

Wagga Wagga City Council

PROVISION OF INFORMATION TO AND INTERACTION BETWEEN COUNCILLORS AND STAFF POLICY

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RESPONSIBLE DIRECTORATE	Governance		
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PART 1: CONTEXT

This policy deals with the interaction between Councillors and Council staff, as well as Councillors' access to Council offices and their access to Council records and information. This policy should be read in conjunction with the guidelines which appear as an appendix, and implemented internally with reference to the corresponding procedure.

PART 2: INTRODUCTION

The *Local Government Act 1993 (the Act)* provides for distinctly different roles for Councillors (including the Mayor) and staff to play in Council. These roles are outlined in the appropriate section of this policy and its accompanying guidelines.

Notwithstanding these legislative outlines of roles, the distinction between the two may be unclear. There often needs to be personal interaction between Councillors (including the Mayor) and senior officers, particularly regarding access to and provision of information, to effectively integrate policymaking and service delivery. This has created a need for guidelines that help the Mayor, Councillors and staff to understand fully their respective roles and how they should operate, in order to perform their job effectively.

Formalising procedures to specify how these rights are exercised should be done without trying to restrict the Mayor's or a Councillor's legal right to access staff and information. This policy is not intended to limit any statutory and common law rights Councillors may have to access information. However, Councillors (including the Mayor) should seek to avoid any perceptions of wrongdoing when exercising their rights as an elected person, particularly the appearance of trying to improperly influence staff. Equally, staff should be mindful of the Mayor's and Councillors' rights to exercise their role as elected representatives of our community and assist them accordingly.

2.1 Legislation

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- Government Information (Public Access) Act 2009
- State Records Act 1998

2.2 Policy Aims

This policy will:

- a. provide clear communication channels to ensure the timely provision of accurate information
- b. recognise the particular circumstances of Council
- c. require training of staff and Councillors on the need for the policy and its requirements
- d. under the Code of Conduct, provide appropriate mechanisms for sanctions for non-compliance
- e. be reviewed regularly to monitor its effectiveness and compliance
- f. facilitate the appropriate level of access to staff
- g. facilitate a harmonious and respectful relationship between Councillors and staff, taking into account the differing roles that they are required to undertake as defined in the Act.

2.3 Policy Objectives

The objectives of this policy are to:

- a. provide a standard approach by which Councillors can access Council records
- b. ensure Councillors have access to all documents necessary for them to exercise their statutory role as a member of the governing body of the Council
- c. ensure that Councillors receive accurate and timely advice to aid them in the performance of their civic responsibilities in an orderly and regulated manner
- d. provide direction on the Mayor's and Councillors' rights of access to Council buildings
- e. provide a clear and consistent framework for the reporting of, and appropriate application of sanctions for, breaches of this policy
- f. Complement the Code of Meeting Practice, the Code of Conduct and POL 043: Councillors' Records and Document Management Policy

2.4 Scope of this Policy

This policy applies to all elected representatives (comprising all Councillors and the Mayor) of the City of Wagga Wagga in their interactions with Council staff, service providers and contractors. This policy is to be applied wherever and whenever interactions occur, whether onsite at Council facilities or external to Council facilities, during or outside hours of work.

This policy applies to Councillors and staff of the City of Wagga Wagga.

2.5 Definitions

In this Policy:

<i>Term</i>	<i>Definition</i>
Councillors	Shall mean all elected representatives of the City of Wagga Wagga as defined by the Act, which includes the Mayor.
Executive Staff	Shall mean the General Manager and all Sector Managers
Non-Executive Staff	Shall mean all staff below the level of Sector Manager and includes permanent, temporary and casual staff members and officers contracted by Council
Public Officer	The incumbent Manager Audit and Governance.
Documents	Shall mean: <ul style="list-style-type: none">• Files and correspondence including email• Public Registers• Development and other Applications• Any other record of Council business, in whatever form
Records	Shall have the same meaning as Documents

2.6 Review procedures

This policy is to be reviewed every four (4) years or in the first twelve months of the new term of Council, whichever is the earlier.

2.7 Related Documents

The Policy should be read in conjunction with:

- Council's adopted Code of Conduct
- Council's adopted Code of Meeting Practice
- POL 108 – Public Access to Information Policy
- POL 043 – Councillors' Records and Document Management Policy
- POL 095 – Privacy Policy
- POL 025 – Payment of Expenses and Provision of Facilities to Councillors Policy
- Statement of Business Ethics

PART 3: POLICY CONTENT

3.1 Roles and responsibilities of the Mayor, Councillors and the General Manager

The *Local Government Act 1993 (the Act)* defines the governing body (s222) and its role (s223). The Act also defines the responsibilities of Councillors (including the Mayor) as members of a governing body (S232) and also as an individual and an elected representative of the community (S232). The additional duties of the Mayor's role are also defined (S226).

Further, the Act makes clear the role of the General Manager as being responsible for the day to day operations of Council. Council staff undertake their duties according to directions from the General Manager, by following established policy and procedure (S335). The specific provisions of the Act defining each of these groups' roles and responsibilities are contained within Addendum 2 of this document.

3.2 Principles

3.2.1 Councillors to receive impartial treatment when acting in private capacity

- a. No provision within this policy will afford any Councillor preferential treatment in the provision of any Council service when the Councillor is acting outside his or her civic role and in their capacity as a private individual.
- b. Councillors have privileges as an elected person which are in addition to their rights as a private individual. However, no Councillor may use his or her role as an elected representative to receive favourable treatment for themselves or any other person.
- c. Notwithstanding the provisions which require communication from Councillors and the Mayor to be directed through the General Manager, relevant Sector Manager or level three Manager, that communication does not afford a Councillor any additional access or rights to Council services beyond those of any other person.

3.2.2 Interaction between Councillors and Council Staff

- a. Councillors and Staff will at all times interact in an appropriate manner as defined in the Guidelines contained within Addendum 1 of this document.
- b. Councillors are not to direct, instruct, or rebuke staff, nor make any impositions on staff time without the express authority of the General Manager.
- c. Councillors are not to expect or request a waiver of standard process in their dealings with staff.
- d. The interaction between Councillors and Staff at all meetings (including Council meetings, Standing and/or Advisory Committee meetings, workshops, conferences and other engagements) is regulated by:
 - o the *Local Government Act 1993*
 - o the *Local Government (General) Regulation 2005*
 - o Council's Code of Conduct

- o Council's Code of Meeting Practice
- e. All contact between Councillors and Council staff outside Council meetings, whether making representations, reporting matters, or seeking information, should be through the General Manager, relevant Sector Manager or level three Manager in accordance with the provisions of this policy.
- f. Access to level three Managers and other non-executive staff is at the absolute discretion of the General Manager under the provisions of S335 of the Act.
- g. Councillors who have a personal (as distinct from civic) interest in a document of Council, have the same standard Council processes applied to their business with Council as any other person.

3.2.3 Access to Council Information by Councillors

- a. Councillors need to have access to information held by Council to help them make informed decisions on matters under their consideration. This information should be relevant and appropriate to the discharge of their obligations e.g. records relating to matters before Council or due to be listed for which there is notification.
- b. Councillors are required to consider the appropriateness of the level of detail sought. It is not appropriate for Councillors to request detailed, operational information. A Councillor has no greater right than a member of the public to the information held in the records of the Council except for information held for the purposes of decision making of a matter before them and then only a sufficiency of information to enable Councillors to make an informed decision.
- c. Generally, information identified in Schedule 5 of the *Government Information (Public Access) Act 2009 (GIPA Act)* is available to Councillors as open access information (also available to members of the public). Councillors may request access to Council information by making an application) to the General Manager, (refer Addendum 1) stating the reasons for their request.
 - Councillors shall not be provided with access to staff personnel records.
 - The General Manager shall not unreasonably deny a Councillor access to a Council record.
 - Any information which is given to a particular Councillor in relation to their civic duties must also be available to any other Councillor who requests it
 - Councillors can request access to other documents of the Council, either by:
 - o A Notice of Motion to the Council, or
 - o An application under the GIPA Act,
- d. Councillors who have a personal (as distinct from civic) interest in information have the same rights of access as any other person. Access to such information is covered under the provisions of POL 108 - Public Access to Information Policy.
- e. A Councillor's representations seeking information on behalf of members of the community (including their own private affairs as members of the community) are to be dealt with as if they were an enquiry by the person they are representing, and will be dealt with in accordance with POL 108 - Public Access to Information Policy.

Further information on the process for providing access to Council information is found in Addendum One.

3.2.4 Councillor Access to Council Offices

- a. As elected members of the Council, Councillors are entitled to have access to the Council Meeting Room, Council Committee Room, Mayor's Office, Councillors' Resource Room, Wollundry Meeting Room (only with prior booking), Council's basement carpark and the public areas of Council's buildings.
- b. Councillors who are not in pursuit of their civic duties have the same rights of access to Council buildings and premises as any other member of the public.
- c. A Councillor (including the Mayor) has no rights to enter staff-only areas without the express authorisation of the General Manager or by appointment with the Sector Manager.
- d. Councillors must ensure that when they are within a staff-only area they are cognisant of potential conflict or pecuniary interest matters and/or a perception that they may bring influence to bear on Council staff decisions. Councillors should conduct themselves accordingly.

3.3 Responsibility and Accountability

- a. Councillors and staff are responsible for ensuring that any breaches of this policy are reported to the General Manager immediately.
- b. Where the breach relates to the conduct of a Councillor, the General Manager is responsible for immediately reporting the matter to the Mayor.
- c. Where the breach relates to the conduct of staff the General Manager is responsible for taking appropriate disciplinary action if the breach is proven.

3.4 Breaches of this Policy

Any and all breaches of this policy will be dealt with as a breach of Council's Code of Conduct.

End of Policy provisions – Addendums follow

ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

1. INTRODUCTION

This addendum to the Policy sets out the specific guidelines which Councillors and staff should utilise in the implementation of this policy.

1.1 Appropriate Interactions

In prescribing the following appropriate interactions, Council prefers behaviours which support Council's values and create:

- A supportive workplace;
- A safe and trusting workplace;
- A cooperative team approach.

1.1.1 Appropriate Interactions

The following interactions are considered *appropriate* under this policy:

- ✓ Councillors accessing staff and Council records through the provisions of this policy
- ✓ Councillors and staff promoting a positive supportive workplace in all dealings with each other
- ✓ Councillors behaving courteously at all times when dealing with staff
- ✓ Staff behaving courteously at all times when providing advice or information to Councillors
- ✓ Staff making available to all Councillors, upon request, information that has been provided to one or more Councillors
- ✓ Councillors and staff ensuring that decisions and advice between them are accurately recorded and such records retained
- ✓ Councillors who have, in their private capacity, an application before Council, meeting with staff in relation to their application, such meetings having been approved and arranged according to the provisions of this policy
- ✓ Staff approaching Councillors in relation to the Councillor's private business with Council according to Council's normal operating standards which are used for all customers with the same business
- ✓ Councillors contacting Council's Customer Service Centre for standard works (service) requests in the same manner as a private individual

Note: Councillors and staff at all times should consider this Policy and obligations for record keeping in any interactions via social media.

ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

1.1.2 *Inappropriate Interactions*

The following interactions are considered *inappropriate* under this policy.

For Councillors:

- × Councillors approaching staff members below level three Manager for information on any matter without the express authority of the General Manager
- × A Councillor, member of staff or delegate attempting to take advantage of their official position to improperly influence other Councillors, members of staff or delegates in the performance of their public or professional duties for the purpose of securing private benefit for themselves or some other person
- × Councillors who have, in their private capacity, a development application before Council, discussing the matter with staff in staff-only areas of the Council without making arrangements beforehand in accordance with procedures adopted for members of the public
- × Councillors approaching any staff member directly for confidential or otherwise sensitive information that does not relate to the exercise of their civic responsibilities and is not generally available to the public
- × Councillors approaching any staff member outside the Civic Centre or other Council workplace, or outside hours of work to discuss Council business
- × Councillors becoming involved in the day-to-day operations of the Council this includes correspondence, discussions and emails from Councillors to staff (excluding the General Manager) in relation to operational matters. Councillors are strongly encouraged to report service requests through 1300 292 442 or via iCouncil or Snap Send and Solve Mobile Applications
- × Councillors seeking to influence day-to-day decisions relating to the operations of the Council including requesting information that is beyond the realm of function and responsibility
- × Councillors directing or pressuring staff in the performance of their work, or recommendations they should make
- × Councillors being overbearing, abusive or threatening to Council staff
- × Councillors expecting an immediate response, decision or action from a Council staff member where the normal process for the matter in question requires data gathering, research and assessment
- × Councillors intimidating each other or staff in meetings
- × Councillors personally reprimanding staff, rather than raising the matter with the General Manager
- × Councillors approaching Council staff organisations, for example unions and associations
- × Councillors making threatening or derogatory comments about other Councillors or staff

ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

For Staff:

- × Staff approaching Councillors directly on staffing or political issues
- × Staff below level three Managers approaching Councillors on any matter relating to the Councillor's civic duties other than with appropriate approval
- × Staff refusing to give information, which is available to other Councillors, to a particular Councillor because of the staff member's or Councillor's political views
- × Staff providing advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community
- × Staff lobbying Councillors to change resolutions of Council or to intervene in processes that are beyond the responsibility of the Councillor
- × Staff giving preferential service or acting improperly or partially to one or more Councillors or staff
- × Staff making threatening or derogatory comments about other staff or Councillors

2. INTERACTIONS BETWEEN COUNCILLORS AND STAFF

Section 335 of the Local Government Act 1993 (the Act) provides that it is at the absolute discretion of the General Manager to direct staff in the performance of their duties. Any and all access by Councillors to Council Staff other than the General Manager is, under this section, to be sanctioned by the General Manager.

2.1 During Council, Standing and Advisory Committee Meetings

The interaction between Councillors and Staff at Council meetings Standing Committee or Advisory Committee meetings is regulated by:

- Section 352 of the *Local Government Act 1993*: This states that Council staff members are not subject to direction by Councillors as to the content of any advice or recommendation made.
- Section 360 of the *Local Government Act 1993*: This enables the Council to make regulations in regard to the conduct of meetings, adopt codes of meeting practice and states that meetings must be conducted in accordance with the code of meeting practice.
- Clause 249 of the *Local Government (General) Regulation 2005*: This details how, in Council meetings, Councillors can ask questions of other Councillors by going through the chairperson. The Regulation also details the process Councillors must follow if they wish to ask a question of Council staff, by directing them through the General Manager.
- Council's *Code of Conduct*
- Council's *Code of Meeting Practice*

ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

2.2 Outside Meetings

Councillors will at times need to interact with staff as a customer of Council. On these occasions, it is appropriate that the Councillor will interact, as any other member of the public, with Customer Service Centre staff and/or other frontline staff.

However, when acting in their role as a Councillor and outside of Council meetings, the following general provisions apply to interactions between Councillors and Council staff:

- a. The General Manager, under Section 335 of the Act, is responsible to Council for performance and direction of all staff and day-to-day management of Council.
- b. All requests for information and approaches to staff outside of a Council meeting must be directed to the General Manager, the relevant Sector Manager or level three Manager, or officers nominated by the General Manager as authorised to deal with requests of that nature, as follows:

Matter	Description of matters	Designated Contact Officer(s)
Verbal queries of a simple nature	Queries relating to matters regarding Council's operations which require a verbal response	General Manager Sector Managers
Secretarial Support	Reasonable secretarial support provided to Councillors during normal office hours for work directly related to the duties of office	Executive Assistant to the Mayor
IT Support	Support for IT equipment provided by Council	Manager Information and Customer Services Strategic Partner, Information and Communication Technologies
Training and conferences	Following appointment of delegates by resolution of Council, provision of information relating to training and conferences, including workshops	Manager Audit, Risk and Governance Strategic Partner, Corporate Governance and Risk Corporate Governance and Risk Coordinator Senior Governance Officer Governance Officer

ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

Matter	Description of matters	Designated Contact Officer(s)
Business Papers	Availability of and access to Council and Committee business papers	Manager Audit, Risk and Governance Strategic Partner, Corporate Governance and Risk Corporate Governance and Risk Coordinator Senior Governance Officer Governance Officer
Expense Claims	Claims for reimbursement of expenses associated with Councillors' official business.	Manager, Executive Support
Media	Managing communication between the Council and print and broadcast media assistance in preparing media releases and media interviews.	Marketing and Communications Coordinator Communications and Engagement Officer
Placing an item on the agenda – Council or Standing Committee Meetings	Councillors can add one of the following to a Council or Committee meeting agenda: <ul style="list-style-type: none"> • Mayoral Minute • Councillor Report • Notice of Motion • Question/Business with Notice Please refer to Section 20 of Council's Code of Meeting Practice to obtain time provisions regarding the adding of the above items to a meeting agenda.	<p><u>Mayoral Minute:</u> Mayor or the General Manager</p> <p><u>Councillor Report:</u> General Manager or relevant Sector Manager</p> <p><u>Notice of Motion:</u> General Manager, or relevant Sector Manager</p> <p><u>Question/Business with Notice:</u> Councillor may raise at a Council or Standing Committee meeting or advise General Manager or relevant Sector Manager</p>
Service Requests	Service request on operational matters such as barking dogs, pot holes, tree pruning etc	Council's Customer Service Centre 1300 292 442

ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

Level three Managers are defined as staff holding the following positions:

Manager Audit, Risk and Governance
Manager Executive Support
Manager People and Culture
Executive Director Riverina Regional Library
Manager Community Services
Manager Environment and City Compliance
Manager Finance
Manager Procurement Services
Manager City Strategy
Manager Information and Customer Service
Manager Project Operations
Manager Operations
Manager City Development

- c. Only the General Manager, Sector Managers, level three Managers and those officers nominated in the table above may interact with Councillors without formal approval of a specific request.
- d. A Councillor shall not unreasonably ignore a request from a Council officer to put their verbal request in writing
- e. If a response in writing is required, the Councillor must submit their request in writing in accordance with this policy.
- f. For all but straightforward advice on administrative matters, Councillors are required to submit a request in writing to obtain detailed or otherwise time-consuming information. Details for this process are outlined in 3.2.1 in Addendum One.
- g. Any attempt by a Councillor to direct staff in the performance of their work will be reported immediately to the relevant Sector Manager or the General Manager.
- h. A Sector Manager, level three Manager or nominated officer has the discretion to refer any request for information to the General Manager (the Sector Manager must indicate to the Councillor their reason for the referral).
- i. Councillors wishing to attend meetings with Council staff (outside normal Council meetings, Standing Committee meetings, Advisory Committee meetings and/or Councillors' workshops, seminars and training courses), should inform the General Manager or relevant Sector Manager in accordance with the provisions of this policy. This provision applies even where the subject of the meeting is a matter of private interest of the Councillor and is a measure to ensure probity and transparency in all Councillors' dealings with Council for private matters. This clause also applies to attendance at meetings between community members and staff where Councillors have been requested to attend by their constituents.
- j. A Councillor, member of staff or delegate must not take advantage of their official position to improperly influence other Councillors, members of staff or

ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

delegates in the performance of their public or professional duties for the purpose of securing private benefit for themselves or some other person

- k. A Councillor's representations seeking information on behalf of members of the community (including their own private affairs as members of the community) are to be dealt with as if they were an enquiry by the person they are representing, and will be dealt with in accordance with Council's policy relating to the matter concerned.
- l. Councillors must expect that any request, when made, cannot necessarily be met immediately by any Council officer. Standard processes including legislative compliance and Council policy must be followed to ensure appropriate data gathering, research and assessment in all cases is necessary prior to any decisions being made and communicated in writing to any interested parties.

3. COUNCILLORS' ACCESS TO COUNCIL RECORDS

3.1 Application for access to Council information

- a. All Councillors, including the Mayor, who wish to access Council information under this policy are required to submit a formal request in writing for access to Council information.
- b. Such requests must be made in writing and submitted to the General Manager for determination. .
- c. Councillors are required to consider the appropriateness of the level of detail sought. It is not appropriate for Councillors to request detailed, operational information. A Councillor may request information for the purposes of decision making of a matter before them and then only a sufficiency of information to enable them to make an informed decision.
- d. Requests which may fall under the GIPA Act also require the same form of request. However requests of this nature will undergo the same determination process as requests from the general public.

3.2 Determination of requests for access to Council information for Civic purposes

- a. The General Manager will determine each application for Council information required for execution of a Councillor's civic duties on its merits and will advise the applicant Councillor within three (3) working days of the outcome of that determination.
- b. Should access to the requested information be refused, the reasons will be stated in writing to the Councillor.
- c. The General Manager and/or the Public Officer may refuse a Councillor's request for access to Council information if the request is considered to unreasonably divert Council resources or that such information is operational in nature.

ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

3.2.1 Provision of Council Information to Councillors

- a. A request for Council information may only be provided to a Councillor (including the Mayor) after determination and approval of such request by the General Manager. This clause does not obviate the provisions of POL 108 - Public Access to Information Policy in which Councillors may also apply for the provision of information under that Policy.
- b. Councillors have an obligation to properly examine and understand all the information provided to them relating to matters that they are dealing with in their official capacity to enable them to make a decision on the matter in accordance with Council's Charter under the Act.
- c. Approved Councillor requests for Council information will be assigned to the relevant staff member and addressed with priority. However at times, due to the age or volume of records, or the complexity of the request, retrieval of the appropriate records may take additional time.
- d. The target maximum service level for responding to Councillor requests for information (after the application is determined by the General Manager) shall be:

Nature of request	Target maximum response time
Requests made relating to private matters under GIPA	Standard statutory response time as provided to requests from the general public – refer POL 108 - Public Access to Information Policy
Requests relating to any matter associated with Planning and Strategic development	Five (5) business days Response is dependent on the need to access offsite files and/or inspect premises
Other requests	Two (2) business days

ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

Officers who are authorised to provide information and/or Council records to meet a Councillor's request are:

Response by	Nature of request	Nature of response
Information Access Officer	Requests made relating to private matters under GIPA	Provision of information as outlined in application
Sector Manager or General Manager	Planning & Strategic Development requests	Memo providing result of analysis / research and any relevant attachments
Sector Manager or General Manager	Other requests	Memo providing result of analysis / research and any relevant attachments

3.2.2 Refusal of access

Should a Councillor be refused access to certain information, the Councillor will be provided with reason(s) and these reasons will be publicly available. For requests under the GIPA Act, review provisions are available for formal requests (refer POL 108 - Public Access to Information Policy for further information). However, direct applications to the General Manager or Sector Manager for information related to a Councillor's civic duties are not reviewable.

ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

4. COUNCILLOR REQUESTS – PERSONAL OR CIVIC, OPERATIONAL OR STRATEGIC

4.1 Personal or Civic Capacity

Councillors are required to make an assessment as to whether a request is made in their:

- personal capacity; or
- official civic capacity; and whether it:
- is operational in nature; and/or
- constitutes a service request.

This assessment will determine the most suitable way by which Councillors forward requests and the manner in which staff members respond.

4.2 Operational or Strategic

4.2.1 If the matter is a service request then this should be referred to the Customer Service Centre on 1300 292 442. This operates on a 24 hour basis and all requests logged through this service are actioned in accordance with the service levels documented for each service area. It is recommended that Councillors do not direct service requests to Sector Managers or through the Mayor or General Manager's offices, as these methods may result in delays.

4.2.2 In this regard it is appropriate that Councillors identify in what capacity they are making a request ie, in their personal or civic capacity and further, consider whether the request is appropriate to be referred to all members of the Council (is it operational or strategic). Once a determination has been made, Councillors are required to apply the appropriate provisions of this policy and state in their request for information as to what capacity such information is being sought. Councillors are not afforded favourable or preferential treatment in the provision of a response to a personal request.

4.2.3 If a matter referred to a staff member by a Councillor is deemed to be operational, the General Manager or relevant Sector Manager will respond to the author of the request indicating that the matter is operational in nature and has been forwarded to the appropriate area. Staff will then deal with the matter in accordance with the Act and Council's protocols. Once the matter is finalised, the General Manager or Sector Manager will advise the Councillor that the matter has been completed.

4.2.4 If a matter referred to a staff member by a community member, which has been copied to Councillors, is deemed to be operational in nature, the General Manager or relevant Sector Manager will advise the Councillors that the matter is operational in nature and has been forwarded to the appropriate area. Staff will then deal with the matter in accordance with the Act and Council's protocols. Once the matter is finalised, the General Manager or Sector Manager will advise the Councillors that the matter has been completed.

ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

4.2.5 For records management the provisions of POL 043: Councillors' Records and Document Management Policy are required to be applied. In addition, both Councillors and staff are bound by the provisions of Council's adopted Code of Conduct in relation to access to and use of information (Part 7). Those relevant provisions are as set out below.

5. ACCESS TO AND USE OF INFORMATION – RELEVANT PROVISIONS UNDER THE CODE OF CONDUCT

5.1 Councillor and Administrator access to information

5.1.1 The General Manager and Public Officer are responsible for ensuring that members of the public, Councillors and Administrators can gain access to the documents available under the GIPA Act and POL 108 - Public Access to Information Policy.

5.1.2 The General Manager must provide Councillors and Administrators with information sufficient to enable them to carry out their civic office functions.

5.1.3 Members of staff of Council must provide full and timely information to Councillors and Administrators sufficient to enable them to carry out their civic office functions and in accordance with Council procedures.

5.1.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their civic duties must also make it available to any other Councillor, upon request, and in accordance with Council procedures.

5.1.5 Councillors and Administrators who have a private (as distinct from civic) interest in a document of Council have the same rights of access as any member of the public.

5.2 Councillors and Administrators to properly examine and consider information

5.2.1 Councillors and Administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make an informed decision on the matter in accordance with Council's Charter.

5.3 Refusal of access to documents

5.3.1 Where the General Manager and/or Public Officer determine to refuse access to a document sought by a Councillor or Administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the Councillor or Administrator to perform their civic duty (see Addendum 2, clauses 4 and 5). The General Manager or Public Officer must state the reasons for the decision if access is refused.

ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

5.4 Use of certain Council information

- 5.4.1 In regard to information obtained in a Councillor's capacity as a Council official, a Councillor must:
- a) only access Council information needed for Council business
 - b) not use that Council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper personal advantage, or for any other person or body, from any information to which a Councillor has by virtue of their office or position with Council
 - d) only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

5.5 Use and security of confidential information

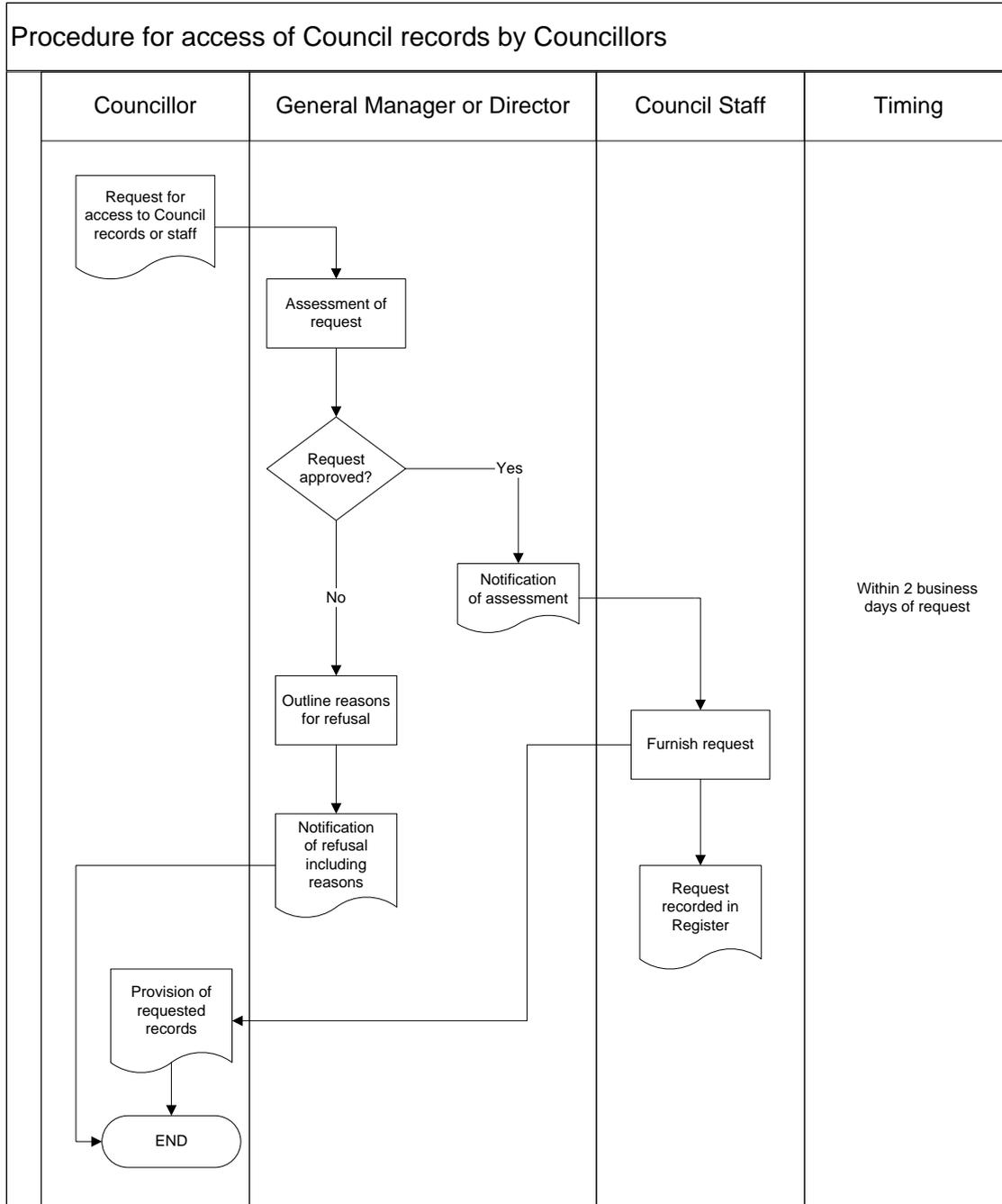
- 5.5.1 Councillors must maintain the integrity and security of confidential documents or information in their possession, or for which a Councillor is responsible.
- 5.5.2 In addition to a Councillor's general obligations relating to the use of Council information, Councillors must:
- a) protect confidential information
 - b) only release confidential information if they have authority to do so
 - c) only use confidential information for the purpose it is intended to be used
 - d) not use confidential information gained through their official position for the purpose of securing a private benefit for themselves or for any other person
 - e) not use confidential information with the intention to cause harm or detriment to Council or any other person or body
 - f) not disclose any information discussed during a confidential session of a Council meeting.

5.6 Personal information

- 5.6 When dealing with personal information you must comply with:
- a) *the Privacy and Personal Information Protection Act 1998,*
 - b) *the Health Records and Information Privacy Act 2002,*
 - c) the Information Protection Principles and Health Privacy Principles,
 - d) Council's Privacy Management Plan,
 - e) Privacy Code of Practice for Local Government

ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

The following flowchart represents the procedure to be followed when Councillors or the Mayor wish to request a Council record:



ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

6. COUNCILLORS' ACCESS TO COUNCIL OFFICES

- a. As elected members of the Council, Councillors are entitled to have access to the Council Meeting Room, Council Committee Room, Councillors' Resource Room, Mayor's Office, Wollundry Meeting Room (only with a prior booking) and the public areas of the Council's buildings.
- b. Councillors who are not in pursuit of their civic duties have the same rights of access to Council buildings and premises as any other member of the public.
- c. A Councillor (including the Mayor) has no rights to enter staff-only areas without the express authorisation of the General Manager.
- d. Councillors must ensure that when they are within a staff-only area they are cognisant of potential conflict or pecuniary interest matters and/or a perception that they may bring influence to bear on Council staff decisions. Councillors should conduct themselves accordingly.

ADDENDUM 1: POL 089 POLICY IMPLEMENTATION GUIDELINES FOR COUNCILLORS

1. The governing body (s. 222)

The elected representatives, called "Councillors," comprise the governing body of the Council.

2. The role of the governing body (s. 223)

The role of the governing body is to direct and control the affairs of the Council in accordance with this Act.

3. Role of the Mayor (s. 226)

The role of the Mayor is:

- to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council
- to exercise such other functions of the Council as the Council determines
- to preside at meetings of the Council
- to carry out the civic and ceremonial functions of the mayoral office

4. The role of a Councillor as a member of the governing body (s.232(1))

The role of a Councillor is, as a member of the governing body of the Council:

- to provide a civic leadership role in guiding the development of the Community Strategic Plan for the area and to be responsible for monitoring the implementation of Council's Delivery Program
- to direct and control the affairs of Council in accordance with the Act
- to participate in the optimum allocation of Council's resources for the benefit of the area
- to play a key role in the creation and review of Council's policies and objectives and criteria relating to the exercise of Council's regulatory functions
- to review the performance of Council and its delivery of services, and the Delivery Program and revenue policies of Council

5. The role of the Councillor as an elected person (s. 232(2))

The role of a Councillor is, as an elected person:

- to represent the interests of the residents and ratepayers
- to provide leadership and guidance to the community
- to facilitate communication between the community and Council

ADDENDUM 2: POL 089 - STATUTORY PROVISIONS RELATING TO ACCESS TO COUNCIL RECORDS

6. The role of the General Manager (s. 335(1))

The General Manager is generally responsible for the efficient and effective operation of Council's organisation and for ensuring the implementation, without undue delay, of decisions of Council.

7. The functions of the General Manager (s.335(2))

The General Manager has the following particular functions:

- to assist Council in connection with the development and implementation of the Community Strategic Plan and Council's resourcing strategy, Delivery Program and Operational Plan and the preparation of its Annual Report and state of the environment report
- the day-to-day management of Council
- to exercise such of the functions of Council as are delegated by Council to the General Manager
- to appoint staff in accordance with an organisational structure and resources approved by the Council
- to direct and dismiss staff
- to implement Council's equal employment opportunity management plan

The General Manager has such other functions as may be conferred or imposed on the General Manager by or under this or any other Act.