



# Acceptable Request Guidelines

## 1. PURPOSE

The purpose of these Guidelines is to inform Councillors of their obligations in dealing with Council employees and to provide a framework for constructive interactions between Councillors and council employees.

## 2. SCOPE & AUTHORITY

This policy applies to all Councillors and Council employees (including contractors) of Council.

The 'acceptable requests guidelines' must be adopted by resolution of Council in accordance with section 170A(7) of the Local Government Act 2009 (Qld) (LGA) and are about—

- (a) the way in which a councillor may ask a Council employee for advice to help the councillor carry out his or her responsibilities under this Act; and
- (b) reasonable limits on requests that a councillor may make.

The Guidelines are a policy including appendices (that are procedures) of Council the contravention of which:

- (a) by a Councillor, may be 'a conduct breach' under the LGA; or
- (b) by a Council employee, may involve disciplinary action being taken against the employee.

To ensure accountability and transparency, Council will provide Councillor administrative support staff to assist Councillors in completing their duties.

The Guidelines do not deal specifically with issues regarding attempts to influence another person under section 150EZ of the LGA where a Councillor has a declarable interest, or prescribed conflict of interest. Councillors must not direct, influence, attempt to influence or discuss the matter with another person who is participating in a decision of Council relating to the matter relating to their conflict of interest. Contravention of this section is misconduct and may result in disciplinary action being taken against a councillor.

## 3. POLICY STATEMENT

Councillors may require information or advice from Council employees including administrative support staff in order to perform their responsibilities under the LGA.

To uphold the integrity of the relationship between the elected and administrative elements of Council, these Guidelines specify:

- (a) the way in which Councillors may request information or advice from Councillor support staff, including the reasonable limits on requests that a Councillor may make;
- (b) from whom within the organisation Councillors may request information or advice; and
- (c) the manner in which Council employees are to respond to Councillor requests for information or advice.

The procedures for this are detailed in appendices A and B.



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## 4. RESPONSIBILITIES

### 1.1 Councillors

- Councillors have a responsibility to adhere to the guidelines and relevant legislative requirements.
- Councillors and the Mayor will receive and may ask for administrative support from staff appointed by the Chief Executive Officer (CEO).
- A Councillor may ask a Council employee to provide advice to assist the councillor to carry out his or her responsibilities under the LGA and in accordance with these guidelines.
- A councillor may, subject to any limits prescribed under a regulation, ask the CEO to provide information, that the Council has access to, relating to council and in accordance with these guidelines.
- The Mayor and Councillors can directly request assistance without contacting the CEO subject to these guidelines.

### 1.2 Mayor

- The Mayor will ensure that Councillors are made aware of their responsibilities under the Acceptable Request Guidelines.

### 4.3 CEO

- The CEO has a responsibility to ensure that all staff are made aware of the Acceptable Request Guidelines.
- Under S170A(9) of the LGA the CEO must comply with a request made to the CEO under subsection (1) or (2)—
  - (a) within 10 business days after receiving the request; or
  - (b) if the CEO reasonably believes it is not practicable to comply with the request within 10 business days—within 20 business days after receiving the request.
- Otherwise, the CEO must give the councillor notice about the belief and the reasons for the belief within 10 business days after receiving the request.

### 4.4 Council employees and contractors

- All staff have a responsibility to adhere to the guidelines and relevant legislative requirements.
- Administrative support staff, appointed by the CEO, will give the Mayor and Councillors administrative support.

## 5. RISK

Acceptable request guidelines are developed to mitigate the risk of failing to comply with the relevant legislative requirements when fellow Councillors, Council employees, the Mayor, and the CEO interact. The guidelines and appendices aim to inform everyone of their obligations and provide a framework for constructive interactions between Councillors and council employees.

## 6. IMPACTS

**Corporate Plan:** Governance Goal to deliver an effective corporate governance framework that drives enhanced organisational performance through best practice project management, financial management and risk mitigation. Program Area 5.5 High levels of transparency and compliance.

**Human Rights Compatibility Statement:** consistent with the Human Rights Act 2019.

**Community Engagement:** Not applicable.

**Climate change:** Not applicable.

**Sustainability:** Not applicable.



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## 7. RELATED LAWS

- Sections 4, 12, 13, 150EZ, 169, 170, 170A, 170AA, and 171 of the Local Government Act 2009 (Qld) (LGA)
- Public Sector Ethics Act 1994 (Qld)
- Right to Information Act 2009
- Information Privacy Act 2009

## 8. RELATED DOCUMENTS

- Council's Employee and Councillor Codes of Conduct
- Code of Meeting Practice
- Councillor Complaint Investigation Policy
- Queensland Government Department responsible for Local Government
- LG Central training modules mandatory under S169A of the LG Act.
- Right to Information application
- Information Privacy application

## 9. REVISION HISTORY

### Revokes:

- Acceptable Request Guidelines by Councillors to Staff, 4327 v1, 15/03/2013
- Acceptable Request Guidelines Policy, 535050 v2, 29/10/2020
- Acceptable Request Guidelines Council Policy – Adopted - 29102020, 538032 v1, 29/10/2020

### Suggested to review by:

- 23/04/2028

## 10. DEFINITIONS

**CEO** - means the Chief Executive Officer of the Balonne Shire Council appointed in accordance with the Local Government Act 2009.

**Confidential information** - is specifically defined as information that has been considered in a closed meeting of Council.

**Council Employee** – otherwise referred to as staff or employee of Council including a volunteer, temporary or contract position.

**Councillor** – means an elected member of Council, including the Mayor.

**Emergency** – and event or situation that involves an imminent and definite threat requiring immediate action (whether before, during or after the event or situation).

**LGA** – Local Government Act 2009.

**LGR** – Local Government Regulations 2012.

**Portfolio** – Councillors that are assigned a portfolio area. Local Government Act 2009.

**Publicly available information** – all information published by Council on its website, in open council or committee meetings, legislatively prescribed as public and/or as outlined in Council's disclosure log provides documents released in response to information



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requests made under the Right to Information Act 2009/Local Government Regulations 2012.

**Senior Executive employee**, of Council, means and employee –

- (a) Who reports directly to the Chief Executive Officer; and
- (b) whose position ordinarily would be considered to be a senior position in the local government's corporate structure, eg, Director

**Service Request** – a request for repairs/maintenance/issue that all members of the public may lodge to report a matter. Councillors that are assigned a portfolio area. Local Government Act 2009.

**Technical advice** – advice strictly limited to the mechanics or technicalities of a particular subject area of a Council employee's employment.

**Conduct breach** – as defined in chapter 5A, S150K of the LGA, Local Government Regulations 2012.

## 11. ATTACHMENTS

Refer to Appendix A

Refer to Appendix B





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## APPENDIX A

### **A1 Information or advice that a Councillor may request from a Council employee including an administrative support officer:**

Subject to clause 2 of these Guidelines, a Councillor may ask a Council employee to:

- provide advice to assist the Councillor to carry out his or her duties under the LGA; eg. managing their calendars and appointments, answering phone calls. E-mails, photocopying or filing, or helping prepare for Council or community meetings.
- provide information that Council has access to (relating to Council) that is publicly available information.

### **A2 Information from publicly available sources and subscription services:**

Wherever practicable, Councillors are encouraged to obtain information themselves from publicly available sources without making a request under these Guidelines, such as:

- SharePoint;
- Council's website: and
- State Government websites, including LG Central and Queensland Globe.

Councillors are also encouraged to obtain information themselves from the library and other services that Council has access to on a subscription basis, including the Local Government Association of Queensland – Congruent <https://www.congruent.lgaq.asn.au/>

Any requests from a Councillor about how to access or utilise the platforms referred to above should be directed to Director Finance & Corporate Services (or the Manager Corporate Services in their absence).

However, these guidelines recognise that requests for publicly available information can be made to any Council officer and need not comply with clauses 7 below, provided those requests are limited to publicly available information.

### **A3 Information or advice that cannot be requested:**

Section 170A(4) of the LGA provides that a Councillor may not request information:

- a) that is a record of the conduct tribunal; or
- b) that was a record of a former conduct review body; or
- c) if disclosure of the information or document to the councillor would be contrary to an order of a court or tribunal; or
- d) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.

In addition, a Councillor may not request information or advice involving any of the following:

- (a) information which is a public interest disclosure under the Public Interest Disclosure Act 2010 (Qld);
- (b) personal information under the Information Privacy Act 2009 (Qld);
- (c) the employment records of a Council employee;
- (d) matters relating to the conduct of any Councillor, including any complaint, referral or investigation about that conduct to the extent it is not publicly available information;
- (e) information about recruitment of an individual or a recruitment process for a particular role within Council.



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## APPENDIX B

### **B1 Manner in which a Councillor can request information from a Council employee:**

A Councillor may only request information from a Council employee if all of the following criteria are satisfied:

- a) the request is made to:
  - the CEO; or
  - the Director; or
  - Councillor administrative support staff
- b) the request is made in the spirit of these guidelines and in good faith
- c) the request is appropriately recorded (if verbal)
- d) the request would not involve an unreasonable use of a Council employee's time having regard to the resources available to Council

### **B2 Councillor requests:**

Councillors may request front line staff to record service requests for the relevant Directorate to action.

All service requests will be registered into Council's records management system and actioned in accordance with Council's Customer Service Standards.

The Chair of a Committee may request Councillor administrative support staff to add items to an agenda, liaise with guest speakers and check the agenda and venue of the meeting/s.

The Chair of a Committee may request a Director to report to a Committee on any subject matter relevant to the Committee's terms of reference.

A Chair of a Committee (or Portfolio Councillor) may request a Director to provide information relating to the Committee or Portfolio area.

### **B3 Requests for all other types of information**

A Councillor may request information or advice including confidential information from a closed meeting of Council and/or technical advice. The request must be:

- in writing stating it is requested in accordance with S170A(1) or (2) of the LGA
- must be delivered to the CEO (and no other Council officer); and
- if the advice or information requested under subsection (1) or (2) relates to a document, the requirement under subsection (9) to comply with the request includes a requirement to provide a copy of the document within the following timeframes:
  - a) within 10 business days after receiving the request; or
  - b) if the CEO reasonably believes it is not practicable to comply with the request within 10 business days—within 20 business days after receiving the request.
- Otherwise, the CEO must give the councillor notice about the belief and the reasons for the belief within 10 business days after receiving the request.



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The CEO may request that any information is immediately returned to the CEO at his or her request.

A request under this section does not apply to a Councillor who is managing the investigation of a suspected conduct breach of other Councillors in accordance with Council's Councillor Complaints Investigation Policy adopted by Council under section 150AE of the LGA (note: which is usually the Mayor).

## **B4 Councillor escalation process:**

If a Councillor is dissatisfied with:

- the administrative support provided
- the conduct of a Council employee
- the provision of information or other operational matter

they are to report immediately to the CEO who is responsible for the day-to-day operations of council and managing Council employees.

Councillors are, at all times, required to comply with the Code of conduct for Councillors in Queensland, for example by treating all staff with courtesy, honesty and fairness.

As stated above, Councillors should direct any concerns about the performance of staff to the CEO or other delegate and not direct criticism at an employee themselves. It is not the role of a councillor to manage the performance of administrative support staff or other staff members (including Directors).

## **B5 Escalation process for employees:**

If an employee has concerns about administrative support requests or directions made by a councillor they are to report immediately to their direct supervisor, their Director and/or CEO.

Administrative support staff are not required to action requests or directions that are not in accordance with the guidelines.