

Councillor Interaction Protocols

<p>Purpose</p>	<p>The purpose of these operating protocols is to outline:</p> <ul style="list-style-type: none"> • How Councillors can seek information or advice from officers to support them in undertaking their role. • How the CEO can ensure all information and advice is provided transparently and equitably to support efficient and transparent management of Councillor and community requests. • How interactions between Councillors and staff should occur to maintain a professional, courteous and psychologically safe work environment.
<p>Outcomes</p>	<p>Outcomes sought by these protocols include:</p> <ul style="list-style-type: none"> • Councillors having access to advice, information and documentation to enable fulfilment of their role; • Ensuring Councillors and staff have clarity on how they should interact and work together; • Efficient and timely processing of requests for support on general Council Business, planning matters, information and service requests; • Supporting good governance principles, including transparency, accessibility and accountability; • Ensuring compliance with relevant legislation, including the <i>Local Government Act 2020</i>, <i>Occupational Health and Safety Act 2004</i>, <i>Privacy and Data Protection Act 2014</i> and <i>Equal Opportunity Act 2010</i>.
<p>Scope</p>	<p>These protocols seek to:</p> <ul style="list-style-type: none"> • clarify interactions between Councillors and staff under section 46(1)(b) and (3)(c) of the <i>Local Government Act 2020</i>; • support the Chief Executive Officer in meeting obligations to Councillors and staff under the <i>Occupational Health & Safety Act 2004</i>; • support the safety and wellbeing of Councillors in interactions with staff when undertaking their role; • ensure efficient and effective use of officer time and resourcing.
<p>Definitions and Abbreviations</p>	<p>In this Policy:</p> <p>Act means the <i>Local Government Act 2020</i> (Vic).</p> <p>Chief Executive Officer (CEO) means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.</p> <p>Council means the Darebin City Council being all the Councillors collectively.</p> <p>Councillor means a person holding the office of member of Darebin City Council.</p> <p>Delegated Committee means delegated committees defined under section 63 of the <i>Local Government Act 2020</i> (Vic).</p>

	<p>Discrimination means discrimination as defined pursuant to Part 2 clause 7 of the <i>Equal Opportunity Act 2010</i> (Vic).</p> <p>Mayor means the Councillor elected to the Office of Mayor of the City or any person appointed by Council to be acting as Mayor.</p> <p>Member of Council staff means a natural person appointed by the CEO (other than an independent contractor under a contract for services or a volunteer) to enable the functions of the City to be carried out. The Chief Executive Officer is also a member of Council staff.</p> <p>Role of a Councillor means the role as defined by section 28 of the <i>Local Government Act 2020</i> (Vic) and replicated in the responsibilities section of this Policy.</p> <p>Workplace Manslaughter means workplace manslaughter as defined pursuant to Part 5A Division 1-Preliminary of the <i>Occupational Health and Safety Act 2004</i> (Vic).</p>
<p>Interactions</p>	<p>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.</p> <p>Councillors will generally interact with staff for the following reasons:</p> <ul style="list-style-type: none"> • general Council business; • requests for information; and • requests for service on behalf of community members. <p>Or</p> <p>Interact with staff in, but not limited to, the following forums:</p> <ul style="list-style-type: none"> • Council meetings • Planning Committee meetings • Councillor Briefing • Advisory Committee meetings • Delegated Committee meetings <p>Section 124 of the Act outlines that a Councillor must not intentionally direct, or seek to direct, a member of Council staff. A breach of s 124 of the Act by a Councillor is defined as serious conduct under the Act.</p> <p>Where social interactions occur between Councillors and Council staff, any discussion of Council business and/or operational matters is prohibited.</p>
<p>Nominated Key Contacts</p>	<p>Interactions between Councillors and staff should generally occur through interactions with the CEO, General Managers or Department Managers. These include:</p> <ul style="list-style-type: none"> • CEO – the single employee of Council, Councillors can contact the CEO about any matter • General Managers – can be contacted on matters within their division of responsibility or when the CEO is unavailable • Department Managers – can be contacted on operational or matters within their area of responsibility

	<p>The exceptions to the above general provisions are as follows, when it is also appropriate for Councillors to contact the following staff in relation to their roles and functions:</p> <ul style="list-style-type: none"> • Manager Corporate Governance – to discuss governance matters • Manager City Development – to discuss matters listed on the planning committee agenda or weekly planning committee call up list. • Chief Legal & Integrity Officer – to discuss Councillor Conduct matters • Mayor & Councillor support team – for activities covering administrative support for Councillors • Manager Communications, Engagement and Customer Experience – for matters associated with communications and media relations advice • Nominated Staff Member leading support for a Council Committee – i.e. staff member nominated as the lead officer for an Advisory Committee. • Information Services Help Desk – for matters associated with technology equipment • Manager People and Culture – for matters associated with any potential staff issues or issues relating to Discrimination or Workplace Manslaughter <p>Officers in the above roles can respond to Councillor requests and depending on the nature of the request should copy their Manager or General Managers into their response.</p> <p>Given the volume and technical nature of enquiries the following officers can also respond to Councillor requests but must copy their Manager, and if necessary, their General Manager, into the response:</p> <ul style="list-style-type: none"> • Safety & Compliance – Coordinator Civic Compliance, Team Leader Business Support, Team Leader Local Laws, Team Leader Traffic Enforcement, Senior Planning Compliance Officer • City Development – Coordinator Health Protection, Planning Coordinators, Coordinator Priority Development, Building Services Lead, Municipal Building Surveyor, Deputy Municipal Building Surveyor, City Designer, Assistant Manager City Development • Sustainable Transport – Coordinator Transport Engineering <p>Councillors should not contact any staff other than those nominated above. If any other staff are contacted by a Councillor, they are required to refer the contact from a Councillor to their Department Manager or and the General Manager or CEO to determine who is best placed to provide a response.</p>
<p>Council Business</p>	<p>The formal business of Council is conducted through forums including but not limited to:</p> <ul style="list-style-type: none"> • Council meetings and reports • Council committee meetings • Planning Committee • Councillor briefings and Councillor & Executive time <p>These forums are governed by the Governance Rules, Councillor Code of Conduct and Staff Code of Conduct.</p> <p>Given the nature of planning matters, Councillors are encouraged to refer any requests for meetings relating to developments to the organisation. Councillors have an obligation to avoid involvement in operational matter of which assessment of</p>

	<p>planning applications is a key matter. An officer will not attend meetings with Councillors to discuss or respond to operational planning matters. This ensures an efficient use of staff time and that all operational requests are fairly and equitably dealt with through the normal planning permit application processes.</p>
<p>Request for Information</p>	<p>Councillors may request information from staff by:</p> <ul style="list-style-type: none"> • lodging a Councillor Service Request; • email, telephone or meeting with a nominated key contact as outlined in the Nominated Key Contacts section. <p>The Councillor's request for information must be reasonable in the circumstances. 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.</p> <p>The request should not be designed to embarrass the member of Council staff or put them 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.</p> <p>Wherever possible Councillors should lodge a Councillor Service Request if seeking information as this will ensure a record is maintained, and the matter is regularly followed up if there is a delay responding. This method of contact is most suited if the request is non-urgent, is operational in nature or a Councillor is unsure which nominated key contact is responsible for the matter.</p> <p>If a manager or General Manager receive a request directly from a Councillor, they are responsible for having it recorded and tracked in Council's Councillor Service Request system. This can be done via direct entry, or via request to the EA to Mayor and Councillors.</p> <p>Nominated key contacts are accountable for following up on logged requests in a timely manner, with complex request responded to in 10 days and simple requests responded to in 5 days.</p> <p>Councillors can email, telephone or meet with nominated key contacts where the matter is complex, strategic, unique in nature or where a Councillor is seeking additional support.</p> <p>Councillors should contact staff within normal business hours. In the event of an emergency or significantly important issue (i.e. media) arising outside of ordinary business hours, the CEO or relevant General Manager should be contacted by the Councillor.</p> <p>Nominated key contact staff are responsible for communicating with Councillors, this should not be delegated to other officers.</p>
<p>Support for the Mayor and Councillors</p>	<p>The Executive Assistant to the Mayor and Councillors is to provide assistance to the Mayor and Councillors in carrying out their roles. The Mayor or Councillors may contact and work directly with the Executive Assistant to the Mayor and Councillor to gain the necessary support to carry out these activities.</p> <p>Requests for support beyond these activities will not be provided by staff within the Mayor and Councillors office and will be referred to the CEO to determine if provision of support for the requested activity is appropriate.</p> <p>The CEO may agree to support ongoing contact between the Mayor or Councillors and a staff member for the completion of a particular task or particular activity, for example, assigning a staff member to assist the Mayor in advocacy activities.</p>

	<p>The Mayor may be invited by the CEO or a member of the Executive Leadership Team (ELT) to a meeting of staff or an organisational event to thank or address staff on behalf of Council. The CEO may also invite Councillors to these events.</p> <p>In all other respects, contact between the Mayor and Council staff will be in accordance with the Nominated Key Contacts section of these protocols.</p>
<p>Requests for Service</p>	<p>Councillors are encouraged to advise members of the community to contact Council's customer service channels directly to resolve service matters, particularly if it's the first time they have approached the Council. This enables community service requests to be logged and triaged appropriately and enables after hours support if urgent. Where a community member may have emailed all or multiple Councillors, or where there have been multiple contacts already with the organisation, Councillors should lodge a service request with customer service and if urgent or serious copy the relevant General Manager.</p> <p>Officers will not attend meetings with Councillors to discuss or respond to operational matters. This ensures an efficient use of staff time and that all operational requests are fairly and equitably dealt with through the Council's customer service request process.</p> <p>Councillors may choose to meet with community members to better understand community experience and concerns in relation to operational matters, however any specific requests should then come through from the customer as a service request to be responded to, recorded and reported on.</p>
<p>Provision of Information to Councillors</p>	<p>Where a request for information or service outlined in either Support for the Mayor or Request for Services sections is of broad interest to Council or Councillors, nominated key contacts are encouraged to provide this information to other Councillors, or to the Ward Councillor where the matter relates to a Ward, not just the Councillor making the request.</p> <p>Where a matter is a request for public information or clarity on a topic that is not likely to be considered as 'contentious' and is unlikely to come back before the Council meeting, staff can respond directly to an individual Councillor.</p> <p>If the Councillor making the request believes the request is sensitive or confidential in nature, they should flag this in their request.</p> <p>Nominated key contacts will be required to consider this as part of their responses and consult with their General Manager or the CEO, if they are of the view that distribution should occur to all Councillors. The relevant General Manager or the CEO will then discuss the matter with the Councillor concerned.</p>
<p>Involvement of Councillors in Operational Matters</p>	<p>The Mayor and Councillors are not to contact staff who are not nominated staff within these protocols, whilst undertaking their duties.</p> <p>This ensures that staff can carry out their duties without interruption by Councillors and prevents inappropriate Councillor contact with staff that may put staff health and wellbeing at risk. It also ensures that Councillors do not put themselves at any risk by entering operational environments and situations for which they have not been trained.</p> <p>The exception to this would be a general greeting either in the office or in the field of operations or briefly thanking staff for the work they are doing.</p> <p>Contact that must not occur under these protocols includes:</p> <ul style="list-style-type: none"> • approaching staff when they are assisting a difficult customer

	<ul style="list-style-type: none"> • approaching staff when they are operating machinery and/or equipment • questioning staff about how or why they are undertaking their duties • taking photos or videos of staff whilst they are undertaking these duties • directing or making suggestions to staff on how they should undertake their duties <p>Councillors who wish to observe operations to inform their decision making may do so by making a request in writing to the relevant ELT member or CEO. On receipt of the request the Manager will assess the request and put in place arrangements to mitigate risks to enable the Councillor to observe the operations. Where these risks cannot be mitigated, the Manager may decline the request.</p> <p>Councillors observing operations should comply with these contact protocols.</p>
<p>Complaints and Feedback</p>	<p>If a Councillor or the member of Council staff considers that either has breached any of these Protocols they:</p> <ul style="list-style-type: none"> • may immediately terminate the interaction with the Councillor or Council staff member; • must report, in relation to a possible Councillor breach, what has occurred to their General Manager or CEO; or • must report, in relation to a possible breach by a member of Council staff, confidentially to the CEO the nature of the complaint, to be dealt with in line with the Employee Code of Conduct and related staff policies. <p>Where the alleged breach poses (or may pose) a risk to health and safety, the CEO may initiate an investigation or review process in accordance with the Councillor OHS Policy.</p> <p>If an investigation is initiated, the investigator will adopt a fair process and conduct a thorough and impartial investigation in accordance with the principles of natural justice.</p> <p>The CEO may also refer the matter to Councillors to be managed in line with the Councillor Code of Conduct under clause 4.2 and as set out in the Local Government Act 2020.</p> <p>The CEO is responsible for ensuring the member of staff is advised of what, if any, action has been taken with respect to an alleged breach.</p> <p>Nothing in this Protocol prevents the CEO from implementing immediate interventions to ensure the safety and wellbeing of those involved, so far as is reasonably practicable.</p>
<p>Attachments</p>	<p>Attachment 1 – Legal Context</p> <p><i>Local Government Act 2020</i></p> <p>Section 46 Functions of the Chief Executive Officer</p> <p>Pursuant to the Act, the CEO is responsible for ensuring the effective and efficient management of the day to day operations of the Council (s 46(1)(b)).</p>

Without limiting the generality of subsection (1)(b), this responsibility includes the following ...

S 46 (3)(c) managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interactions between members of Council staff and Councillors are developed and implemented.

Section 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.

A breach of s 124 by a Councillor is defined as improper conduct and imposes a Penalty (120 penalty units) if substantiated.

Occupational Health and Safety Act 2004

Part 3, Division 2 Main duties of employers

Section 21 Duties of employers to employees

- (1) An employer must, so far as is reasonably practicable, provide and maintain for employees of the employer a working environment that is safe and without risks to health.
- (2) Without limiting subsection (1), an employer contravenes that subsection if the employer fails to do any of the following—
 - (a) provide or maintain plant or systems of work that are, so far as is reasonably practicable, safe and without risks to health;

	<p>(b) make arrangements for ensuring, so far as is reasonably practicable, safety and the absence of risks to health in connection with the use, handling, storage or transport of plant or substances;</p> <p>(c) maintain, so far as is reasonably practicable, each workplace under the employer's management and control in a condition that is safe and without risks to health;</p> <p>(d) provide, so far as is reasonably practicable, adequate facilities for the welfare of employees at any workplace under the management and control of the employer</p> <p>Section 23 Duties of employers to other persons</p> <p>(1) An employer must ensure, so far as is reasonably practicable, that persons other than employees of the employer are not exposed to risks to their health or safety arising from the conduct of the undertaking of the employer.</p>
<p>Breach of Protocols</p>	<p>Breaches of these protocols are treated seriously.</p> <p>Section 124 of the Act outlines that a Councillor must not intentionally direct, or seek to direct, a member of Council staff. A breach of s 124 of the Act by a Councillor is defined as improper conduct.</p> <p>Any concerns about non-compliance should be reported immediately to the CEO, General Manager or Manager Corporate Governance, If there is a significant breach and/or persistent breach of these protocols by a Councillor, the CEO will raise the matter with the Mayor, who may elect to pursue the matter through the Councillor Code of Conduct process.</p> <p>Adherence to these protocols will be considered as a requirement for Councillors in future iterations of the Councillor Code of Conduct.</p>

GOVERNANCE

<p>Related Documents</p>	<p>The following documents are related to these Protocols:</p> <ul style="list-style-type: none"> • Councillor Code of Conduct • Employee Code of Conduct
<p>Legislation/ Regulation</p>	<ul style="list-style-type: none"> • Local Government Act 2020 (Vic) • Occupational Health and Safety Act 2004 (Vic) • Privacy and Data Protection Act 2014 (Vic) • Equal Opportunity Act 2010 (Vic)

	The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.
Author	Jacinta Stevens, Manager Corporate Governance
Policy Owner/ Sponsor	Jodie Watson, General Manager Governance & Engagement
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