Chief Executive Officer, Councillor and Staff Interaction

Council Policy Number 170
Date adopted 17 September 2019
Scheduled for review September 2023

Purpose
This policy provides guidance and support for Councillors and council staff in the performance of their duties. It complements the Councillor Code of Conduct and supports compliance with the ‘Conduct and Interests’ provisions in the Local Government Act 1989 (‘the Act’).

Policy Statement
1. Context
Campaspe Shire Council consists of the nine democratically elected Councillors (the electoral arm) and the organisation/staff (the operational arm). Councillors appoint the Chief Executive Officer of the organisation, determine Council policies and set the strategic direction of the Council and the municipality. The Chief Executive Officer is responsible for the implementation of Council policy and decisions, service delivery and providing professional advice to Councillors.

Good governance and effective service delivery are dependent on how well the relationship between the elected members and the organisation works, as well as an understanding and adherence to the roles and responsibilities of both Councillors and the organisation.

2. Background
The functions of the Chief Executive Officer (CEO) are defined in Section 94 of the Local Government Act 1989 which provides that administrative management of Council is the responsibility of the CEO. This means that Councillors are not responsible for implementing Council decisions. They also have no authority to direct Council staff. This section of the Act supports the facilitation of effective administration and avoids staff being subject to conflicting directions. Clear lines of managerial authority are critical. This does not prohibit Councillors from expressing their views about administration matters or implementation. This can be done through the CEO.

All Councillors are to ensure that all communication with Council staff is in accordance with the protocols of this policy. This is reinforced in section 94A of the Act which provides that the responsibility of the CEO is to manage interactions between Councillors and staff.

Councillors who improperly direct or influence a member of Council staff in the exercise of their duties will be in breach of Section 76E of the Act.

3. Objective
Policy objectives are to:

a. recognise the respective roles and responsibilities of Councillors and council staff, in particular the Chief Executive Officer, in accordance with the Councillor Code of Conduct

b. assist Councillors and Council staff in respecting the roles and responsibilities of others in the organisation

c. maintain transparent decision making and good governance arrangements.

d. support compliance with the provisions of the Local Government Act 1989

e. recognise the responsibilities of the Council in ensuring that it meets the responsibilities of the Occupational Health and Safety Act 2004 and the Equal Opportunity Act 2010 to protect people from risks to their health and safety including harassment, bullying, violence and discrimination.
4. **Procedural guidelines**

The purpose of this policy is to ensure that the Campaspe Shire Council is efficient and effective, with high standards of governance and transparency:

a. the Council employs the CEO and the CEO is responsible for the organisation. Therefore, Councillors’ primary point of communication should be with the CEO.

b. contact with other Council staff will be in accordance with the protocols supporting this policy.

c. Councillors are prohibited under Section76E of the Act from improperly directing or seeking to influence Council staff.

d. Councillors may receive community requests for support regarding a range of issues. Councillors and Council officers must meet their respective obligations to maintain probity, including adherence to privacy principles, in responding to such requests at all times.

e. if a Councillor or staff member has concerns in regard to communications between Councillors and Council staff the matter will be referred to the CEO who is responsible for the management of such interactions.

5. **Protocols**

To achieve good governance, clear and effective communication protocols for Councillors and Council staff is essential. The protocols which apply to Councillors and Council staff communication are as follows:

a. all communications between Councillors and Council staff must be courteous and respectful.

b. unless otherwise specified in the table below, Councillors seeking information or wishing to make comment on a specific matter should do so either via the CEO or, if the matter specifically relates to a particular Division the Councillor may contact the relevant General Manager.

c. contact between Councillors and Council staff outside of this protocol must not occur.

d. Council staff are to inform their Manager, General Manager or the CEO of any contact made directly to them by Councillors. If the staff member believes the contact is outside of this protocol the Manager, General Manager and the CEO should be advised accordingly.

e. the CEO, General Managers and Managers are to be copied in or otherwise formally advised of all communication between their subordinate staff and Councillors.

f. Councillors are provided building access to the Councillor Lounge 24 hours per day, seven days per week. Councillor support will assist Councillors to access other areas of the building or officers on an as needed basis. Councillors do not have access into the operational staffing areas.
### CEO, COUNCILLOR AND STAFF INTERACTION POLICY

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<thead>
<tr>
<th>Business Area</th>
<th>Council Support Officer (first point of contact)</th>
<th>Chief Executive Officer</th>
<th>Relevant General Manager</th>
<th>Relevant Manager</th>
<th>Communications Manager</th>
<th>Governance Manager</th>
<th>Information Systems helpdesk and staff</th>
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<td>Routine Service Delivery and Projects</td>
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#### 6. Explanatory comment

a. **Policy Direction and Gaps**

Where issues relate to policy direction, gaps or contradictions in policy, consideration of alternatives, impact analysis, forward scheduling, budget proposals or priority timetables.

b. **Service Development and Review Issues**

Where Councillors are seeking clarification on service development and review such as perceived service failure, further information on matters sent to Councillors by the administration, interpretation of a policy, clarification of a service level, management response to emerging trends, or information on priority of services or works within a project plan.

c. **Routine Service Delivery and Projects**

Where Councillors are seeking information on day to day service and project matters such as perceived minor service failure, information on service levels, information on scheduling of work, or service-related advice to a member of the public.

Where Councillors receive requests from members of the public in the first instance, they should request the member of the public to log a service request via the customer service team and to obtain a service request number to assist any investigation of that enquiry. This approach will enable Councillors to consider performance against documented service standards.
Councillors may lodge resident or Councillor service requests via eServices through Council’s website or email account: shire@campaspe.vic.gov.au.

a. Media and communications issues
   All media and communication requests should be made through the CEO, relevant General Manager or to the Communications Manager.

b. Information systems
   Where the issue is relatively simple such as an enquiry regarding timing of service delivery or equipment failure Councillors should direct enquiries via the Councillor Support Officer in the first instance. Councillors may be referred to the Information Systems Helpdesk if necessary, to resolve the matter.

Any associated or more complex issues, including service complaints, are to be raised by Councillors with the relevant Manager, General Manager or the CEO.

c. Enforcement issues
   Involvement by elected representatives in any stages of matters of investigation and enforcement must not occur.


   In accordance with section 76E of the Local Government Act 1989, Councillors must not direct or seek to direct a member of Council staff in the exercise of a delegated power, or the performance of a delegated duty or function of the Council.

   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.

   Consideration of appeals against the infringement notices will be reviewed in accordance with the relevant guidelines published by the Attorney-General and the internal appeals procedure. Councillors must therefore not involve themselves in matters of investigation and enforcement in a manner that may give rise to a conduct breach. Where members of the community seek support in relation to such matters, they should be referred to the documentation already provided, including relevant staff identified and available to be contacted.

   Councillors may contact the CEO, relevant General Manager or the Governance Manager with any requests for information regarding such matters. The provision of related information will be applied in accordance with Privacy Principles.

d. 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.

   Councillors may contact the General Manager Regulatory and Community Services, with any requests for information regarding such matters.

7. Complaints
   If a Councillor or a member of Council staff considers that either has breached the requirements of this protocol, they:
   a. may immediately terminate the interaction with the Councillor or Council staff member;
   b. must report, in relation to a Councillor, what has occurred to the CEO or General Manager Corporate Services who must inform the Councillor of the nature of the complaint; or
   c. must report, in relation to a member of Council staff, to the CEO the nature of the complaint.
   The CEO or a person selected by the CEO for the purpose who is independent of the parties may, 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 CEO, Councillor and member of Council staff.

If it is not practicable to encourage the parties to attend a mediation or:

a. encouragement is given but the mediation does not take place; or

b. the mediation takes place, but the Councillor or member of Council staff still feels aggrieved by the interaction which occurred the CEO may progress the handling of the complaint in the manner set out in the Councillor Code of Conduct or alternatively the Employee Code of Conduct to resolve disputes.

Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Definitions

Mediation: the process by which a neutral third party helps people in conflict negotiate a mutually acceptable outcome.

Related Legislation

Local Government Act 1989

Related Policies, Procedures and Strategies

Code of Conduct
Employee Code of Conduct
Councillor Memorandum of Understanding
Council Policy 131 Social Media
Council Policy 163 Respect and Equal Opportunity

Attachments

Nil

Review Period

Four years

Responsible Officer

Chief Executive Officer

Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

Approval History

Adopted 17 September 2019 Minute Book Reference No 3519 (Item 7.2)