



**Burwood**<sup>Inc.1874</sup>

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

## **INTERACTION BETWEEN COUNCIL OFFICIALS POLICY**

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Based on the Model Councillor and Staff Interaction Policy issued by the Office of Local Government

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## Preface

### Positive working relationships between council officials: a council's key asset

Positive, professional working relationships between council officials are a key element of any council's success. If relationships between council officials are functioning effectively, the council is more likely to perform effectively. If these relationships break down, it can lead to dysfunction, create a potential corruption risk<sup>1</sup>, and ultimately the council's performance will suffer.

A good relationship between council officials is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities.

### Access to information: the key to the relationship

Councillors need access to information about the council's strategic position and performance to perform their civic functions effectively. The general manager and council officers are responsible for providing councillors with this information to facilitate the decision-making process.

Given councillors' role in setting the council's strategic direction and keeping its performance under review, councillors are entitled to request information about a range of issues.

However, in requesting information, councillors should not be seeking to interrogate the minutiae of the council's operations or to direct or influence officers in the performance of their duties. Councillors should also recognise that a council's resources are finite, and they need to be mindful of the impact of their requests.

Above all, interactions between council officials should be positive, respectful and professional.

## PART 1 Introduction

### Purpose

- 1.1 The purpose of the Interaction Between Council Officials Policy (the Policy) is to cultivate an environment that fosters positive and productive working relationships between councillors and other officials of Burwood Council.
- 1.2 The Policy provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised officers.
- 1.3 The Policy provides direction on interactions between council officials to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 The Policy complements and should be read in conjunction with Burwood Council's Codes of Conduct (the Codes of Conduct).

### Definitions

Council officials	Councillors, employees and delegates (including volunteers, consultants, contractors or any other service provider involved in exercising a Council function)
Councillors	Includes the mayor and other elected representatives of Council or, alternatively, an administrator of the Council appointed by the Minister for Local Government

<sup>1</sup> As highlighted by the NSW Independent Commission Against Corruption's [Operation Dasha](#)

Officer	For the purposes of this policy, any reference to the term “officer” is taken to mean all Council officials other than councillors or administrators who are involved in exercising a council function
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## Scope

- 1.5 This Policy applies to all councillors and all council officer in relation to any of their interactions with each other.
- 1.6 It applies wherever and whenever interactions occur, whether onsite at Council premises, or at non-Council locations, online (including social media and virtual meeting platforms), by phone, text message or in writing, and whether inside or outside of work hours.
- 1.7 This Policy does not confer any delegated authority upon any person. All delegations and authorisations to officers are made by the General Manager.
- 1.8 The Codes of Conduct provide that council officials must not conduct themselves in a manner that is contrary to the Council’s policies. A breach of this Policy will be a breach of the Codes of Conduct.

## Context

- 1.9 In accordance with the *Local Government Act 1993*, councillors and council officers have distinct though complementary roles in the effective exercise of Council functions. In order to perform effectively in these roles, there needs to be a respectful understanding and appreciation of the rights and responsibilities of each of these classes of Council officials.
- 1.10 Councillors are responsible for the strategic direction of the organisation and for determining the public policy framework of Council. The Council also has a number of critical statutory obligations including its role as a consent authority, under both the *Environmental Planning & Assessment Act 1979* and the *Local Government Act 1993*, for applications for development consent and for various local approvals.
- 1.11 The General Manager and other senior officers of Council are responsible for the effective management of the organisation and delivery of Council services. These responsibilities are focused on the implementation of public policies and strategic plans adopted by the elected body of councillors.
- 1.12 Councillors must not be involved in the day to day management of the Council. Council officers must not become involved in the political processes of the Council beyond their reporting and advisory responsibilities to all councillors. These respective obligations are reflected in the *Local Government Act 1993* and the supporting *Model Code of Conduct for Councils in NSW* which is the basis for the Burwood Council Codes of Conduct.
- 1.13 There often needs to be personal interaction between councillors and key officers to effectively integrate policy and plan making with service delivery. The operational distinction between the roles of councillor and officers may not always seem clear under these circumstances. This has prompted the need for additional policy direction that helps council officials to understand their respective roles, and how they are to operate in them in order to perform their jobs effectively and lawfully.
- 1.14 It is acknowledged that councillors and council officers may engage with their council in their private capacity. No provision in this Policy affords any councillor preferential treatment in the provision of any Council service when the councillor is acting outside their civic role, even in their private capacity as a local constituent. As per the Codes of Conduct councillors and council officers are not to receive favourable treatment for themselves or any other entity.

## Policy objectives

- 1.15 The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between council officials defined by mutual respect and courtesy
- b) enable council officials to work together appropriately and effectively to support each other in their respective roles
- c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide councillor interactions with, officers for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by council officials interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

## **PART 2 Principles, roles and responsibilities**

### **Principles**

- 2.1 Several factors contribute to a good relationship between council officials. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 2.2 Council commits to the following principles to guide interactions between councillors and council officers:

<b><u>Principle</u></b>	<b><u>Achieved by</u></b>
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels
Considerate and respectful	Council officials working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
Ethical, open and transparent	Ensuring that interactions between council officials are ethical, open, transparent, honest and display the highest standards of professional conduct
Fit for purpose	Ensuring that the provision of equipment and information to councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of seven people.
Accountable and measurable	Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

### **Roles**

- 2.3 The Council's governing body and its administration (being officers within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.
- 2.4 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a

councillor is as follows:

- a) to be an active and contributing member of the governing body
- b) to make considered and well-informed decisions as a member of the governing body
- c) to participate in the development of the integrated planning and reporting framework
- d) to represent the collective interests of residents, ratepayers and the local community
- e) to facilitate communication between the local community and the governing body
- f) to uphold and represent accurately the policies and decisions of the governing body
- g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

- 2.5 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.
- 2.6 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

## **Responsibilities**

- 2.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:
- a) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
  - b) officers are not accountable to them individually
  - c) they must not direct officers except by giving appropriate direction to the General Manager by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA
  - d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of officers in the exercise of their functions
  - e) they must not contact a member of officers on council-related business unless in accordance with this Policy
  - f) they must not use their position to attempt to receive favourable treatment for themselves or others.
- 2.8 The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay. Council officers need to understand:
- a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body
  - b) they should not provide advice to councillors unless it has been approved by the General Manager or an officer with a delegation to approve advice to councillors
  - c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
  - d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
  - e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.
- 2.9 The General Manager is accountable for ensuring that council officials are kept fully aware of their responsibilities in relation to this policy.

### **PART 3      The councillor requests system**

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- 3.1 Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious.
- 3.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- 3.3 The General Manager may identify Council support officers under this Policy for the management of requests from councillors.
- 3.4 Councillors can use the councillor requests system to:
  - a) request information or ask questions that relate to the strategic position, performance or operation of the Council
  - b) bring concerns that have been raised by members of the public to the attention of officers
  - c) request IT or other support from the Council administration
  - d) request that an officer be present at a meeting (other than a meeting of the council) for the purpose of providing advice to the meeting.
- 3.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or officer authorised to manage the matter is entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.
- 3.6 Officers must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.
- 3.7 The General Manager or the officer authorised to manage a councillor request will provide a response within 10 business days. Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.
- 3.8 Requests under clause 3.4 (d) must be made no less than 3 business days before the meeting. The General Manager, or officers that are listed at Schedule 1 of this Policy, are responsible for determining:
  - a) whether an officer can attend the meeting, and
  - b) which officer will attend the meeting

Officers who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.
- 3.9 Councillors are required to treat all information provided by officers appropriately and to observe any confidentiality requirements.
- 3.10 Officers will inform councillors in writing of any confidentiality requirements for information they provide so councillors can handle the information appropriately.
- 3.11 Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the officer authorised to manage their request.
- 3.12 The General Manager may refuse access to information requested by a councillor if:
  - a) the information is not necessary for the performance of the councillor's civic functions, or
  - b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of officer time and resources, or
  - c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
  - d) the General Manager is prevented by law from disclosing the information.



- 3.13 Where the General Manager refuses to provide information requested by a councillor, they must act reasonably. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.
- 3.14 Where a councillor's request for information is refused by the General Manager on the grounds referred to under clause 3.12 (a) or (b), the councillor may instead request the information through a resolution of the council by way of a notice of motion. This clause does not apply where the General Manager refuses a councillor's request for information under clause 3.12 (c) or (d).
- 3.15 Nothing in clauses 3.12, 3.13, and 3.14 prevents a councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.
- 3.16 Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of officer time and resources the council may, on the advice of the General Manager, resolve to limit the number of requests the councillor may make.
- 3.17 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.
- 3.18 A report will be shared with councillors on the Councillor Portal every 12 months regarding the performance and efficiency of the councillor requests system against established key performance indicators.

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#### **PART 4      Access to Council officers**

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- 4.1 Councillors may directly contact officers that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.
- 4.2 Councillors can contact officers listed in Schedule 1 about matters that relate to the officer's area of responsibility.
- 4.3 Councillors should as far as practicable, only contact officers during normal business hours.
- 4.4 If councillors would like to contact an officer not listed in Schedule 1, they must receive permission from the General Manager.
- 4.5 If a councillor is unsure which authorised officer can help with their enquiry, they can contact the General Manager or a Director who will provide advice about which authorised officer to contact.
- 4.6 The General Manager or a Director may direct any officer to contact councillors to provide specific information or clarification relating to a specific matter.
- 4.7 A council official must not take advantage of their official position to improperly influence other councillors or officers in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.
- 4.8 Councillors may engage directly with council officers and other committee members during a meeting of Council or one of its committees in accordance with the *Burwood Council Code of Meeting Practice* or the Terms of Reference for the relevant committee.

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#### **PART 5      Councillor access to council buildings**

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- 5.1 Councillors are entitled to have access to Council premises at 2 Conder Street as follows:
- the councillor common room
  - the mayoral office (with the consent of the mayor)



- the office of the Executive Assistant to the Mayor and Councillors (during office hours)
  - any public areas (subject to booking constraints)
  - the car park at 8 Conder Street to park within the car spaces under the control of Council
- 5.2 Councillors are provided with a security pass to enable access to the areas referred to in clause 5.1.
- 5.3 Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through the Executive Assistant to the Mayor and Councillors.
- 5.4 Councillors must not enter officer-only areas of Council buildings without the approval of the General Manager and must be accompanied by a council officer.

## **PART 6      Appropriate and inappropriate interaction**

### **Appropriate interaction**

- 6.1 Examples of appropriate interactions between councillors and council officers include, but are not limited to, the following:
- a) councillors and council officers are courteous and display a positive and professional attitude towards one another
  - b) council officers ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies
  - c) council officers record the advice they give to councillors in the same way they would if it was provided to members of the public
  - d) council officers, including Council's executive team members, document councillor requests via the councillor requests system
  - e) council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties
  - f) councillors and council officers feel supported when seeking and providing clarification about council related business
  - g) councillors forward requests through the councillor requests system and officers respond in accordance with the timeframes stipulated in this Policy.
- 6.2 Councillors may need to make contact with officers as a local constituent or other direct customer of services offered to the public by Council. In these instances, it is appropriate for the councillor to engage with Customer Service officers and / or other frontline officers as other members of the public would be expected to.
- 6.3 Councillors may engage in contact with representatives of the Audit Office of NSW who are acting in their capacity as the external auditor of Council, or with the chair of the Audit Risk and Improvement Committee, to exchange information that is reasonably necessary for the exercise of external audit and internal audit functions.

### **Inappropriate interaction**

- 6.4 Examples of inappropriate interactions between council officials include, but are not limited to, the following:
- a) councillors and council officers conducting themselves in a manner that:
    - i) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
    - ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory

- b) councillors approaching officers and staff organisations to discuss individual or operational staffing matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
  - c) officers approaching councillors to discuss individual or operational staffing matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
  - d) subject to clause 3.12, officers refusing to give information that is available to other councillors to a particular councillor
  - e) councillors who have lodged an application with the council, discussing the matter with officers in officer-only areas of the council
  - f) councillors being overbearing or threatening to officers
  - g) officers being overbearing or threatening to councillors
  - h) councillors making personal attacks on officers or engaging in conduct towards officers that would be contrary to the general conduct provisions in Part 3 of the Codes of Conduct in public forums including social media
  - i) councillors directing or pressuring officers in the performance of their work, or recommendations they should make
  - j) officers providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community
  - k) councillors or council officers attempting to take advantage of their official position to improperly influence other councillors or officers, in the performance of their public or professional duties, for the purpose of securing a private benefit for themselves or some other person. In the case of councillors, personal benefit includes activities associated with the pursuit of election to Council.
- 6.5 Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of officers at risk, the General Manager may restrict the councillor's access to officers.
- 6.6 Any concerns relating to the conduct of officers under this Policy should be raised with the General Manager.

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## **PART 7      Complaints**

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- 7.1 Council officials are responsible for ensuring that any breaches of this policy are reported immediately to the General Manager or the Mayor (if the complaint is about the General Manager). The General Manager is obliged to review breach allegations with the Mayor promptly.
- 7.2 This policy is a subordinate policy to the Codes of Conduct. Breaches of this policy are to be handled in accordance with the *Procedures for Administering the Codes of Conduct*.
- 7.3 Clause 7.1 does not operate to prevent matters being reported to the Office of Local Government, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

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## **PART 8      Scheduled review**

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- 8.1 This Policy will be reviewed within the first 12 months following a general election of Council.

### Schedule 1 – Authorised officer contacts for councillors

1. Clause 4.1 of this Policy provides that councillors may directly contact officers that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact officers listed below about matters that relate to the officer's area of responsibility.
3. Councillors should, as far as practicable, only contact officers during normal business hours.
4. If councillors would like to contact a council officer not listed below, they must receive permission from the General Manager or their delegate.
5. If a councillor is unsure which authorised officer can help with their enquiry, they can contact the General Manager or a Director who will provide advice about which authorised officer to contact.
6. In some instances, the General Manager or a Director may direct a council officer to contact councillors to provide specific information or clarification relating to a specific matter.
7. Council officers are not permitted to interact with councillors on any matters not covered by the table below unless they have explicit approval from the relevant Director or the General Manager.

Matter	Scope	Authorised officers
Access to information – simple verbal queries	Requests for information that may reasonably be expected to be resolved at first point of contact	<ul style="list-style-type: none"> <li>General Manager</li> <li>Directors (on matters directly relevant to their portfolio of responsibilities)</li> </ul>
Access to information – requests requiring written response	Requests for information related to the functions of Council or referral of service requests that require research and / or considered assessment before response  <i>(Excludes matters proactively consigned to the public domain via a Question on Notice through a meeting of Council)</i>	<ul style="list-style-type: none"> <li>General Manager</li> <li>Directors (on matters directly relevant to their portfolio of responsibilities)</li> </ul>
Complaints management	Complaints; Public Interest Disclosures; allegations of fraud or corruption or a breach of the Codes of Conduct.	<ul style="list-style-type: none"> <li>General Manager (preferred contact in the first instance)</li> <li>Manager Governance &amp; Risk</li> </ul>
Elections	Information on legislative requirements and their implementation re local government elections	<ul style="list-style-type: none"> <li>Manager Governance &amp; Risk</li> <li>Coordinator Governance</li> </ul>

Executive support (ancillary)	Alternative points of contact for others authorised to deal with councillors, and to assist with information exchange and coordination of appointments	<ul style="list-style-type: none"> <li>Executive Manager Place Management &amp; Communication</li> <li>Executive Assistant (within the scope of the portfolio to which they are assigned)</li> </ul>
Executive support (core)	Diary management; reception services; information exchange; logistical support; correspondence management; preparation of reports; secretariat support to nominated advisory and industry committees; citizenship services	<ul style="list-style-type: none"> <li>Executive Assistant to the Mayor and Councillors</li> </ul>
Expenses and facilities management	Queries related to councillor expenditure and facilities provisions; coordination of councillor expenses claims	<ul style="list-style-type: none"> <li>Manager Governance &amp; Risk</li> <li>Coordinator Governance</li> </ul>
Information and communications technology support	Hardware supply / management, network connectivity, software installation / upgrade and software support	<ul style="list-style-type: none"> <li>Manager IT (or their nominated delegate)</li> </ul>
Media and communications support	Community engagement; media management; communications support	<ul style="list-style-type: none"> <li>Executive Manager Place Management &amp; Communication (or their nominated delegate)</li> <li>Coordinator Communications &amp; Engagement (or their nominated delegate)</li> </ul>
Notices of Motion and Questions on Notice handling and framing	Submissions and information on requirements for submitting Notices of Motion and Questions on Notice	<ul style="list-style-type: none"> <li>General Manager</li> <li>Manager Governance &amp; Risk</li> <li>Coordinator Governance</li> <li>Governance Officer</li> </ul>
Probity obligations of a routine nature – compliance support	Advice on preparation and processing of documents such as disclosures of interests, conflict of interest declarations and declarations of offers of gifts or benefits	<ul style="list-style-type: none"> <li>Manager Governance &amp; Risk (or their nominated delegate)</li> <li>Coordinator Governance (or their nominated delegate)</li> </ul>

Code of Conduct and Code of Meeting Practice	Advice relating to requirements and practice	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Manager Governance &amp; Risk</li> </ul>
Professional development and current awareness – logistical support	Appointment of delegates to conferences; provision of information relating to learning and development opportunities.	<ul style="list-style-type: none"> <li>• Manager Governance &amp; Risk</li> <li>• Coordinator Governance</li> </ul>
Secretariat support for Council and committee meetings, councillor briefings and councillors workshops	Meeting logistics; queries related to supply of business papers and other records of (or related to) the meetings	<ul style="list-style-type: none"> <li>• Coordinator Governance</li> <li>• Governance Officer</li> <li>• Executive Assistant to the Mayor and Councillors</li> </ul>