

Effective communication between Councillors and staff

11 December 2018

Table of Contents

Part A Preliminary	1
1 Purpose	1
2 Scope	1
3 Principles	1
Part B Requesting information	2
4 What type of information may Councillors request?	2
5 How may Councillors request information?	2
6 Enquiries as a private citizen/rate payer.....	3
7 Requesting information under the GIPA Act.....	3
Part C Using information	4
8 Councillor use of information.....	4
Part D Appropriate conduct	5
9 Examples of appropriate interactions	5
10 Reporting inappropriate interactions	5
Part E Definitions	6
Annexure A Who can I contact?	7
Document Control	8

Part A Preliminary

1 Purpose

- 1.1 This policy provides a framework for City of Newcastle (CN) Officers to assist and support Councillors, as elected members of the community, in exercising their civic duties honestly and with care and diligence in accordance with the Act.
- 1.2 The policy provides guidance on appropriate, effective and timely processes for Councillors to obtain information and ensures an appropriate level of interaction between Councillors and CN Officers.

2 Scope

- 2.1 The policy applies to Councillors and CN Officers.
- 2.2 The policy applies to all interactions between Councillors and CN Officers including in-person, by telephone, internet, email, social media, writing or any other form of communication.

The policy should be read in conjunction with CN's Code of Conduct.

3 Principles

- 3.1 CN commits itself to the following:
 - 3.1.1 **Cooperation and collaboration** between CN Officers and Councillors.
 - 3.1.2 **Accountability and transparency** in the provision of information and advice.
 - 3.1.3 **Effective decision making** through appropriate, timely, evidence-based information.
 - 3.1.4 **Timeliness** in ensuring Councillors receive accurate and timely advice to help them carry out their civic responsibilities.

Part B Requesting information

4 What type of information may Councillors request?

- 4.1 Councillors may request access to information to enable them to carry out their civic role.
- 4.2 In limited circumstances, information may not be provided to Councillors (for example, Personal Information on an employee's personnel file or other information deemed confidential).
- 4.3 Where the CEO or Public Officer determines not to provide access to information requested by a Councillor, they will:
 - 4.3.1 act reasonably in reaching this decision; and
 - 4.3.2 provide reasons why the information sought is not considered to be required for the Councillor to perform their civic duty.

5 How may Councillors request information?

Administrative and minor operational requests

- 5.1 If a Councillor has a request of an administrative nature (including clarification of a Council report, request for information about a Council meeting or process, or IT issue or payroll issue), they may contact a Director, Service Unit Manager or any CN Officer listed in the table at Annexure A by phone, email or in person (by appointment).
- 5.2 If a Councillor has a request of a minor operational nature (including minor or straightforward or non-complex updates about a current CN project or initiative – but excluding requests about major or complex initiatives), they may contact a Director, Service Unit Manager or any CN Officer listed in the table at Annexure A by phone, email or in person (by appointment).
- 5.3 Directors are to ensure that Service Unit Managers or any CN Officers listed in the table at Annexure A provide timely responses to Councillor requests of an administrative and minor operational nature.
- 5.4 Where multiple Councillor requests for the same or similar administrative or minor operational matter are received, or where a Director determines that the matter is not of an administrative or minor operational matter, Directors are to request that Councillors submit the request as a Councillor Service Request (see below).

All other requests

- 5.5 All other Councillor requests for information should be submitted as a Councillor Service Request (CSR). CSRs enable requests to be processed for matters which are not administrative or minor operational in nature as defined in section 5.1 and 5.2.
- 5.6 CSRs will be acknowledged and where possible a response provided on the fifth business day. Where it is not possible to respond to the request as required, the Councillor will be provided with an estimated timeframe for response.
- 5.7 If a CSR is urgent, the Councillor may contact the relevant Director or Service Unit Manager and advise of the urgent nature of the matter in addition to submitting the CSR. The Service Unit Manager and Director will keep the CEO informed of the progress of urgent requests to ensure a coordinated response.
- 5.8 Information provided in response to a CSR will be made available (by memo or on request, depending on the nature of the request) to all other Councillors,

except where there is a legislative or policy requirement to keep the information confidential.

Who to contact

- 5.9 The CEO will from time to time approve a list of communication channels for Councillors and CN officers, as set in the table at Annexure A.

Councillor Memos and Workshops

- 5.10 Where the CEO and Directors are aware that an administrative or operational matter is of a more significant nature and needs to be brought to the attention of all Councillors, a Councillor Memo will be issued to all Councillors.
- 5.11 Where the CEO and Directors are aware that a significant matter needs to be discussed with Councillors, the CEO will arrange for a Councillor Workshop to be scheduled to provide Councillors with the opportunity to receive a briefing from relevant CN Officers.

6 Enquiries as a private citizen/rate payer

- 6.1 Where Councillors are required to interact with CN in their capacity as a private citizen/rate payer they will access CN services in the same manner as a private citizen/rate payer, clearly identifying that they are acting in their personal capacity.
- 6.2 CN Officers and Councillors should ensure such interactions are appropriate and avoid any perception of preferential treatment.

7 Requesting information under the GIPA Act

- 7.1 Councillors may request information under the GIPA Act. GIPA applications submitted by Councillors will be managed in accordance with the GIPA Act and treated in the same manner as a private citizen/rate payer making the request.

Part C Using information

8 Councillor use of information

- 8.1 In requesting and using CN information, Councillors must:
 - 8.1.1 only access CN information needed to perform their civic duties;
 - 8.1.2 not use CN information for private purposes;
 - 8.1.3 not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for themselves, or any other person or body, from information obtained in their capacity as a Councillor;
 - 8.1.4 only disclose CN information in accordance with established CN policies and procedures and in compliance with relevant legislation; and
 - 8.1.5 not disclose confidential information to the public. Confidential information includes:
 - 8.1.5.1 Personal Information about individuals (including CN Officers, rate payers and constituents) unless the individual gives consent to release of the information;
 - 8.1.5.2 information that is marked confidential by the CEO in accordance with the Act or acting reasonably. If a Councillor disputes that information marked confidential is in fact confidential, then the Councillor should discuss this with the CEO;
 - 8.1.5.3 information of a commercial or sensitive nature where release of commercial or sensitive information can be detrimental to the business of CN;
 - 8.1.5.4 information that is provided or issued in a closed Councillor workshop; or
 - 8.1.5.5 discussions or business that takes place in a meeting that is closed to the public in accordance with section 10A of the Act.

Part D Appropriate conduct

Councillors and CN Officers must always act in accordance with CN's Code of Conduct. Appropriate conduct and interaction between Councillors and CN Officers as outlined in this Policy is necessary to ensure Councillors receive accurate and timely advice to help them carry out their civic responsibilities.

9 Examples of appropriate interactions

- 9.1 Councillors contact a Director or Service Unit Manager to request information of an administrative or minor operational nature.
- 9.2 Councillors contact staff in the CEO's office or Legal Service Unit who will assist or direct enquiries to the most appropriate area.
- 9.3 The relevant Service Unit Manager requests a CN Officer to contact Councillors directly to request further information in relation to a CSR or inform the Councillor of the expected timeframe of the provision of a response.
- 9.4 Councillors contact the IT Helpdesk and IT staff provide technical assistance to Councillors in the use of CN issued ICT equipment.
- 9.5 Councillors contact Payroll Service staff to discuss specifics of their Councillor payments.
- 9.6 Councillors contact the Legal Service Unit to discuss enquiries regarding Council meetings.
- 9.7 Councillors contact an Advisory Committee Facilitator to discuss matters on that agenda.

10 Reporting inappropriate interactions

- 10.1 Councillors and CN Officers must report any inappropriate interactions between Councillors and CN Officers to the CEO.
- 10.2 Interactions made by Councillors deemed inappropriate may be considered misconduct under the Code of Conduct and penalties may include suspension or disqualification from civic office.
- 10.3 Interactions made by CN Officers deemed inappropriate may result in disciplinary action including termination of employment.
- 10.4 In the event of contradiction between this policy and CN's Code of Conduct, CN's Code of Conduct will prevail.

Part E Definitions

Act means the *Local Government Act 1993* (NSW).

CEO means Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

References to the CEO are references to the General Manager appointed under the *Local Government Act 1993* (NSW).

City of Newcastle (CN) means Newcastle City Council.

References to City of Newcastle are references to Newcastle City Council as prescribed under the *Local Government Act 1993* (NSW).

CN Officer means full time, part time, temporary and casual staff employed by CN, and volunteers.

Code of Conduct means CN's Code of Conduct and the associated Procedures for the Administration of the Code of Conduct as prescribed by the Regulation.

Council means the elected Council.

Councillor means a person elected or appointed to civic office and includes the Lord Mayor.

Councillor Service Request (CSR) means the process by which a Councillor submits a request to CN in relation to a matter on which a Councillor would like to receive further information. CSRs should be sent to crservicerequest@ncc.nsw.gov.au

GIPA Act means the *Government Information (Public Access) Act 2009* (NSW)

Personal Information means information or an opinion about a person whose identity is apparent or can be ascertained from the information or opinion.

Public Officer means the CN Officer appointed under section 343 of the Act.

Regulation means the Local Government (General) Regulation 2005.

Annexure A Who can I contact?

Subject Matter	City of Newcastle Staff								
	CEO	Executive Officer	Director	Director's EA	Relevant Service Unit Manager/Service Element Manager	Committee Facilitator/ Secretary	Major Events and Corporate Affairs	IT helpdesk	Council Executive Support Team
All matters	✓	✓	✓	✓	✓ Manager Legal				✓
Plans, Strategies or Policies	✓	✓	✓	✓	✓				
Operational issues, service delivery	✓	✓	✓	✓	✓				
Media and Communications	✓	✓	✓	✓	✓		✓ Communications Manager		✓
IT Support	✓	✓	✓	✓	✓			✓	
Payroll enquiries (including Corporate fitness)	✓	✓	✓	✓	✓ Service Element Managers – People and Culture				
Planning matters	✓	✓	✓	✓	✓ Manager Regulatory, Planning and Assessment				
Regulatory (enforcement) Matters	✓	✓	✓	✓	✓ Manager Regulatory, Planning and Assessment				
Code of Conduct	✓				✓ Manager Legal				
Committee matters	✓	✓	✓	✓	✓	✓ Advisory Committees			✓ External committees
CSRs	✓	✓	✓	✓	✓				✓
Requests in accordance with the Councillor Expenses and Facilities Policy					✓ Manager Legal				✓

Document Control

Policy title	Effective communication between Councillors and staff
Policy owner	Manager Legal
Policy expert/writer	Legal and Governance Officer
Associated Procedure Title	N/A
Procedure owner (if applicable)	N/A
Prepared by	Legal Service Unit
Approved by	Council
Date approved	11/12/2018
Policy approval form reference	ECM # 5803118
Commencement Date	11/12/2018
Next revision date	11/12/2021
Termination date	11/12/2022
Version	Four
Category	Council
Keywords	interaction, Councillors, staff, access, information, communication
Details of previous versions	Interaction between Councillors and Staff Policy V3 - ECM # 3720267
Legislative amendments	Nil
Relevant strategic direction	Open and Collaborative Leadership
Relevant strategy	Open and Transparent Governance Strategy
Relevant legislation/codes (reference specific sections)	<i>Local Government Act 1993 (NSW) section 355</i> <i>Government Information (Public Access) Act 2009 (NSW)</i>
Other related policies/documents/strategies	Code of Conduct Policy
Related forms	Nil
Required on website	Yes
Authorisations	Functions authorised under this policy at Annexure A