

# 280 Councillor Acceptable Requests

## General Policy



### PURPOSE

This policy provides Councillors with information they require to obtain advice from the Council entity to assist them undertake their Councillor role. The policy covers all requests for assistance, information and advice that a Councillor may require to make decisions, undertake their duties as a Councillor and understand the processes of Council.

### SCOPE

Councillors are entitled to seek assistance; information and advice from the Council administration to assist them in undertaking their role as a Councillor and where it directly relates to the discharge of their duties as a Councillor. The process of seeking that assistance, information and advice must comply with this Policy.

### POLICY STATEMENT

#### Chief Executive Officer Responsibility

To assist Councillors being fully informed in respect to decision making and their other responsibilities the Chief Executive Officer will:

- provide every reasonable assistance; and
- provide an up to date list of Responsible Employees that the Councillors can ask for assistance, information and advice on particular issues (refer Schedule A). (this will include photo, all contact details of the officer and their areas of responsibility so the Councillor can contact the right person); and
- provide the up to date officer listing; and
- ensure that Responsible Employees comply with any reasonable request for assistance, information and advice made by the Councillor. (they will be the nominated responsible officers)

#### Councillor Responsibility

Councillors must direct requests for assistance, information or advice on any matter to the Chief Executive Officer or to those employees the Chief Executive Officer has listed as being responsible (Responsible Employees) for the particular function of Council responsibility from which the information is being sought (will be an attachment to this policy).

All Councillor requests must:

- outline the nature of the decision to be made for which the Councillor requires assistance, information or advice; and
- specify from Schedule A the employee of whom the assistance, information or advice is sought; (The Executive Management Team will decide the officers to be included on this list, often senior officers with proven reliability in experience in their field)
- provide the request to the Responsible Employee; and
- provide a copy of the request to the Chief Executive Officer as soon as possible.

Councillors can submit their requests by contacting the responsible employee in person, by telephone, by mail or by email. Councillors may seek information from the Chief Executive Officer or delegate for the matter regarding the progress of the request. A Councillor must inform the Chief Executive Officer if they believe a Responsible Employee has not appropriately responded to a request made under this policy.

Any contact outside of this policy may constitute a breach of the Councillor Code of Conduct and will be treated accordingly.

## **Information which cannot be sought by a Councillor**

A Councillor cannot seek information:

- in relation to employee personnel files inclusive of work health and safety records, workers compensation records, time and wage records and associated documentation;
- that is a record of the regional conduct review panel;
- if disclosure of the information to the Councillor would be contrary to legislation, an order of the court or tribunal;
- that relates to information about a community member or employee that is subject to the privacy legislation; or
- that would be privileged from production in a legal proceeding on the grounds of legal professional privilege.

## **Councillor Access to Publically Available Information**

A Councillor need not make a request for information under this policy if they are able to obtain the information from publically available sources.

## **Use of Information**

A person who is or has been a Councillor must not use information that was acquired as a Councillor to gain, directly or indirectly a financial advantage for themselves or someone else or cause detriment to the local government.

A Councillor must not release information that the Councillor knows or should reasonably know is information that is confidential to the local government.

A Councillor that obtains access to Council information or advice must continue to conduct themselves in accordance with the local government principles and Councillor Code of Conduct.

## **Staff Responsibility**

Only employees listed by the Chief Executive Officer (refer Schedule A) are to respond to requests for assistance, information or advice from a Councillor.

Any work related contact by a Councillor to an employee, other than to an employee listed in Schedule A, must be recorded by that employee that record to list the Councillor concerned, time of contact, reason for contact and any action to be undertaken. This record must be forwarded, in the form of an email or memo, to the Chief Executive Officer or delegate and a copy placed in Council's record system. If required the Chief Executive Officer or delegate will then organise for the appropriate employee to deal with the request.

A Responsible Employee who is required to respond to a Councillor request under this Policy is responsible for:

- providing sound and impartial advice to the Councillor;
- providing professional assistance and accurate information;
- providing the information in a timely manner;
- documenting and recording the request in line with Council procedures developed for processing Councillor requests for assistance, information or advice; and
- providing the Chief Executive Officer with a copy of the action taken in relation to the request including providing a copy of any information or advice.

The Chief Executive Officer may provide the copy of the request and the response to all Councillors.

No employee shall comment on any matter outside of their scope unless authorised by the Chief Executive Officer.

## **RELEVANT LAW**

*Local Government Act 2009*

*Local Government Regulation 2012*

## RELATED POLICIES AND PROCEDURES

Schedule A

Doc ID [892619](#)

## RELATED FORMS

Nil

## DEFINITIONS

<b>Term</b>	<b>Definition</b>
<i>Council</i>	means North Burnett Regional Council.
<i>Responsible Employee</i>	means a Council officer or contractor determined by the Chief Executive Officer to be responsible for providing assistance, information or advice on a particular issue. (the level will be determined by the Executive Management Team and with respect to some Departments, could be 3rd, 4 <sup>th</sup> or 5 <sup>th</sup> level depending on the knowledge and expertise of the officer).
<i>Employee</i>	means any person or contractor employed by the North Burnett Regional Council.

## APPROVAL

Council approved this policy on 15 August 2018.

## REVIEW

This policy will be reviewed every two years by People and Culture and is due for review in August 2020.

## REVISION HISTORY

<b>Version</b>	<b>Meeting</b>	<b>Approval Date</b>	<b>History</b>
1	General	15 August 2018	New policy