

Ku-ring-gai Council

Councillor Interaction with Staff and Access to Information Policy

Version Number 6

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Councillor Interaction with Staff and Access to Information Policy

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Related Document Information, Standards and References

Related Legislation:	Evidence Act 1995
	Government Information (Public Access) Act 2009
	Health Records and Information Privacy Act 2002
	Local Government (General) Regulation 2021
	Local Government Act 1993
	Privacy and Personal Information Protection Act 1998
	State Records Act 1998
	State Records Regulation 2015
Related Policies (Council	Code of Conduct
& Internal)	Code of Meeting Practice
	Councillor Expenses and Facilities Policy
	Ethical Lobbying Policy
	Records Management Policy
Other References	ICAC, Lobbying Local Government Councillors Guideline
	Office of Local Government, Model Councillor and Staff Interaction Policy
	NSW State Archives and Records, Sample records management policy and procedures for Councillors

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Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	02/06/1998	29/08/2007	Matt Ryan	Original
2	29/08/2007	29/04/2009	Matt Ryan	Legislative update, minor review
3	28/04/2009	09/10/2012	Matt Ryan	Update after revised Code of Conduct adopted Min 33 OMC 24 Feb 2009
4	09/10/2012	03/08/2020	Matt Ryan	Legislative update (GIPA Act), minor review
5	03/08/2020	20 June 2023	Michael Wearne	Update policy to integrate Councillor Records Management
6	21/06/2023	ТВА	Christopher M Jones	Policy updated to reflect OLG's model Councillor and Staff Interaction Policy and to clarify procedures for Councilor requests for information.

Introduction



The Councillor Interaction with Staff and Access to Information Policy provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff. The policy complements and should be read in conjunction with Ku-ring-gai Council's Code of Conduct.

The aim of the policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.

It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

Application

This policy applies to all councillors and Council staff.

This policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meetings), by phone, text message or in writing.

This policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.

This policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.

The Code of Conduct provides 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 Code of Conduct.

Objectives

The objectives of this policy are to:

- establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy
- enable councillors and staff to work together appropriately and effectively to support each other in their respective roles
- ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- ensure councillors have adequate access to information to exercise their statutory roles

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- provide direction on, and guide councillor interactions with, staff for both obtaining information and in general situations
- support good record keeping practices and ensure that full and accurate records of Councilrelated business and decision-making processes are retained
- maintain transparent decision making and good governance arrangements
- ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- provide a clear and consistent framework through which breaches of the policy will be managed in accordance with the Code of Conduct.

Principles, roles and responsibilities

Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols and a good understanding of legislative requirements.

Council's governing body and Council staff must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. Council staff are accountable to the General Manager, who in turn, is accountable to the Council's governing body.

Section 232 of the Local Government Act 1993 states that the role of a councillor is:

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

The role of the General Manager is to advise the governing body, implement Council's decisions and to oversee service delivery.

Council staff should recognise 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 wide range of issues that Council operations cover.

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Council commits to the following principles to guide interactions between councillors and staff:



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 Act. Councillors need to accept that:

- responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
- staff are not accountable to them individually
- they must not direct staff except by giving appropriate direction to the General Manager by way of a Council resolution, or by the mayor exercising their functions under section 226 of the Act
- they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
- they must not contact a member of staff on council-related business unless in accordance with this policy
- they must not use their position to attempt to receive favourable treatment for themselves or others.

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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 staff need to understand:

- 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
- they should not provide advice to councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to councillors
- 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
- they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this policy.

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The councillor requests system



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.

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.

The General Manager has identified contact officers (see **Schedule 1**) to manage requests from councilors.

Councillors can use the councillor requests system to:

- request information or ask questions that relate to the strategic position, performance or operation of the Council
- bring concerns that have been raised by members of the public to the attention of staff
- request ICT or other support from the Council administration
- register correspondence and other records of Council business for recordkeeping purposes.

Requests for information and advice

Requests for information on Council's performance, the status of projects and programs, or other technical, legal, financial, operational or policy advice should be directed to the appropriate contact officer (see **Schedule 1**).

Councillors must, to the best of their knowledge, be specific about what information they are requesting, advise whether it is urgent or time-critical, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or staff member 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.

Councillors should put requests in an email to ensure they can be actioned quickly and to allow for appropriate record keeping. Complex, important or time-critical matters may be supported by telephone communications.

The contact officer is responsible for:

- registering the request
- the quality and completeness of advice

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- determining whether advice is to be provided to Councillor(s) under delegation, or returned to the contact officer for review and approval
- ensuring that advice is provided within agreed timeframes
- coordinating across business units or escalating to a more senior officer where required.

Registration of councillor requests is good administrative practice, and also supports transparency and public accountability by maintaining records of advice that informs council decisions.

Departments should have procedures in place to ensure that all requests should be registered to the appropriate container in Council's record management system (Content Manager), and responses from Council staff are saved to the same container and linked to the original request.

Minor queries, trivial matters and requests for open access information under the GIPA Act do not need to be registered.

Contact officers will aim to respond to urgent requests within 24 hours, general



Contact officer acknowledges, clarifies the request (if required) and estimates response time if it cannot be provided immediately.

appropriate contact officer. Request specifies the information required, whether it is urgent or time-

critical, and whether it has any privacy or confidentiality requirements.

Figure 1: Councillor requests system

requests within 3 working days and more complex requests within 10 working 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.

Council's system for managing requests for information from councillors is outlined in Figure 1.

Service requests, compliments and complaints on behalf of residents and ratepayers

Members of the community are encouraged to request services or report issues (e.g. dumped waste, missed bin service or unauthorised tree works) via the Council website or Customer Service Centre. However, residents may also raise issues directly with councillors.

Service requests, compliments or complaints about Council services on behalf of residents should be directed to the relevant contact officer (see **Schedule 1**) or Customer Service Centre. These will be logged in the Customer Request Management (CRM) system and actioned in accordance with agreed service levels.

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In these instances, the Councillor will be considered to be the requester. However, residents will not receive preferential treatment by lodging regular service requests with Councillors.

Requests for ICT or administrative support

Requests for ICT support should be sent to the Manager Information Management or IT Service Desk to be logged in the IM Helpdesk system as per usual business processes. Requests for other administrative support should be sent to the Executive Assistant to the Mayor and Councillors or relevant contact officer (see **Schedule 1**) for action.

Requests to register Councillor records

Requests to register records of Council business (e.g. correspondence with stakeholders and residents) should be sent to the Councillor Records drop box (CouncillorRecords@krg.nsw.gov.au). These are for recordkeeping only where no further action is required.

See section on Records Management for Councillors in this policy for further information.

Confidential and personal information

Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.

Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.

When registering and handling requests for information, staff must apply appropriate security controls to records that contain sensitive information, including:

- personal information
- health information
- information that could be subject to legal privilege
- commercial-in-confidence information
- information relating to compliance, law enforcement or investigations.

Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.

Under the Code of Conduct, Councillors must comply with the *Privacy and Personal Information Protection Act 1998*, the *Health Records and Information Privacy Act 2002* and Council's Privacy Management Plan when dealing with personal information.

Refusal of access to information

The General Manager may refuse access to information requested by a councillor if:

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- the information is not necessary for the performance of the councillor's civic functions, or
- if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or
- the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
- the General Manager is prevented by law from disclosing the information.

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. The General Manager may propose alternative options for providing information, such as a workshop, meeting or verbal response instead of typed lengthy responses. Paper-based records can also be made available for viewing on Council premises if required.

Where a councillor's request for information is refused by the General Manager, the councillor may instead request the information through a resolution of the council by way of a notice of motion¹. Councillors may also request the information in accordance with the *Government Information (Public Access) Act 2009.*

Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of staff time and resources the council may, on the advice of the General Manager, resolve to limit the number of requests the councillor may make.

State records

Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.

Further information is provided under the Recordkeeping for Councillors section of this policy.

Monitoring performance

An annual report will be provided to Council regarding the performance and efficiency of the councillor requests system against established key performance indicators.

Access to Council staff and buildings

¹ This does not apply where the General Manager refuses a councillor's request for information due to a previously declared conflict of interest in the matter, or where the General Manager is prevented by law from disclosing the information.

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Councillors may directly contact members of staff 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.

Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.

Councillors should as far as practicable, only contact staff during normal business hours.

If councillors would like to contact a member of staff not listed in Schedule 1, they must receive permission from the General Manager.

If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or Executive Assistant to the Mayor and Councillors who will provide advice about which authorised staff member to contact.

The General Manager or a member of the Council's executive leadership team may direct any staff member to contact councillors to provide specific information or clarification relating to a specific matter.

A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or members of staff 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 (ICAC).

Councillor access to council buildings

Councillors are entitled to have access to the Council Chamber, the Level 3 Board Room, the Ante Room, the Councillors' Office, and public areas of Council's buildings.

Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager.

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Appropriate and inappropriate interactions

Examples of appropriate interactions between councillors and staff include, but are not limited to, the following:

- councillors and council staff are courteous and display a positive and professional attitude towards one another
- Council staff 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
- Council staff record the advice they give to councillors in the same way they would if it was provided to members of the public
- Council staff, including Council's executive team members, document councillor requests via the councillor requests system
- 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
- councillors and council staff feel supported when seeking and providing clarification about council related business
- councillors forward requests through the councillor requests system and staff respond in accordance with the timeframes stipulated in this policy

Examples of inappropriate interactions between councillors and staff include, but are not limited to, the following:

- councillors and council staff conducting themselves in a manner which is contrary to their duties under the Work Health and Safety Act 2011, responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety, that constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory
- councillors approaching staff and staff organisations to discuss individual or operational staff 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
- staff approaching councillors to discuss individual or operational staff 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
- staff refusing to give information that is available to other councillors to a particular councillor

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- councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council
- councillors being overbearing or threatening to staff
- staff being overbearing or threatening to councillors
- councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
- councillors directing or pressuring staff in the performance of their work, or recommendations they should make
- staff 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.

Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the councillor's access to staff.

Any concerns relating to the conduct of staff under this policy should be raised with the General Manager.

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Complaints



Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a councillor or member of council staff), or the Mayor (if the complaint is about the General Manager).

This does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the ICAC or any other external agency.

Records management for Councillors



Council documents and records support program delivery and administration, and help deliver services efficiently and fairly. Accurate record-keeping provides evidence of actions and decision-making and protects councillors if questions are raised regarding their conduct².

Council is a 'public office' under the *State Records Act 1998*, and all information created, sent and received by councillors in an official capacity is a Council record. Council records must be managed under the requirements of the Act and Council's Records Management Policy and practices.

Code of Conduct

Under the Code of Conduct:

- Councillors must comply with the requirements of the State Records Act and the council's records management policy.
- All information created, sent and received in an official capacity is a council record and must be managed in accordance with the requirements of the State Records Act and the council's approved records management policies and practices.
- All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- Councillors must not destroy, alter, or dispose of council information or records, unless authorised to do so. If councillors need to alter or dispose of council information or records, they must do so in consultation with the council's records manager and comply with the requirements of the State Records Act.

Records of Council business

Councillors should create and capture records of business undertaken in the course of their official duties for Council. As well as provision of advice, instructions or recommendations (captured under the Councillor requests system), this may include records containing:

- decisions, commitments or agreements binding for the Councillor
- draft documents for Council containing significant annotations or submitted for comment or approval of others

² The content of this section of the policy is adapted from the sample records management policy and procedures for Councillors (NSW State Archives and Records). It is not part of the Office of Local Government's Model Councillor and Staff Interaction Policy.

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- speech notes made for addresses given at official Council events
- correspondence, petitions and emails received and sent relating to work undertaken for Council.

Examples of records that are not Council records include:

- records relating to political or electoral issues, including correspondence from members of the community regarding elections or political stances
- communications on matters of personal or general interest rather than Council business
- records relating to attendance at functions and events when the Councillor is not representing Council
- personal or work-related emails and letters that are not related to Council business.

Registering Councillor records

Records of Council business received or created by councillors should be captured in Content Manager as soon as practicable. To facilitate this:

- paper correspondence and other physical records should be forwarded to the Executive Assistant to the Mayor and Councillors
- email correspondence and other electronic records should be sent to the Councillor Records drop box (CouncillorRecords@krg.nsw.gov.au)
- file notes of significant advice or commitments relating to Council business made during phone calls, verbal conversations or in social media posts should be taken and copied to the Councillor Records drop box.

The Executive Assistant to the Mayor and Councillors or Records Management officers will register these to the councillor's secure container in Content Manager. Emails and other documents sent to this drop box are not shared with or accessible to other Councillors or council staff. Only authorised administrative and records management officers have access to these records. However, these records may need to be produced under an information access request under the GIPA Act or a subpoena.

Requests for information, advice and service requests should be directed to the relevant contact officer for registration and action (as outlined in the previous section on the Councillor requests system). The Councillor Records drop box is for recordkeeping only, and where no further action is required from Council staff.

Managing Councillor's correspondence (including email)

The Executive Assistant to the Mayor and Councillors will register all incoming and outgoing correspondence to/from the mayor. Incoming mail received by Council for the attention of councillors will be sent to the Executive Assistant for distribution.

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Security and confidentiality of records

On some occasions, councillors may be asked to keep matters confidential. In this case, they should refer the person to Council's Privacy Management Plan and advise that:

- confidential conversations and correspondence must be registered into Council's recordkeeping system
- security controls can be put in place to limit access
- these records may need to be produced under the GIPA Act or a subpoena.

When forwarding records containing sensitive or confidential matters to Council staff, councillors should note this fact so that appropriate security controls can be applied in Content Manager.

All records (or copies of records) should be secured appropriate to their level of sensitivity. Council records should not be left in plain view in public areas of Council Chambers, vehicles or around the house.

If a Councillor retains copies of any records once the original has been forwarded for registration, these should be retained only while needed for current Council business.

Lobbying

The ICAC's Lobbying Local Government Councillors Guideline notes that accurate records of meetings support transparency of Councillor conduct, particularly in situations involving lobbying on building and development matters. ICAC advises that councillors should:

- document all communications with proponents (including meetings, phone calls and emails).
- provide copies of information presented at meetings to Council officers for assessment
- refer any documents or meeting notes to Council Officers for registration into Council's official record-keeping system
- request that persons lobbying councillors put their positions in writing.

This section should be read in conjunction with Council's Ethical Lobbying Policy.

Storage and disposal of records

Councillors must not destroy, alter, or dispose of Council information or records unless authorised to do so.

Councillors should liaise with the Manager Governance and Corporate Strategy concerning the disposal of any records of Council business. Councillors may destroy copies of records they have received. Any original documents should be referred to Council.

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Schedule 1 – Authorised contact officers for councillors



Councillors may only directly contact members of staff that are listed below. The General Manager may amend this list at any time.

Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.

Councillors should as far as practicable, only contact staff during normal business hours.

If councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager or their delegate.

If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Manager Governance and Corporate Strategy who will provide advice about which authorised staff member to contact.

In some instances, the General Manager or a member of the Council's executive leadership team may direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

General Manager	 Primary contact for information and advice Complaints, gifts and benefits, breaches of Code of Conduct Implementation of Council decisions Notices of motion Strategic relationships with other councils, government agencies, industry and community organisations Strategy, operations, structure and performance of the organisation
Executive Assistant to the Mayor and Councillors	 Administrative support services Attendance at training, events and functions Councillor fees and expenses Printing services
Corporate Lawyer	 Complaints and breaches of Code of Conduct Litigation Legal advice
Group Lead Major Projects	Planning and delivery of major projects
Director Community	 Community programs and services Strategic communications Customer service strategy and policy Community and business development Visitor experience and events
Call Centre	• General operational requests (e.g. reporting a pothole or unauthorised tree service)
Manager Community Development	 Community facilities and programs Aged and disability services Children and youth services
Manager Corporate Communications	 Community and business engagement Strategic communications, media and communications services and advice, including media liaison, social media, e-news and advertising Customer Service Centre

Manager Library Services	Library operations, services and programs
Manager Visitor Experience	Civic ceremonies, festivals and events
and Events	Ku-ring-gai Wildflower Garden and St Ives Showground venues and programs
Director Corporate	Corporate policy and servicesConduct of Council meetings
	Corporate and financial planning (IP&R), performance reporting and governance
	Strategic financial management
	Risk management and auditWorkforce strategy
Councillor Records	Councillor recordkeeping drop box
T Helpdesk	
Manager Finance	Budgeting, financial and management accounting
U	 Rates, fees and charges
Manager Governance and	Administration of Council meetings, public forums and business papers
Corporate Strategy	Councilor records
	Governance, privacy and access to information (GIPA).
Annan Information	Integrated planning and reporting
Manager Information Management	ICT and digital strategy and business services
	 Land information services and geographical data Technical support services, including email, hardware, network access and other I
	 recrimical support services, including email, hardware, network access and other i services.
Manager People and Culture	Staff recruitment, learning and development
	Payroll
	Risk and internal audit
Manager Procurement and Contracts	Procurement, inventory and tenders
Director Development and Regulation	Assessing development applications and monitoring construction
regulation	Regulation of land use Compliance functions including population processing
	 Compliance functions, including parking management, companion animal management and environmental health control.
	Ku-ring-gai Local Planning Panel (KLPP)
Manager Development Assessment Services	Assessments and other services relating to development applications
Manager Regulation and	Animal control, parking controls, fire safety, pool fencing and other regulatory
Compliance	Building and development compliance
Director Operations	 Asset management program and infrastructure strategy and services
	 Asset management program and infrastructure strategy and services Waste and public cleaning policy and services
	 Traffic and transport policy and services
Manager Infrastructure	Trade services and building maintenance
Services	Road services, footpaths, drainage and signage
	 Maintenance of parks, sports fields, open spaces and bushland
	Emergency management
Manager Technical Services	Asset management strategy and planning (incl roads, open space, buildings)
	Project design and delivery
Manager Traffic and Transport	Tree management and street lightingKu-ring-gai Traffic Committee

Manager Waste & Cleaning Services	 Residential, commercial and litter bin collections and bulk waste collections Street and public place cleaning, graffiti removal Fleet management
Director Strategy and Environment	 Environment and sustainability programs and services Urban planning and design NSW Government planning reforms Strategic property management Major projects
Manager Environment & Sustainability	 Bushcare and management of natural areas and waterways Energy and climate change policy Corporate sustainability policy and programs
Manager Property	Strategic acquisition and divestmentCommercial, community and residential property management
Manager Urban & Heritage Planning	 State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs) Urban design, master planning and public domain planning Heritage Strategic recreation and Plans of Management