

1180 Councillor Acceptable Requests and Employee Interaction

Statutory Policy



PURPOSE

- 1) This policy is made pursuant to section 170A of the *Local Government Act 2009* (the Act).
- 2) This policy constitutes and incorporates the 'acceptable requests guidelines' as required by the Act and provides the way in which a Councillor may ask a Council employee for advice, or to provide information, in order to assist the Councillor to carry out his or her responsibilities under the Act.

SCOPE

- 3) This policy is applicable to all Councillors and Council employees.

DEFINITIONS

Term	Definition
Advice	Means the provision of knowledge or an opinion to assist the councillor to carry out his or her responsibilities under the Act. An example of advice: can you explain this financial statement? What does this strategy achieve?
Information	Means as defined in section 170A of the Act, the information the local government has access to, relating to the local government. This does not apply to 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. An example of information: how many trainees does Council employ? When is the project due to commence?
Reasonable requests	Are requests which in the opinion of the CEO will not require excessive or unwarranted use of Council resources.
<i>Responsible Employee</i>	Means an employee of Council as determined by the Chief Executive Officer to be responsible for providing information and advice to a Councillor. A list of Responsible Employees can be found within Annexure 1 to this Policy, noting the list may be amended by the Chief Executive Officer from time to time. Also includes persons temporarily acting in those positions.

POLICY

OBJECTIVES

- 4) It is necessary that Councillors and Council employees are able to interact so informed decisions that deliver positive outcomes for the community are achieved. It is important to attain the right balance to ensure onerous constraints do not impede the flow of information while still ensuring that the principles of good governance are achieved, and appropriate controls are in place to protect both employees and Councillors alike.

PRINCIPLES

- 5) This Policy will:
 - a) Establish guidelines to assist Councillors in seeking information or advice from a Council employee;
 - b) Set reasonable limits on requests made by Councillors.

POLICY STATEMENT

- 6) Councillors are entitled to seek information and advice from the council administration to assist them undertake their role as a Councillor where it directly relates to the discharge of their duties as a Councillor. To ensure the efficient operations of council, the processes of seeking that information and advice is proposed in an orderly way.
- 7) Councillors in the performance of their responsibilities are required to uphold the behavioural standards detailed in the Councillors Code of Conduct when engaging with employees.
- 8) Similarly Council employees are required to act in accordance with the expected standards of acceptable conduct detailed within the Employee Code of Conduct.
- 9) No Councillor, including the Mayor may give a direction to any Council employee with the exception of the Mayor directing the Chief Executive Officer (CEO).
- 10) The Mayor may give a direction to the CEO, however it must not be inconsistent with a resolution, or a document adopted by resolution, of the local government.

ROLES AND RESPONSIBILITIES

- 11) All Councillors and Council employees are bound by the provisions of this Policy.
- 12) If a Councillor asks for information or advice from an employee other than in accordance with this policy, the employee must inform their Manager, General Manager or the CEO about the request as soon as is practicable.
- 13) A complaint about the failure by a Councillor to comply with these Guidelines may be considered inappropriate conduct in accordance with section 150K of the Act and will be referred to the Office of the Independent Assessor.

APPLICABLE LEGISLATION AND REGULATION

- 14) Applicable legislation and regulation:
 - a) *Information Privacy Act 2009*
 - b) *Local Government Act 2009*
 - c) *Local Government Regulation 2012*
 - d) *Public Sector Ethics Act 2004*
 - e) *Right to Information Act 2009*

RELATED DOCUMENTS

- 15) Related documents are:
 - a) Acceptable Requests Guidelines
 - b) Code of Conduct for Councillors in Queensland
 - c) Employee Code of Conduct
 - d) Complaints Management Policy
 - e) Mayor and Councillors Expenses Reimbursement and Provision of Facilities Policy

RESPONSIBLE OFFICER

Chief Executive Officer

REVIEW DATE

October 2026 (Standard four year term)

REVISION HISTORY

Version	Meeting	Approval Date	History
1	General	15 August 2018	New
2	General	28 April 2020	Update
3	General	24 June 2020	Minor amendment
4	General	26 October 2022	Update

ACCEPTABLE REQUEST GUIDELINES

1. STATEMENT

It is necessary that Councillors and Council employees can interact so informed decisions that deliver positive outcomes for the community are achieved. It is important that we reach the right balance to ensure onerous communication constraints do not impede the flow of information, while still ensuring that the principles of good governance are met, and appropriate controls are in place to protect both employees and Councillors alike.

Unless otherwise expressed, terms used in these Guidelines will have the same meaning given to those terms under the Act.

These Guidelines do not override an individual Councillor's statutory obligations under the Act, including in respect to the use of information under s171 and s171A of the Act.

A Councillor request is of no effect if the request does not comply with these Guidelines.

2. GUIDELINES

2.1 Outline

Section 170A of the Act prescribes acceptable request guidelines to be adopted by resolution of Council, as the way in which Councillors may ask Council employees for advice or information to help the Councillor carry out their responsibilities under the Act.

Councillors should be aware that any request for advice or information and response provided may be subject to disclosure where an application for access is made under the *Right to Information Act 2009*, or otherwise at law.

2.2 General requirements for requests

When asking for advice or information Councillors must:

- act in accordance with the local government principles prescribed in section 4(2) of the Act;
- act in accordance with the Code of Conduct for Councillors in Queensland;
- act in accordance with all the obligations set out in Chapter 6, Division 5 of the Act;
- act in good faith;
- be respectful, reasonable and professional;
- not direct, or attempt to direct any Council employee to do anything
- not behave towards Council employees in an overbearing or threatening manner;
- not coerce or entice, or attempt to coerce or entice any employee to do anything that does not comply with these Guidelines;
- not unduly disrupt an employee in the undertaking of that employee's routine employment obligations;
- not place, or attempt to place any employee in a position that would create a conflict of interest for that employee, or that would compromise the integrity and honest performance of that employee;
- comply with all laws that apply to the local government, as well as Council's policies, procedures and guidelines; and
- not breach any confidentiality obligations under legislation whereby information is not to be disclosed by Councillors (for example, the *Information Privacy Act 2009*, *Crime and Corruption Act 2001*, *Public Interest Disclosure Act 2010*, *Workers' Compensation and Rehabilitation Act 2003*).

2.3 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;
- that would be privileged from production in a legal proceeding on the ground of legal professional privilege;
- that is capricious or which will place an unreasonable burden on Council's resources;
- which relates to a public interest disclosure under the *Public Interest Disclosure Act 2010*;
- that is confidential information under the *Crime and Corruption Act 2001*; and
- during caretaker period not request information or advice which will result in or be likely to result in any inappropriate political gain or advantage for the Councillor.

2.4 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 readily available public sources.

2.5 Making a request

A Councillor may ask for information or advice to assist the Councillor in carrying out their responsibilities under the Act, directly with a responsible employee via councillorrequests@northburnett.qld.gov.au

List of responsible employees is limited to:

- I. The Chief Executive Officer - all requests;
- II. General Manager Corporate and Communities – all requests;
- III. General Manager Works – all requests;
- IV. Strategic Projects Manager – media related requests;
- V. Executive Assistant to the Mayor - administrative requests and support;
- VI. Executive Assistant to the CEO – general administrative requests only;
- VII. Executive Assistant Corporate and Communities – general administrative requests only;
- VIII. Executive Assistant Works – general administrative requests only;
- IX. Disaster Management Officer – general disaster management requests only.

Responsible employees includes persons when temporarily acting in these positions from time to time.

Note: Position titles are subject to change, as is the list of responsible employees as determined by the Chief Executive Officer from time to time. These Guidelines will be updated to reflect any such change, and Councillors will be advised accordingly.

Refer to the end of this Guideline – 'Referral Guide for Councillors when Making a Councillor Request'.

If you are still unsure as to where to send your request, then please email directly to councillorrequests@northburnett.qld.gov.au

2.6 Councillor responsibilities

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.

The Chief Executive Officer may require that a request be made in writing (this includes email but excludes text message or similar instant messaging services), and requests must:

- outline the nature of the matter for which the Councillor requires information or advice; and
- specify the responsible employee of whom the information or advice is sought;
- provide the request to the responsible employee; and

- if the responsible employee is someone other than the CEO, then simultaneously provide a copy of the request to the CEO.

Councillors may seek information from the Chief Executive Officer or responsible employee regarding the progress of a 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.

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 may be reported through Council's customer contact centre or contact should be made by telephoning the Chief Executive Officer or a General Manager to determine the appropriate approach.

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

Alternatively in the event that the member of the community is unable to do this (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 , a phone call to the customer contact centre, a customer request or written correspondence for the consideration of a responsible employee.

Service requests made by a Councillor on behalf of residents are not considered as a Councillor request for advice or information, the request is considered to be a request by the resident.

All matters of a non-emergent operational nature raised on behalf of a community member will be processed in accordance with Council's regular standard service levels.

If a Councillor has identified or become personally aware of an ordinary operational matter, (e.g. reporting a pothole, missed bin service, vandalism, overgrown allotment) that requires attention, the Councillor may raise that request via any existing channel available to external customers. In these instances, the Councillor is considered to be the customer and the same service level standards that apply to community members will be applicable to these requests.

Councillors are encouraged to utilise the Snap Send Solve smart phone application when reporting ordinary operational matters where possible.

2.7 Chief Executive Officer responsibilities

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

- publish to the Councillor Intranet portal the list of responsible employees by position title, their contact details and areas of responsibility;
- ensure that responsible employees make all reasonable endeavours to comply with any reasonable request made to them by the Councillor in compliance with these guidelines;
- comply with a request made to the CEO within the timeframe specified in subsections 170A(9) and (10) of the Act.
- delegate a Councillor request to another employee, other than a responsible employee, where the CEO deems it appropriate to do so.

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.

2.8 Employee responsibilities

Only responsible employees are to respond to requests from a Councillor, subject to any delegation as outlined in Chief Executive Officer responsibilities above.

Any Council business related contact by a Councillor with an employee, other than in accordance with this policy, must not be acted on and must be recorded by that employee.

That record must:

- identify the Councillor who made the contact;
- time of contact;
- reason for contact; and
- any action the Councillor requested to be undertaken.

A copy of the record must be forwarded to the CEO in a timely manner.

2.9 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 Confidential Information Policy and continue to conduct themselves in accordance with the local government principles and Code of Conduct for Councillors in Queensland.

2.10 Provision of information or advice in response to requests

In line with Council's commitment to the environment and a reduction in paper usage, access to electronic copies of documents will be provided wherever possible.

Councillors are to be aware of their responsibilities under the Act regarding the sharing or further distribution of information or advice. The right of Councillors to have access to information is for the purpose of exercising the role and responsibilities of a Councillor. Councillors must not cause the by-passing of the provisions of the *Right to Information Act 2009* by providing to a member of the public information or advices made available to a Councillor as an elected representative that is not already within the public domain.

While not all information or advice would be considered 'Confidential', Councillors should be aware that information or advices provided may contain confidential material and must be handled appropriately to ensure that Council maintains its reputation and good standing within the community.

Pursuant to Council's "Collection of Personal Information" Notice under the *Information Privacy Act 2009*, personal information collected for purposes directly related to a function or activity of Council may be shared or made available to all Councillors, to assist Councillors in carrying out their responsibilities under the Act. This information will be made available to Councillors via the Councillor Portal at

<https://docs.nbrc/portals/Councillor>

2.11 Refusal to provide information or advice

Should a request for information or advice be raised that is considered to be outside of the scope of a Councillor's official duties or a request for advice or information be received which, upon consideration, will take a significant amount of resources to satisfy or cause an undue impact on employees' 'business as usual' responsibilities, the matter is to be escalated to the CEO for determination.

2.12 Constituent complaints regarding operational performance

Feedback from the community/residents regarding operational performance is an important aspect of a Councillor's legislated role of monitoring the performance of the local government. If a community member/resident raises an issue where they are not satisfied with the performance or service provided by Council, the Councillor should raise the concern with the CEO.

2.13 Emergency and after-hours service

Councillors are encouraged to use the after-hours emergency service if they become aware of an issue after-hours that is an emergency. This will ensure the effective operation of the after- hours service as well as duty of care for on call officers and other staff.

When an issue arises after-hours that is not an emergency, but is of such urgency that to delay contact would bring harm to Council or damage the reputation of Council, Councillors should contact the CEO or relevant General Manager.

2.14 Non work-related interactions between Councillors and Council employees

It is recognised that Councillors and Council employees often live in the same community; interact as members of community/sporting/volunteer organisations as individuals and may form friendships as a consequence of these associations. The requirements within these guidelines do not in any way impact on the ability of community members (including Councillors and Council employees) to interact from a community/social perspective.

However, it must also be recognised that the abovementioned interactions should not be used as a forum to discuss Council related matters. If during the course of general conversation a Council related matter is raised by either party, it is appropriate to terminate that topic of discussion and advise the Councillor or employee to raise the matter through the appropriate Council channels.

Should this behaviour become repetitive, these matters need to be raised through the appropriate channels as outlined in this guideline.

3. SUSPECTED BREACHES

Any suspected breach of this guideline is to be communicated immediately, in writing, as follows:

3.1 Employee breach

Any suspected breach by employees may constitute a breach of the Employee Code of Conduct and is to be reported to the relevant General Manager or CEO who will manage the breach in accordance with adopted Council process.

3.2 Councillor breach

Any suspected breach by a Councillor may constitute a breach of the Code of Conduct for Councillors in Queensland. A complaint of breach will be forwarded to the Office of the Independent Assessor, who is the responsible agency for complaints about the performance or conduct of a Councillor.

Referral Guide for Councillors when Making a Councillor Request

Is the request related to an Emergency or an Urgent issue arising after-hours?

Is the request on behalf of a Community Member (a service request or a complaint in relation to an operational matter e.g. to report a damaged road)?

Is the request for advice or information to assist me in carrying out my responsibilities as a Councillor under the Act?

Have you identified or become personally aware of an ordinary operational matter, (e.g. reporting a pothole, missed bin service, vandalism, overgrown allotment) that requires attention?

Is the request in relation to Councillor provisions (e.g. mobile phone, laptop, fleet)?

To report Emergencies:

- 1) Contact Council's customer contact centre; or
- 2) Telephone the CEO or a GM to determine the appropriate approach.

Urgent issues arising after-hours:

When an issue arises after-hours that is not an emergency, but is of such urgency that to delay contact would bring harm to Council or damage the reputation of Council, Councillors should contact the CEO or relevant GM.

1) The Councillor may direct the community member to raise the matter by contacting Council's customer contact centre or by emailing Council:
admin@northburnett.qld.gov.au

2) If the member of the community is unable to do this, 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, a phone call to the customer contact centre, a customer request or written correspondence for the consideration of a responsible employee.

NOTE: Service requests made by a Councillor on behalf of residents are not considered as a Councillor request for advice or information, the request is considered to be a request by the resident.

The Councillor is to submit their request in writing by emailing:

councillorrequests@northburnett.qld.gov.au

Including:

- An outline of the nature of the matter for which the Councillor requires information or advice;
- Specify the responsible employee of whom the information or advice is sought;
- If the responsible employee is someone other than the CEO, then cc the request to the CEO.

The Councillor may raise that request via any existing channel available to external customers.

In these instances the Councillor is considered to be the customer and the same service level standards that apply to community members will be applicable to these requests.

NOTE: Councillors are encouraged to utilise the **Snap Send Solve** smart phone application when reporting ordinary operational matters where possible.

The Councillor is encouraged to utilise the tools on their smart phone to raise a request relating to IT equipment, fleet maintenance etc.

Alternatively, the Councillor may submit their request in writing by emailing:
councillorrequests@northburnett.qld.gov.au

Including:

- An outline of the nature of the matter (e.g. Fleet vehicle requires servicing, trouble accessing the Councillor Portal etc.);
- Specify the responsible employee of whom the information or advice is sought;
- If the responsible employee is someone other than the CEO, then cc the request to the CEO.