

Effective Communication between Councillors and Staff Policy

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City of
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Table of Contents

Introduction	1
1 Purpose	1
2 Scope.....	1
3 Principles	1
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/ratepayer.....	3
7 Requesting information under the GIPA Act.....	3
Attendance at Committees and other Public Meetings	4
8 Advisory Committees	4
9 Public meetings arranged by CN.....	4
Using information	4
10 Councillor use of information	4
Appropriate conduct	5
11 Examples of appropriate interactions	5
12 Reporting inappropriate interactions.....	5
Annexure A - Definitions	6
Annexure B - Who can I contact?	7
Annexure C - Policy Authorisations	8
Document Control	9

INTRODUCTION

1 Purpose

1.1 This Policy provides:

- a) a framework for City of Newcastle (CN) Staff 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.
- b) guidance on appropriate, effective and timely processes for Councillors to obtain information and ensures an appropriate level of interaction between Councillors and CN Staff.

2 Scope

2.1 This Policy:

- a) applies to Councillors and CN Staff.
- b) applies to all interactions between Councillors and CN Staff including in-person, by telephone, internet, email, social media, writing or any other form of communication, that relate to them undertaking their duties as a Councillor.
- c) should be read in conjunction with CN's Code of Conduct.

3 Principles

3.1 CN commits itself to the following:

- a) **Cooperation and collaboration** between CN Staff and Councillors.
- b) **Accountability and transparency** in the provision of information and advice.
- c) **Effective decision making** through appropriate, timely, evidence-based information.
- d) **Timeliness** in ensuring Councillors receive accurate and timely advice to help them carry out their civic responsibilities.

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:
 - a) act reasonably in reaching this decision; and
 - b) 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 Staff listed in the table at Annexure B 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 Staff listed in the table at Annexure B by phone, email or in person (by appointment).
- 5.3 Directors are to ensure that Service Unit Managers or any CN Staff listed in the table at Annexure B 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).
- 5.5 If a constituent raises a customer request with a Councillor, Councillors must ensure the constituent's matter has firstly been raised via:
 - a) Phone with CN's Customer Service team or online via CN's Customer Request form; and
 - b) that a CN issued reference number is included in the Councillors request.

All other requests

- 5.6 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 and ensure that responses are communicated to all Councillors.
- 5.7 CSRs will be acknowledged and a response provided as quickly as possible given the potential complexity of the issue.
- 5.8 Councillors are required to declare any pecuniary or non-pecuniary significant or non-significant conflicts of interest in accordance with CN's Codes of Conduct when lodging a CSR.
- 5.9 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 reason for the urgency should also be noted in the CSR at the time of lodging.

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

Who to contact

5.11 The CEO will from time to time approve a list of communication channels for Councillors and CN Staff, as set in the table at Annexure B.

Councillor Memos and Workshops

5.12 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 proactively issued to all Councillors.

5.13 Where the CEO and Directors are aware that a significant matter needs to be discussed with Councillors, the CEO will arrange for a Workshop to be scheduled to provide Councillors with the opportunity to receive a briefing from relevant CN Staff.

6 Enquiries as a private citizen/ratepayer

6.1 Where Councillors are required to interact with CN in their capacity as a private citizen/ratepayer they will access CN services in the same manner as a private citizen/ratepayer, clearly identifying that they are acting in their personal capacity.

6.2 CN Staff 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/ratepayer making the request.

ATTENDANCE AT COMMITTEES AND OTHER PUBLIC MEETINGS

8 Advisory Committees

- 8.1 Where Councillors are members of, or have an enquiry on a matter overseen by an Advisory Committee, they may contact the relevant committee facilitator or secretary, as set out in the table at Annexure B.

9 Public meetings arranged by CN

- 9.1 Councillors must inform the CEO and relevant Director or Service Unit Manager prior to attending a meeting organised by CN between CN Staff and members of the public.

USING INFORMATION

10 Councillor use of information

- 10.1 In requesting and using CN information, Councillors must:
- a) only access CN information needed to perform their civic duties;
 - b) not use CN information for private purposes;
 - c) 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;
 - d) only disclose CN information in accordance with established CN policies and procedures and in compliance with relevant legislation; and
 - e) not disclose confidential information to the public. Confidential information includes:
 - i. Personal Information about individuals (including CN Staff, ratepayers and constituents) unless the individual gives consent to release of the information;
 - ii. 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;
 - iii. information of a commercial or sensitive nature where release of commercial or sensitive information can be detrimental to the business of CN;
 - iv. material within workshops specifically noted as confidential, should be treated as confidential; or
 - v. discussions or business that takes place in a meeting that is closed to the public in accordance with section 10A of the Act.

APPROPRIATE CONDUCT

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

11 Examples of appropriate interactions

- 11.1 Councillors contact a Director or Service Unit Manager to request information of an administrative or minor operational nature.
- 11.2 Councillors contact staff in the Lord Mayor's office, CEO's office or Legal and Governance Service Unit who will assist or direct enquiries to the most appropriate area.
- 11.3 The relevant Service Unit Manager requests a CN Staff 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.
- 11.4 Councillors contact the IT Helpdesk and IT staff provide technical assistance to Councillors in the use of CN issued ICT equipment.
- 11.5 Councillors contact Payroll Service staff to discuss specifics of their Councillor payments.
- 11.6 Councillors contact the Legal and Governance Service Unit to discuss enquiries regarding Council meetings.
- 11.7 Councillors contact an Advisory Committee Facilitator to discuss matters on that agenda.

12 Reporting inappropriate interactions

- 12.1 Councillors and CN Staff must report any inappropriate interactions between Councillors and CN Staff to the CEO.
- 12.2 Interactions made by Councillors deemed inappropriate may be considered misconduct under CN's Code of Conduct.
- 12.3 Interactions made by CN Staff deemed inappropriate may result in disciplinary action.
- 12.4 In the event of contradiction between this Policy and CN's Code of Conduct, CN's Code of Conduct will prevail.

ANNEXURE A - 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 Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).

City of Newcastle (CN) means Newcastle City Council.

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

Codes of Conduct means CN's Code of Conduct for Staff, Code of Conduct for Councillors and Code of Conduct for Committee Members, Delegates of Council and Council Advisors, 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 Staff appointed under section 343 of the Act.

Regulation means the *Local Government (General) Regulation 2021*.

Workshop has the same meaning as in CN's Code of Meeting Practice.

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

ANNEXURE B - WHO CAN I CONTACT?

Subject Matter	City of Newcastle Staff					
	CEO	Director (including relevant Director's EA on behalf of the Director)	Relevant Service Unit Manager	Committee Facilitator/ Secretary	IT helpdesk	Councillor Services Team, CEO Office and Lord Mayor's Office
All matters	✓	✓	✓ Manager Legal and Governance			✓
Plans, Strategies or Policies	✓	✓	✓			
Operational issues, service delivery	✓	✓	✓			
Media and Communications	✓	✓	✓ Manager, Major Events and Corporate Affairs			
IT Support	✓	✓	✓ Chief Information Officer		✓	
Payroll / WHS enquiries (including Corporate fitness)	✓	✓	✓ Manager People and Culture			
Planning matters	✓	✓	✓ Manager Regulatory, Planning and Assessment			
Regulatory (enforcement) Matters	✓	✓	✓ Manager Regulatory, Planning and Assessment			
Code of Conduct	✓		✓ Manager Legal and Governance			
Committee matters	✓	✓	✓	✓ Advisory Committee s		
CSRs	✓	✓	✓			
Requests in accordance with the Councillor Expenses and Facilities Policy			✓ Manager Legal and Governance			

ANNEXURE C - POLICY AUTHORISATIONS

Title of authorisation	Description of authorisation	Position Number & Title
Nil.		

DOCUMENT CONTROL

Policy title	Effective Communication between Councillors and Staff Policy
Policy owner	Manager Legal and Governance
Policy expert/writer	Governance Coordinator
Associated Guideline or Procedure Title	Nil.
Guideline or Procedure owner	N/A
Prepared by	Legal and Governance
Approved by	Council
Date approved	To be completed by Legal and Governance
Policy approval form reference	ECM# 8383600
Commencement Date	23/08/2022
Next review date	23/06/2025
Termination date	23/06/2026 (one year post revision date)
Version #	5
Category	Governance
Details of previous versions	Version #4 – ECM: 5804159
Keywords	Interaction, Councillors, staff, access, information, communication
Relevant strategy	Nil.
Relevant legislation/codes (reference specific sections)	This Policy supports CN's compliance with the following legislation: <i>Local Government Act 1993 (NSW) section 355</i> <i>Government Information (Public Access) Act 2009 (NSW)</i>
Other related documents	CN's Codes of Conduct
Related forms	Nil.
Required on website	Yes
Authorisations	Functions authorised under this Policy at Annexure C