



Interaction between Council Members & Council Employees Policy

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Type	Governance
GDS Category	Governance - Public
Responsible Directorate	Chief Executive Officer
Policy Adopted	15 May 2023
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Last Reviewed	New Policy
Next Review Date	May 2027
Policy Version Number	1
Applicable Legislation	<ul style="list-style-type: none"> • Local Government Act 1999 • Local Government (Procedures at Meetings) Regulations
Related Documents	Not applicable
Public Consultation Required	No
Purpose	This policy sets out the requirements of the Chief Executive Officer, in relation to Council Members requesting documents, information or action from Council employees



1. Introduction

Section 61 of the Local Government Act (the Act) provides that a Council Member is entitled, at any reasonable time, to have access to any Council document relevant to the performance or discharge of the functions or duties of a Council Member.

Section 62 of the Act, which deals with the general duties of a Council Member, states that a Council Member must not direct or seek to influence a Council employee in the performance of the employee's duties (see below).

Legislative Basis

62—General duties

- (4c) *A member of a council must not direct or seek to influence an employee of the council in the exercise or performance of a power or function delegated to or performed by the employee.*
- (4d) *Without limiting subsection (4c), a member of a council must—*
 - (a) *ensure that a request for information or a document from a person engaged in the administration of the council is made in accordance with the requirements of the chief executive officer of the council; and*
 - (b) *ensure that a request for the performance of work or the taking of action by an employee of the council is made in accordance with the requirements of the chief executive officer of the council.*

To that end, the Act requires that a Council Member must make any request for documents or information from an employee, or any work or action by an employee, in accordance with the requirements of the Chief Executive Officer of the Council.

This policy sets out the requirements of the Chief Executive Officer, in relation to Council Members requesting documents, information or action from Council employees.

2. Policy

In general, a Council Member will be provided access to any documents held by Council unless they are demonstrably irrelevant to the Member's function or duties.

For example, Council Members will not be granted access to documents regarding human resources or industrial relations information that is not in the public domain or the personal affairs of Council employees, except for the Register of Interests.

The Register, which must be maintained under Section 116 of the Act, must be made available for a Council Member's inspection upon request, in accordance with Section 118.

Any document or information that is provided to one Council Member must also be provided to all other Council Members.

This will promote transparency and ensure that all Council Members have access to information relevant to their functions and duties.

In relation to the provision of relevant information that is not in document form, requests should be made to the appropriate Manager or Director.

Provided that it does not require additional work to be undertaken to obtain the information, the Manager or Director will provide the information either verbally or by email.

The Manager or Director must follow up the request by providing the same information to all Members by email, through the Executive Assistant to the Mayor and the CEO.

Any request for an employee to undertake additional actions, or which will require the performance of additional work to obtain information or create a document, or which would require Council to expend additional resources, must be made by way of a written request to the Chief Executive Officer in the first instance.

The CEO may require the member to submit a notice of motion in accordance with Regulation 12 of the Local Government (Procedures at Meetings) Regulations where the request cannot be accommodated within existing budget or resources and / or may have significant resource/risk implications.

This will ensure that the request can be discussed in an informed manner by the full Council. See table below, for summary of how requests should be made.

Requested Document/Information/Action/Service	Who to Contact	How Document Provided
A request for services commensurate with what residents may request (e.g. fix a pothole)	Customer Service Team	Customer Action Request will be logged and tasked per normal operational processes
Ordinary document (not confidential)	Relevant Director or Manager	By email to all Members (or via the Hub if too large a file)
Confidential document	Relevant Director or Manager	View only access at principal office of Council or via the Hub
Request for information (not requiring additional work)	Relevant Director or Manager	Verbally or by email, followed by email to all Members via Executive Assistant to CEO
Request for document, information or action that requires additional work by an employee or the expenditure of additional resources	Written request to the Chief Executive Officer. Where the request may result in significant additional work/resources/risk, the CEO may request that the member submits a written notice of motion in accordance with Regulation 12 of the Local Government (Procedures at Meetings) Regulations.	To be determined by the CEO depending upon the nature of the request To be determined by the Council depending upon the nature of the request.

3. Access to Documents

The form of access to a document will be provided on the basis of administrative efficiency.

Where the document is publicly available (for example it is posted on Council's website), Members may be sent a link to the relevant page on the website.

Where access is granted to a document that is not publicly available and there is no sensitivity to the document, a copy of the document may be provided to Members by email, unless this is not practicable (e.g. the file is too big).

Where there is a degree of sensitivity, or there are other reasons to restrict distribution of a document (for example, if the documents contain legal advice, confidential information or internal corporate information), access may be limited to 'view only' access at a mutually convenient time at the Whyalla Council Principal Office.

All Council Members will be informed of the request and will be given the same opportunity to view the documents.

Alternatively, if appropriate, the documents may be provided to all Council Members via the Hub.

4. Who to Contact

A Council Member may only directly contact an employee who is at the level of Chief Executive Officer, Director or Manager.

Any employee at lower levels, who is contacted directly by a Council Member, must not respond and must immediately advise the relevant Manager or Director of the contact made and the nature of the request.

5. Requests for Service

If a Council Member would like an employee to action an administrative or operational request from a member of the community, e.g. removal of an injured or dead animal or mowing a footpath, the Council Member should direct the community member to make a request through Council's customer service team.

Alternatively, the Council Member may make the request on the community member's behalf through Council's customer service team, however, the Council Member should be aware that the request will not be prioritised simply because a Council Member made the request.

Council has an efficient system in place for ratepayers, residents and members of the public to lodge requests for service.

Councillors are strongly encouraged to ask constituents to register their request directly with Council.

This ensures Council receives the request and background information directly, which can then be accurately captured in the CRM system to meet Council's record-keeping obligations and for performance reporting and planning purposes.

All requests for service (both during and after hours), should be made to the Customer Services Team via:

- Email: customer.services@whyalla.sa.gov.au;
- Online: [Contact Us | Whyalla City Council](#); or
- Phone: (08) 8640 3444