

Councillor Access to Information, Interactions with Staff and Access to Council Premises 2023

POL051



Policy No:	POL051
Policy Title:	Councillor Access to Information, Interactions with Staff and Access to Council Premises Policy
Section Responsible:	Executive Services
Minute No:	23/048
Doc ID:	8362

1. INTENT

Councillors must have access to information and staff to ensure the smooth functioning of the Council. This policy establishes the protocols to be followed so that access to information and staff is facilitated through appropriate internal channels or legally available channels.

The policy provides direction on Councillors' rights of access to the Council Administration Centre.

2. SCOPE

This policy applies to:

- all Councillors of Narrandera Shire Council.
- all employees, contractors and volunteers working on behalf of the Narrandera Shire Council in whatever capacity.

3. OBJECTIVE

The objectives of this policy are to:

1. Provide a standard approach by which Councillors can access Council records.
2. Ensure accessibility to Councillors of all documents that are required by them to undertake their statutory responsibilities.
3. Ensure that Councillors receive accurate and timely advice to aid them in the performance of their civic responsibilities.
4. Facilitate the appropriate level of access to staff.
5. Facilitate a harmonious and respectful relationship between Councillors and staff considering the differing roles that they are required to undertake as defined in the Local Government Act.
6. Complement the Code of Meeting Practice, the Council's Code of Code of Conduct.

4. POLICY STATEMENT

Narrandera Shire Council is committed to:

- Cooperation and collaboration between Council staff and its elected members.
- On-going professional development of elected members.
- Clear distinction between enquiries of civic and personal nature.

5. PROVISIONS

5.1 COUNCILLOR ACCESS INFORMATION

Open Access Information – Section 6 (1) of the Government Information (Public Access) Act 2009 (GIPA) provides that the Council must make government information that is open access information publicly available. Open access information is made available through Council's website or it may be viewed by appointment during office hours. Appointments can be made through Executive Services.

The General Manager and the Public Officer are responsible for ensuring that members of the public and Councillors can gain access to the documents that are publicly available.

Rights of Access to Information: The General Manager must provide Councillors with information sufficient to enable them to carry out their civic office functions.

A Councillor may request the General Manager to provide them with access to a document or other record of Council relating to a matter which is, or is to be, or has been, under consideration of the Council. Councillors are entitled to access all files, records, or other documents where that document is identified as Open Access under GIPA or to a matter currently before the Council.

Councillors can request access to other documents of the Council by a GIPA application.

Information provided to a Councillor in the performance of their civic duties must also be available to any other Councillors who request it.

Councillors who have a personal (as distinct from civic) interest in a document of Council have the same rights as any other person. Councillors can request access to other documents of the Council by making an application under GIPA.

Refusal of Access to Documents – Where the General Manager and or Public Officer determine to refuse access to a document sought by a Councillor, they must act reasonably in reaching this decision, they must take into account whether or not the document sought is required for the Councillor to perform their civic duty. The General Manager or the Public Officer must then give the option of applying for the documents under the GIPA and if access is still refused must state the reasons for the decision (as specified under the provisions of GIPA). For example, Councillors will not be provided with access to staff records. Cases of any refusal will be based on the requirements of GIPA in consideration of overriding public interests against disclosure.

Responsibility/Accountability - Councillors must not release personal information about a third party except in accordance with the provisions of the Privacy and Personal Information Act. Information can be obtained in Council's privacy Management Plan and the Public Officer can also advise on this.

Regarding information obtained in the capacity as a Council Official, Councillors must:

- Only access Council information needed for Council business.
- Not use that Council information for private purposes.
- Not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for themselves, or any other person or body, from information to which they have by virtue of their office or position with Council; and
- Only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

Councillors and staff are responsible for ensuring that any breaches of this policy are reported to the General Manager.

Where the breach relates to the conduct of a Councillor, the General Manager is responsible for immediately reporting the matter to the Mayor and where the breach relates to the conduct of the Mayor, the General Manager is responsible for reporting this to Council.

Where the breach relates to the conduct of staff the General Manager is responsible for taking appropriate disciplinary action if the breach is proven.

Use and Security of Confidential Information – Councillors must maintain integrity and security of confidential documents or information in their possession, or for which they are responsible.

In addition to their general obligations relating to the use of Council information, Councillors must:

- Protect confidential information.
- Only use confidential information for the purpose it is intended to be used.
- Not use confidential information gained through their official position for the purpose of securing a private benefit for themselves or any person.
- Not use confidential information with the intention to cause harm or detriment to the Council or any other person or body; and
- Not disclose any information discussed during confidential session of a Council Meeting.

5.1.1 Right of Review

If a Councillor is concerned about any refusal to provide information, he/she should firstly raise the matter with the General Manager (or the Mayor if it was the General Manager who refused to provide the information) and refer to the Code of Conduct Policy.

For refusal of access under GIPA a Councillor may ask for an internal review or an external review by the Information Commissioner. For more information go to www.oic.nsw.gov.au.

5.2 INTERACTION BETWEEN COUNCILLORS AND STAFF

5.2.1 During meetings

Interaction between Councillors and staff at Council meetings and committee meetings is regulated by:

- Section 360 of the Local Government Act
- Part 10 Sections 232 - 235 of the Local Government (General) Regulation
- Council's Code of Conduct
- Council's Code of Meeting Practice

Councillors at Council Meetings can ask questions of other Councillors by going through the Chair, ask questions of Council staff by going through the Chair and then the General Manager and bring forward Notices of Motion, Questions on Notice and matters of urgency where relevant notice has been provided and procedure followed.

As defined by Council's Code of Meeting Practice, at a Council Meeting, Councillors may put a question through the Chair to the General Manager to a member of staff to clarify a matter that is before the Council.

5.2.2 Outside of meetings

The General Manager is responsible to the Council for the performance of all staff and day to day management of Council. Therefore, it is appropriate that all requests for information and approaches to staff on matters not generally available to the public and which are outside the forum of Council and Committee meetings, be directed to the General Manager or to person(s) nominated by the General Manager.

Persons nominated by the General Manager include the Deputy General Managers. Only the General Manager and Deputy General Managers can provide advice to Councillors. The General Manager and/or Deputy General Managers may from time to time nominate another staff member to provide advice to Councillors.

Requests for actions, services or maintenance may be made by contacting the Customer Service Centre or in writing by completing a Councillor Request Form and submitting it to the Corporate Services section. Staff should ensure that all requests form part of Council records for as long as required.

When a detailed report is required, a Notice of Motion should be made to Council.

If a Councillor is concerned about any refusal to provide information, the matter should be raised with the General Manager. If the Councillor is still dissatisfied, they should request the information by way of a Question on Notice to the Council.

Councillors who have lodged a Development Application must not discuss their application with operational staff unless the Deputy General Manager Infrastructure or General Manager is present. All enquiries must be directed through the General Manager or Deputy General Managers. Discussions must be documented.

Councillors shall not approach operational members of staff directly for information or advice, other than public contact staff and then only for routine administrative matters.

The Mayor may communicate with Council staff while fulfilling the Mayor's responsibilities and the General Manager is responsible for keeping the Mayor informed of all matters relevant to those responsibilities.

Operational staff members will not approach Councillors directly on other than routine administrative matters. Any other contact with Councillors must be arranged through their Deputy General Manager or the General Manager.

Staff members will not lobby Councillors on policy issues.

Councillors must not attempt to direct or influence staff as to the performance of their work.

Councillors must not request staff to undertake work of a personal nature for them or any other person.

Councillors are encouraged to attend informal functions where staff are in attendance when the General Manager and Deputy General Managers are also in attendance. This is to facilitate positive relations between staff and Councillors. Examples include staff Christmas functions, staff award breakfast. All interactions at these informal functions must comply with this policy.

5.3 COUNCILLOR ACCESS TO COUNCIL OFFICES

As elected members of the Council, Councillors are entitled to have unimpeded access to all public areas, the Council Chamber, Mayor's Office, and meeting rooms.

Councillors who are not in pursuit of their civic duties only have the same rights of access to Council buildings and premises as any other member of the public. Appropriate protocols with respect to meeting WH&S requirements need to be followed in this instance with building entry sign-in being required as is the case for any other member of the public.

Councillors may not enter "staff only" areas unless with the permission of the General Manager or Deputy General Managers.

Appropriate interactions between Councillors and staff and vice versa are required to be respectful and courteous and in line with Council's Code of Conduct obligations.

6. DEFINITIONS

- **Council's Public Officer:** is the Deputy General Manager Corporate and Governance Officer in support.
- **Councillors:** all elected representatives of Narrandera Shire Council as defined by the Local Government Act 1993.
- **Documents:** are files and correspondence; public registers; development and other applications.
- **Operational Staff:** are defined as any staff member below the level of Deputy General Manager.

- **Public Contact Staff:** Customer Service staff and Corporate Support staff.
- **Statutory Provisions relating to Access to Council records:** are contained in the Local Government Act (LGA), the Government Information (Public Access) Act 2009 (NSW) and the Privacy and Personal Information Protection Act (PIPPA).

7. ROLES AND RESPONSIBILITIES

7.1.1 The role of the Council: is to determine the strategic direction and determine the policy framework of the Council. The Council has a statutory role as the consent authority under the Local Government Act and the Environmental Planning and Assessment Act.

7.1.2 The role and function of the General Manager: is to effectively manage the organisation, direct staff and implement Council's policies and strategic objectives.

8. RELATED LEGISLATION

- Local Government Act 1993
- Local Government (Meeting) Regulations
- The Government Information (Public Access) Act 2009 (NSW)
- Privacy and Personal Information Protection Act 1998
- State Records Act 1996
- Environmental Planning and Assessment (EPA) Act 1979

9. RELATED POLICIES AND DOCUMENTS

- The Code of Conduct
- The Code of Meeting Practice
- Under Careful Consideration: Key Issues for Local Government (ICAC)
- Good Conduct & Administrative Practice-Guidelines for Councils (NSW Ombudsman)

10. VARIATION

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

11. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

- ES30 Councillors Access to Information and Interactions with Staff and Access to Council Premises 2014.

POLICY HISTORY

Responsible Officer	General Manager		
Approved by	General Manager		
Approval Date	3 April 2023		
GM Signature (Authorised staff to insert signature)			
Next Review	1 February 2025		
Version Number	Endorsed by ELT	Resolved by Council	Date signed by GM
1 Adopted	-	-	15/07/2008
2 Reviewed	-	-	9/12/2011
3 Reviewed	27/10/2014	18/11/2014	19/11/2014
4 Reviewed	28/07/2020	15/09/2020	4/12/2020
5 Reviewed	14/02/2023	21/03/2023	3/04/2023

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