

COUNCIL MEMBER STAFF INTERACTION POLICY

24 October 2023

Legislative

PURPOSE

The City of Adelaide is committed to positive working relationships between the community's elected representatives and staff who administer the operations of the Council.

The City of Adelaide's Chief Executive Officer strongly supports and encourages positive and professional relationships between staff and Council Members.

The Policy below is based on the best-practice modelled by the requirements expected in Victorian Councils.

The Council Member Staff Interaction Policy (the Policy) provides a supportive framework for Council Members exercising their civic functions, and requesting and receiving advice through interactions with staff.

The Policy should be read in conjunction with Behavioural Standards, and the Behaviour Support Policy.

Breaches of this policy will be managed according to the City of Adelaide Behavioural Management Policy and employee complaint management processes.

STATEMENT

The objective of this Policy is to provide direction on interactions between Council Members and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully, to:

- establish positive, effective and professional working relationships between Council Members and staff based on mutual respect and courtesy.
- ensure Council Members receive prompt and appropriate advice to assist in the performance of their civic duties.
- ensure Council Members have adequate access to information to exercise their statutory roles
- support transparent decision making and good governance arrangements.
- uphold the positive reputation and culture of Council.

Application of this document

This policy applies to all interactions between Council Members, Council staff and contractors:

- whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- whenever interactions between Council Members and staff occur, including inside or outside of work hours, and at Council and non-council venues and events.

OTHER USEFUL DOCUMENTS

Related documents

- Local Government Association Behaviour Management Policy

The City of Adelaide acknowledges the Kaurna people as the Traditional Owners of the Country where the city of Adelaide is situated, and pays its respect to Elders past, present and emerging.

Relevant legislation

- *Local Government Act 1999 (SA)*
 - *Local Government (Procedures at Meetings) Regulations 2013*
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GLOSSARY

Throughout this document, the terms below have been used and are defined as:

Council staff:

Staff employed by the City of Adelaide including contractors, trainees and volunteers

Council Member:

A person appointed or elected as a Council Member of a Council under the *Local Government Act 1999 (SA)*

Council Members:

All Council Members

ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **3** years unless legislative or operational change occurs beforehand. The next review is required in **2026**.

Review history:

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits

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1. RESPONSIBILITIES

1.1 Responsibilities of the Chief Executive Officer

The Chief Executive Officer is responsible for the efficient and effective day-to-day operation of the Council and ensuring the lawful decisions of the Council are implemented without undue delay.

1.2 Responsibilities of Council Members

Beyond the requirements outlined in Section 59(1) of the Local Government Act 1999 (the Act), to support good working relationships between Council Members and Council staff, Council Members also have a responsibility to recognise:

- Council staff are accountable to the Chief Executive Officer, not to Council Members
- Responses to requests for information from Council Members may take time and consultation to prepare
- Council Members should contact members of Council staff on Council-related business guided and in accordance with this Policy
- Council Members must not use their position to attempt to receive favourable treatment for themselves or apply improper or undue influence on Council staff.

1.3 Responsibilities of Council staff

Council Staff are responsible for acting professionally in their interactions with Council Members, and:

- are accountable to and only take direction from the Chief Executive Officer (or their delegate)
- to behave according to the City of Adelaide Code of Conduct
- to provide advice to Council Members which has been approved by the Chief Executive Officer or a staff member with appropriate delegation
- to efficiently and effectively carry out reasonable and lawful directions given by any person having the authority to give such directions
- to ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- to provide full and timely information to Council Members sufficient to enable them to exercise their civic functions according to this Policy
- not to approach Council Members to discuss individual or operational staff matters
- to make information given to any individual Council Member equally available to any other Council Member.

2. TYPES OF INTERACTION

2.1 Personal interaction between Council Members and Council staff

If Council Members and Council staff are present at non-Council events eg. social and community events, both parties are to refrain from discussing matters relating to Council business.

If a Council Member and member of Council staff have a pre-existing personal relationship, they must be mindful of this and ensure any conflicts of interest which arise are declared according to the Act and Council's governance rules.

This policy does not govern how Council staff may communicate with Council Members in their personal capacity as residents or ratepayers of the City of Adelaide.

2.2 Council Member Requests

2.2.1 The Council Member Requests system

The Council Member Requests System is the mechanism through which Council Members can request information and report issues. All requests for information or services should be submitted via email to councilliaisonoffice@cityofadelaide.com.au via the processes detailed in section 3.1 of this policy. This will ensure all requests are lodged in the Council's electronic records management system and efficiently actioned and reported.

2.2.2 Constituent Requests

Any requests for service, assistance or information from constituents and/or members of the public are to be submitted via the Council Member Requests System. Regardless of how the request was raised with the Council Member (phone, email, in person), it is preferred that Council Members email the request via the Council Member Request system to ensure prompt and efficient follow-up.

Council Members must not give a commitment to a constituent or member of the public of a particular outcome or a response from a particular staff member.

2.2.3 Questions to Council staff

Council Members have the right to request information from Council staff, which meets the requirements of Section 61(1) of the Act, and relates to matters a Council Member is more than simply curious about.

This policy also allows for Council Members to request information or ask questions regarding:

- the strategic position, performance or operation of the Council
- concerns raised by members of the public for the attention of staff
- ICT or other support from the Council administration
- confidential matters
- governance, local government legislation, governance rules, council policies and Council Member behaviour, including conduct matters
- requests for speeches or other speaking notes.

Council Members may only request publicly available information about matters in which they have a conflict of interest.

3. MANAGING COUNCIL MEMBER REQUESTS

3.1 Submitting Requests

Where requests are made during a Council or Committee meeting, the request will be included in the Minutes of the meeting. Other requests are to be submitted through the Council Member Requests System, via email to councilliaisonoffice@cityofadelaide.com.au.

Council Members should include sufficient information to enable Council staff to respond to the request, for example, a resident's name and contact details. The Chief Executive Officer or their delegate, is entitled to ask the Council Member to clarify a request which lacks specificity, and the reason(s) why the information is sought.

Where a request has originated from a constituent or member of the public, Council Members should acknowledge the request without giving a commitment to a member of the public of a particular outcome, or a response from a particular staff member. Council Members need not copy Council staff in the acknowledgement to the member of the public.

3.2 Responding to Requests

A response will be provided to all Council Member requests within 10 business days by the Chief Executive Officer, and/or the staff member authorised to manage the Council Member's request.

Where a response cannot be provided within that timeframe, the Council Member will be advised, and the information will be provided as soon as practicable.

A reply will be sent to all Council Members if a request from a Council Member relates to significant matters or those relevant to the whole of Council.

3.3 Confidential information

Council Members are required to treat all information provided by Council staff appropriately and to adhere to confidentiality requirements. If a Council Member is unsure whether a document or advice contains confidential information, they should contact the Chief Executive Officer, relevant manager, or the staff member authorised to manage their request.

If the information provided in response to a Council Member request is considered confidential, the Chief Executive Officer, their delegate or Council staff providing access under Section 61 subsection (1) of the Act, will advise the Council Member so the Council Member can manage the information appropriately. However it is the Council Member's responsibility to ensure they use the information in an ethical manner according to the requirements of the City of Adelaide Privacy Policy and Section 90 of the Act.

All confidential advice thus provided will be uploaded into the relevant folder on the Council Members portal and Council Members advised of its availability.

If a document is deemed confidential, it remains open to the Chief Executive Officer to restrict and control access to that document. How this is done will depend on the specific situation. It may be appropriate, for example, for access to confidential documents to be provided via an inspection of the document(s), at the Council offices, under supervision and when the elected member has signed an acknowledgement and/or agreement to keep the content of the information confidential.

3.4 Communications between Council Members and Council Staff

Council Members should, as far as practicable, only contact Council staff during normal business hours, between 8.30am and 5.00pm.

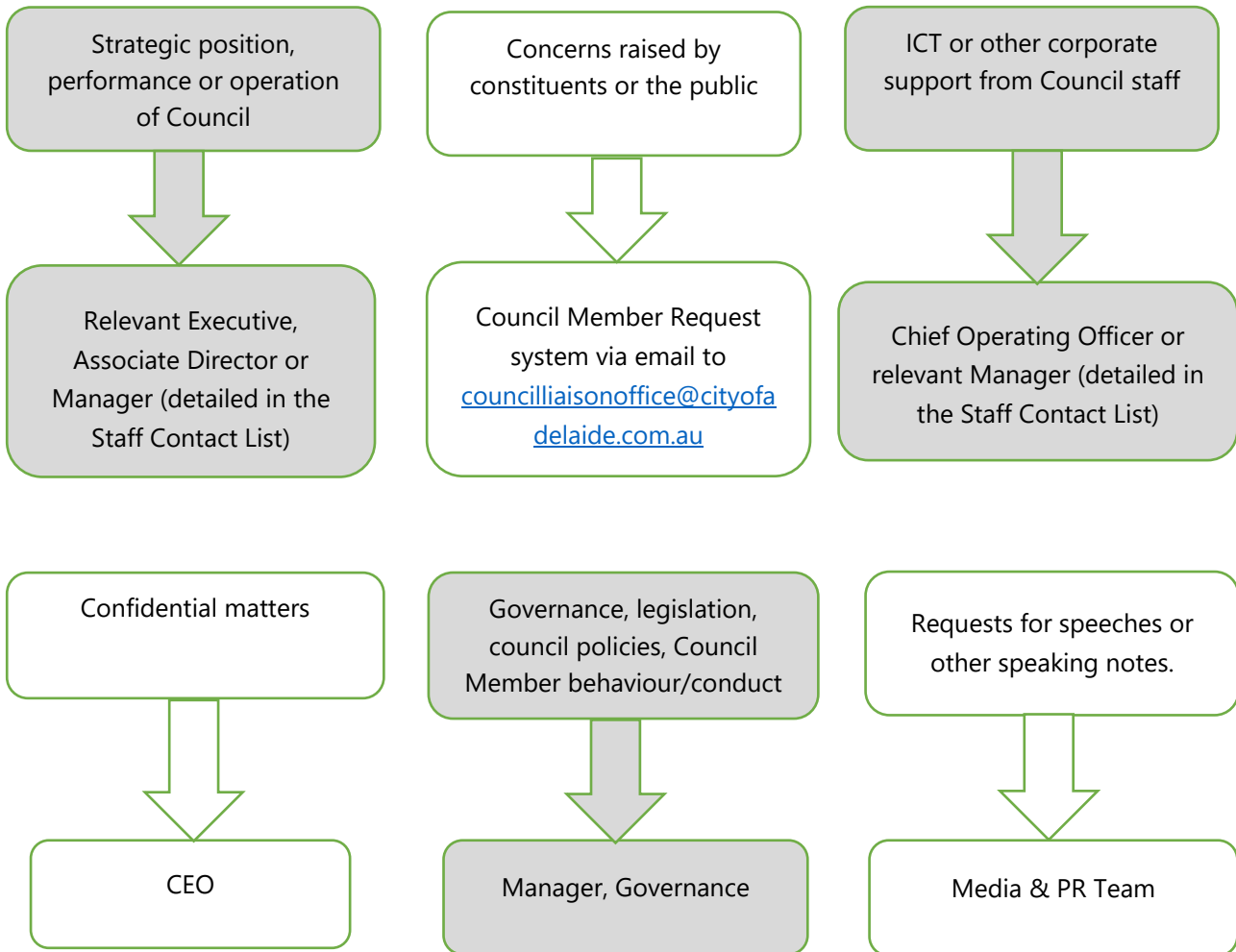
The Chief Executive Officer, or their delegate, may identify Council staff under this Policy to manage requests from Council Members. Details of these staff are provided in [Link A](#). These staff may be contacted via email or telephone; requests to staff not on this list should be made via email through the Council Member Request System. The Chief Executive Officer, or their delegate may direct any staff member to contact Council Members to provide specific information or clarification relating to a specific matter.

Chief Executive approval should be sought before a Council Member contacts a member of staff.

The Chief Executive Officer, relevant director and manager should be informed of all communication between Council staff and Council Members.

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The processes for requesting different kinds of information is summarised below:



3.5 Declining Release of Information

The Chief Executive Officer or their delegate may provide access to information requested by a Council Member only where:

- The connection between the function or duty of the of the Council Member and the requested document or information is clear.
- The information does not fall within the exclusive (statutory) functions of the Council's Chief Executive Officer or other officer of Council, such as:
 - implementation of a Council decision
 - day-to-day operations and affairs of the Council such as contract administration and operational project management.
 - regulatory and compliance functions
 - human resource management
- The request allows the Council staff reasonable time to respond, and would not include:
 - requiring documents to be provided within an unjustifiably urgent timeframe
 - requesting at a time of year that is not reasonable having regard to resourcing. e.g. - in close proximity to an election, on public holidays, over Christmas break.
 - a request made where the document relates to a time sensitive matter, such as pending litigation.
- the request would not result in an unreasonable diversion of staff time and resources in the Chief Executive Officer's or delegate's opinion
- the information is not sensitive, such as:
 - personal affairs of Council staff

- other confidential or private information which may cause detriment to the Council the community, or another party
- it is possible or practical to identify or provide the document with reasonable efforts, and in a timely manner, e.g. where a document is identified with sufficient particularity, or a document clearly exists.
- The request is not trivial, frivolous, vexatious or not made in good faith
- Is not sent to multiple members of Council staff in multiple emails (whether worded identically or not) seeking a different answer to that already provided.
- Has not been made:
 - To bully or intimidate or harass another person
 - To damage another's reputation
 - To obtain political advantage
 - To influence a person in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - To influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- The Council Member has not previously declared a conflict of interest in the matter and removed themselves from related decision-making
- The Chief Executive Officer is legally able to disclose the information.

Where the request does not meet these criteria, and the Chief Executive Officer declines to provide information requested by a Council Member, they must advise the Council Member in writing of the reasons for refusing access to the information requested.

If relevant, the Chief Executive Officer will provide advice about how the request can be modified to facilitate access to the information.

3.6 Unreasonable Requests

Where a Council Member persistently makes requests for information which, in the Chief Executive Officer's opinion, result in a significant and unreasonable diversion of staff time and resources the Council may, on the advice of the Chief Executive Officer, resolve to limit the number of requests the Council Member may make on a certain topic.

When a Council Member repeatedly asks questions or requests information for an improper purpose, the Chief Executive Officer may limit the communication channels available to the Council Member to prevent unreasonable demands on council resources and protect the health, safety and wellbeing of staff. The options available to the Chief Executive Officer to limit communication channels include but are not limited to the following:

- not replying to written, verbal and/or electronic communication that is inappropriate, abusive or threatening
- terminating interactions, whether face to face, verbal or electronic communication where a Council Member uses inappropriate, abusive or threatening language or behaves inappropriately
- nominating one member of Council staff to deal with all contact with the Council Member
- responding only to new and significant matters where there has been an excess amount of contact
- declining to respond further to matters which have been dealt with

The communication channels available to Council Members are in accordance with the Behavioural Management Framework, and accessible in circumstances which:

- do not compromise the City of Adelaide's obligations as an employer

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- do not compromise statutory obligations to which Council is subject
- are not wasteful of Council's resources through excessive contact or use of services.
- are not likely to encourage or allow rude and abusive behaviour.

3.7 Unreasonable Behaviour

Council Members may direct Council staff through appropriate direction to the Chief Executive Officer by way of a Council or Committee resolution, or by the Lord Mayor exercising their functions under the Act.

Specifically, a Council Member must not intentionally direct or seek to direct a member of Council staff:

- 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 the Act or any other Act
- 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 the Act or any other Act
- in relation to advice provided to the Council or a delegated committee including advice in a report to the Council or delegated committee.

A Council Member must not apply improper or undue influence on Council staff including:

- disrespecting the professional opinion, skills or expertise of Council staff through intimidation, bullying, harassing or disrespecting behaviour
- using rank or position to seek information outside the processes outlined in this Policy
- pressuring Council staff to make a decision outside the formal Council decision making processes
- pressuring Council staff to provide information, services or assistance to one person, group or part of the community over another, outside of formal decision of Council
- pressuring Council staff to make a decision to take action outside normal business process timeframes
- pressuring Council staff to change a recommendation in a Council report
- contacting Council staff who are not authorised by the Chief Executive Officer or their delegate
- approaching Council staff and staff organisations to discuss individual or operational staff matters.

4. COMPLAINTS

Complaints about a Council Member or Council staff member should be directed to the Chief Executive Officer.

Complaints about the Chief Executive Officer should be directed to the Lord Mayor.

The clause does not prevent matters being reported to SA Ombudsman or the Independent Commission Against Corruption, South Australia.

