.4.2 the Councillor and member of Council staff must provide the person with reasonable assistance in the carrying out of his or her investigation; and
  - 8.4.3 the Councillor, member of Council staff and, subject to paragraph 8.5, Chief Executive, must keep confidential the investigation and any report from the person during or at the conclusion of the investigation.
- 8.5 Upon receiving a response from the person at the conclusion of the investigation, the Chief Executive must:
- 8.5.1 in the case of a complaint against a member of Council staff, consider what, if any, disciplinary action should be taken against the member of Council staff; or
  - 8.5.2 in the case of a complaint against a Councillor, designate the report as confidential in accordance with section 77(2)(c) of the *Local Government Act* 1989, and submit a copy of the report to a closed meeting of Council so that Council can consider what, if any, action should be taken against the Councillor.

**RASIAH DEV**  
**CHIEF EXECUTIVE**  
 December 2015