

# 280 Councillor Acceptable Requests

## General Policy



### PURPOSE

This policy comprises Council's acceptable request guidelines under section 170A of the *Local Government Act 2009* (Qld) (the Act) in relation to requests for information and advice that a Councillor may make to a Council employee.

### SCOPE

Councillors are entitled to:

- ask a Council employee to provide advice to assist the Councillor to carry out his or her responsibilities under the Act; and
- ask the Chief Executive Officer (**CEO**) to provide information that Council has access to, relating to Council.

The process of seeking that information and advice must comply with this Policy, unless the request is made by:

- the Mayor; or
- the chairperson of a Council committee if the request relates to the role of the chairperson.

### POLICY STATEMENT

#### Chief Executive Officer Responsibility

To assist Councillors being fully informed in respect to decision making and their other responsibilities under the Act the CEO will:

- provide a current list of Responsible Employees to Councillors upon request (this will include photo, all contact details of the officer and their areas of responsibility so the Councillor can contact the right person); and
- ensure that Responsible Employees make all reasonable endeavours to comply with any reasonable request for advice made to them by the Councillor in compliance with this Policy; and
- comply with a request made to the CEO within the timeframe specified in subsections 170A(9) and (10) of the Act.

If the CEO reasonably believes that significant Council resources will be required to comply with a request, the CEO may refer the request to the next available Council meeting for Council's direction.

#### Councillor Responsibility

Councillors must direct:

- requests for information, that Council has access to, relating to Council - to the CEO only; and
- requests for advice to assist the Councillor to carry out his or her responsibilities under the Act - to the Responsible Employee for the particular function of Council responsibility from which the information is being sought.

It is expected that Councillors will act reasonably in making a request under this Policy. Before making a request under this Policy, a Councillor must consider the likely cost to Council in complying with the request (including administrative and resourcing costs). The Councillor should not make the request if the costs of complying with the request cannot be justified having regard to the public interest.

All Councillor requests must:

- outline the nature of the matter for which the Councillor requires information or advice; and
- specify the Responsible Employee of whom the assistance, information or advice is sought;
- provide the request to the Responsible Employee; and
- simultaneously provide a copy of the request to the CEO.

Councillors must submit their requests in writing (including email but excluding text message or similar instant messaging services). Councillors may seek information from the CEO or Responsible Employee regarding

the progress of the request. A Councillor must inform the CEO if they believe a Responsible Employee has not appropriately responded to a request made under this policy.

A Councillor must not make requests under this Policy, or require requests to be actioned, outside of the Responsible Employee's usual working hours. Emergencies should be reported through Council's customer contact centre.

Requests must be limited to requests for advice or information only.

No Councillor (other than the Mayor) may:

- give a direction to the CEO; or
- give a direction to any other employee.

More specifically, a Councillor must not direct or pressure the Responsible Employee to reach a specific conclusion or recommendation in their advice.

If a member of the community raises a service request or makes a complaint in relation to an operational matter with a Councillor (e.g. to report a damaged road), the Councillor may direct the community member to raise the matter by contacting Council's customer contact centre or by emailing the Council at [admin@northburnett.qld.gov.au](mailto:admin@northburnett.qld.gov.au). Alternatively in the event that the member of the community has difficulty in this process (e.g. Does not have internet capability, telephone service or the ability to compose an appropriate request), the Councillor may assist in the preparation of a communication to Council for or on behalf of the member of the community by way of an email to [admin@northburnett.qld.gov.au](mailto:admin@northburnett.qld.gov.au), a phone call to the customer contact centre, a customer request or a letter to the CEO. All matters raised through the customer contact centre will be processed in accordance with Council's standard service levels.

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

A Councillor cannot seek information or a document:

- that is a record of the Councillor Conduct Review Tribunal established under the Act;
- that was a record of a former conduct review body (as defined in section 170A(11) of the Act);
- if disclosure of the information or document to the Councillor would be contrary to an order of the court or tribunal; or
- that would be privileged from production in a legal proceeding on the ground of legal professional privilege.

#### **Councillor Access to Publicly Available Information**

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

#### **Use of Information**

A person who is or has been a Councillor must not use information that was acquired as a Councillor (other than information that is lawfully available to the public) to gain, directly or indirectly, a financial advantage for themselves or someone else or cause detriment to the Council.

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

A Councillor that obtains access to Council information or advice must comply with sections 171 and 171A of the Act and **Council's Handling of Confidential Information – Closed Meetings Policy** and continue to conduct themselves in accordance with the local government principles and Code of Conduct for Councillors in Queensland.

#### **Staff Responsibility**

Only the CEO or their delegate is to respond to requests for information from a Councillor unless the CEO has delegated the task of responding to such requests to another employee.

Only Responsible Employees are to respond to requests for advice from a Councillor

Any Council related contact by a Councillor to an employee, other than in accordance with this Policy, must not be acted on and must be recorded by that employee. That record must list the Councillor concerned, time of contact, reason for contact and any action the Councillor requested to be undertaken. This record must be

forwarded, in the form of an email or memo, to the CEO or their delegate and a copy placed in Council's record system. If an employee is unsure as to whether a request from a Councillor is appropriate, the employee should seek advice from the CEO or their general manager.

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

- providing sound and impartial advice to the Councillor;
- acting professionally and providing accurate information;
- providing the information within a reasonable period having regard to the complexity of the request, the resources required to comply with the request and the workload of the employee who will be required to deal with the request;
- documenting and recording the request in line with this Policy; and
- providing the CEO with a report of the action taken in relation to the request including providing a copy of any advice given to the requesting Councillor.

The CEO may provide the copy of the request and the response to all Councillors.

No employee shall provide advice or otherwise comment on any matter outside of their scope of responsibility or knowledge unless authorised by the CEO.

A breach of this Policy by an employee may constitute a breach of **Council's Code of Conduct** and may be dealt with accordingly.

## RELEVANT LAW

*Local Government Act 2009*

*Local Government Regulation 2012*

## RELATED POLICIES AND PROCEDURES

Nil

## RELATED FORMS

Nil

## DEFINITIONS

Term	Definition
<i>Act</i>	means the <i>Local Government Act 2009</i> .
<i>Council</i>	means North Burnett Regional Council.
<i>Responsible Employee</i>	means an Employee determined by the Chief Executive Officer to be responsible for providing advice on a particular issue as specified in <b>Schedule A</b> to this Policy, as amended by the Chief Executive Officer from time to time.
<i>Employee</i>	means any person employed by Council.

## APPROVAL

Council approved this policy on 24 June 2020.

## REVIEW

Major -This policy will be reviewed every two years by Corporate & Community Services and is due for review in April 2022.

- (a) **Review/ amendment in interim (prior to major review)** – Given the operational impact of this policy, should changes to be required prior to major review in 2022, the process will be as follows:  
change proposed to Council at a Councillor information session
- (b) changes considered at a meeting of the Executive Leadership Team (ELT);
- (c) amendment signed off by CEO and one of GM Works or GM Corporate & Community;
- (d) amendment posted on Council website under Publications.

## REVISION HISTORY

<b>Version</b>	<b>Meeting</b>	<b>Approval Date</b>	<b>History</b>
1	General	15 August 2018	New policy
2	General	28 April 2020	Amended Policy
3	General	24 June 2020	Amended Policy - minor