



# Acceptable Request Guidelines- Council Policy

<b>Effective Date</b>	Ordinary Meeting of Council - 17 August 2016
<b>Policy Owner</b>	Customer Support and Governance
<b>Link to Corporate Plan</b>	Sustainable Organisation
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<b>Related Legislation</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
<b>Related Documents</b>	Code of Conduct for Councillors in Queensland Employee Code of Conduct Confidentiality - Council Policy Complaints Management - Council Policy Investigation - Council Policy

Policy Version	Approval Date	Adopted/Approved
1	17/08/2016	Ordinary Meeting of Council - 17 August 2016
2	20/07/2022	Ordinary Meeting of Council - 20 July 2022

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## 1. PURPOSE

This Policy establishes guidelines for Councillors and local government employees about the provision of advice to assist Councillors make decisions and the provision of information to Councillors in accordance with the *Local Government Act 2009* (the LG Act).

## 2. SCOPE

This policy applies to the Councillors and staff of Western Downs Regional Council.

## 3. POLICY

### 3.1 Introduction

The Mayor and Councillors will from time to time require advice, assistance and information from employees of Council to assist Councillors carry out their responsibilities.

Pursuant to section 170A(7) of the LG Act, Council is required to adopt by resolution, Acceptable Request Guidelines about -

- a. the way in which a Councillor may ask a local government employee for advice to help the Councillor carry out their responsibilities under the LG Act; and
- b. reasonable limits on requests that a Councillors may make.

### 3.2 Legislative Context

This policy forms guidelines as referred to in section 170A (Requests for assistance or information) of the *Local Government Act 2009*, which pursuant to section 170A(7) are adopted by Council resolution.

Councillors should forward matters of an operational nature to the Customer Contact Centre either by telephone or email to [info@wdrc.qld.gov.au](mailto:info@wdrc.qld.gov.au) for effective and efficient action or resolution.

For after-hours emergencies, Councillors are asked utilise Council's universal contact number 1300 COUNCIL. The after-hours service will ensure that the matter is attended to by the relevant staff member.

## 4. ACCEPTABLE REQUEST GUIDELINES

### 4.1 Councillor Responsibilities

The underpinning principles and Councillors' responsibilities under the LG Act are set out in sections 4 and 12 respectively. The provisions of these sections require Councillors to act in the interests of the residents of the whole local government area, to ensure effective service delivery and to be accountable to the community for the performance of the local government. Councillors are, at all times, required to comply with the Code of Conduct for Councillors in Queensland.

In order to fulfil their responsibilities as Councillors under section 12 of the LG Act, Councillors may request assistance, advice, information and administrative support from Council employees.

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The Mayor may give a direction to the CEO<sup>1</sup>, however a direction must not be given if the direction:-

- a. is inconsistent with a resolution, or a document adopted by resolution, of Council; or
- b. relates to the appointment of a local government employee under section 196(3) of the LG Act; or
- c. relates to disciplinary action by the CEO in relation to a local government employee under section 197 of the LG Act; or
- d. it would result in the Chief Executive Officer contravening a provision of an Act.<sup>2</sup>

No Councillor, including the Mayor, may give a direction to any other Council employee, except in the provision of administrative support.<sup>3</sup>

Councillors may ask local government employees to provide advice to assist the Councillor carry out their responsibilities in accordance with these guidelines. The request must be made via the CEO or relevant General Manager. Councillors may ask the CEO to provide information or a document relating to Council that Council has access to, with the following exceptions:-

- a. a record of the conduct tribunal; or
- b. 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. information or a document which would be privileged from production in a legal proceeding on the grounds of legal professional privilege.<sup>4</sup>

A request or direction purportedly given by a Councillor is of no effect if the request or direction does not comply with this Policy.<sup>5</sup>

When requesting advice, assistance or information in relation to a matter for which the Councillor may participate, or is participating in a decision about the matter, and the Councillor is aware the Councillor has a conflict of interest in the matter, the Councillor must be mindful of their obligations under Chapter 5B of the LG Act.

## 4.2 Chief Executive Officer Responsibilities

The CEO must keep and make available a record of each direction given by the Mayor.<sup>6</sup>

The CEO or delegate must comply with a request for advice or information made in accordance with these Acceptable Request Guidelines within ten (10) business days after receiving the request. If the CEO or delegate reasonably believes it is not practicable to comply with the request within ten (10) business days, the CEO (or delegate) must comply with the request within twenty (20) business days, providing notice to the Councillor to that effect within ten (10) business days of the request.<sup>7</sup>

## 4.3 Employee Responsibilities

Section 13 of the LG Act sets out the responsibilities of local government employees including efficient and effective management of public resources, excellence in service delivery and provision of sound and impartial advice. Through these provisions, the LG Act recognises that Councillors need to have access to current and relevant information about the local government to enable them to carry out their responsibilities.

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<sup>1</sup> *Local Government Act 2009* - section 170(1)

<sup>2</sup> *Local Government Act 2009* - section 170(2)

<sup>3</sup> *Local Government Act 2009* - section 170(3) - Contravention is misconduct

<sup>4</sup> *Local Government Act 2009* - section 170A(4)

<sup>5</sup> *Local Government Act 2009* - section 170A(5)

<sup>6</sup> *Local Government Act 2009* - section 170(4)

<sup>7</sup> *Local Government Act 2009* - section 170A(9)(10)

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Communications by employees with Councillors must:

- a. be conducted in accordance with the Local Government Principles prescribed in section 4(2) of the LG Act;
- b. be conducted in accordance with the Employee Code of Conduct;
- c. comply with the law, Council policies, guidelines and procedures;
- d. be conducted in good faith; and
- e. be conducted in a respectful, reasonable and professional manner.

When providing advice employees must:

- a. explain any issues in the advice which relate to confidentiality or other sensitive matters and if appropriate, provide any other advice necessary to place the advice being accessed, in context.
- b. if an employee is not competent to respond with adequate knowledge and experience, and/or without functional responsibility for the matter, the employee shall advise their relevant General Manager or the CEO.

Employees shall consider the likely resource implications in responding to Councillors' requests for information, assistance or advice, and where the employee has concerns relating to the costs or other use of resources, he/she shall advise their relevant General Manager or the CEO.

Employees must keep records of advice or information given to Councillors as they would do when advising a member of the public and provide a copy to their relevant Manager, General Manager and CEO and record electronically in Council's document records management system.

The CEO or General Manager may authorise provision of any requested advice or information to all other Councillors if it is considered that such provision would be in the best interests of Council and/or the community or if the request relates to a matter currently under consideration by Council. In doing so, the CEO or General Manager will advise the relevant Councillor of their intention to provide the information to all Councillors.

## 4.4 The Way Requests May be Made

Requests by Councillors for information, advice or assistance should be made in writing to either the CEO or relevant General Manager. The receiving officer will make a record of any verbal requests made by Councillors.

Councillors should inform the CEO if they believe the CEO or delegate has not appropriately responded to their request.

## 4.5 Reasonable Limits on Requests

Councillors should consider the likely cost implications in making requests for advice or information and should also be mindful of operational workloads and priorities. Councillors and staff are encouraged to work collaboratively to ensure that requests do not significantly impact on resources and priorities.

The following are considered reasonable limits on requests:-

- a. where the CEO or delegate has confidentiality obligations under legislation and must not disclose documents or information in the circumstances provided by specific obligations under other legislation eg. section 65 of the *Public Interest Disclosure Act 2010*; or
- b. where the CEO reasonably believes the request is not in accordance with this Policy.

Where the CEO reasonable believes that:-

- i. the request is not in accordance with this Policy; or
- ii. the request will take a significant amount of resources; or
- iii. where costs cannot be justified as being in the public interest

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the CEO will advise the requesting Councillor and the Mayor of the grounds for this belief and seek Council's direction at the next Council meeting in relation to the matter.

## 4.6 Use of Information by Councillors

In accessing the information, Councillors are reminded of their obligations:

- a) under section 171 of the LG Act;
- b) to avoid the release of personal information in breach of the *Information Privacy Act 2009*; and
- c) in respect to Council's Confidentiality Policy.

## 5. ADMINISTRATIVE MATTERS

### 5.1 Actions of an Operational Nature / General Communications

General community requests or complaints directed to Councillors should be lodged in accordance with established protocols and processes for dealing with those types of requests.

Councillors should forward matters of an operational nature (ie. service requests) to the Customer Contact Centre either by telephone or email to [customercontactcentre@wdrc.qld.gov.au](mailto:customercontactcentre@wdrc.qld.gov.au), or by the app 'Snap, Send, Solve' for effective and efficient action and resolution.

For after-hours emergencies, Councillors are asked to utilise Council's universal contact number 1300 COUNCIL. The after-hours service will ensure that the matter is attended to by the relevant staff member.

Councillors may request that they be provided the customer reference number (CRM number) and receive notification of an outcome (if applicable). If the Councillor has any concerns in relation to a customer request, the Councillor may contact the CEO or relevant General Manager to discuss their concerns.

### 5.2 Administrative Complaints

Council's Complaints Management Policy outlines the process for dealing with administrative complaints. An 'Administrative Action Complaint' is defined as a complaint about a local government's:

- a. decision, or failure to make a decision (including failure to provide a written statement for reasons for a decision);
- b. act, or failure to do an act;
- c. formulation of a proposal or intention; or
- d. making of a recommendation.<sup>8</sup>

Councillors who receive administrative complaints from members of the public, should forward the complaint to the Customer Contact Centre either by telephone or email to [customercontactcentre@wdrc.qld.gov.au](mailto:customercontactcentre@wdrc.qld.gov.au).

### 5.3 Legal Advice

In some instances, a Councillor request for information, advice or assistance may involve the application of specific legislation. Where the response may involve some interpretation of the relevant Act or Regulation, the CEO may, at the CEO's discretion, obtain internal or external legal advice and provide the advice to the Councillor. Where relevant, such advice may be distributed to all Councillors.

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<sup>8</sup> *Local Government Act 2009* - section 268(2)

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## 6. ADMINISTRATIVE SUPPORT TO COUNCILLORS (CEO ADMINISTRATIVE SUPPORT GUIDELINES)

Council is responsible for the provision of appropriate administrative support to ensure that a Councillor is able to undertake their civic duties with relative ease and at a standard appropriate to fulfil their professional role for the community. The provision of administrative support is for the sole use of Councillors in undertaking their duties and should be utilised responsibly and appropriately for Council business.

Councillors may seek the support of a Council employee (administrative support staff) in relation to the provision of administrative support where the employee is a member of the Executive Services Support staff ie. the Senior Executive Officer, Executive Officer to the Mayor and Executive Services Administration Officer.

All administrative support staff are employees of Council and are employed by Council using Council's usual merit-based employment system. Councillors are unable to make recommendations or have any involvement in the recruitment process for administrative support staff.<sup>9</sup>

Council's Senior Executive Officer is to be the first point of contact for all administrative support requests from Councillors.

Councillors should be aware that administrative support staff provide support to multiple Councillors and Executive staff and have other duties outside of providing Councillors administrative support and therefore this work may at times take priority. Staff will be guided by the CEO when prioritising their work, including support requirements for Councillors.

### 6.1 Administrative Support Tasks

The following reasonable administrative support will be provided to all Councillors:-

- a. co-ordination of committees or groups that Councillors Chair or are members of as part of their Council appointed roles;
- b. co-ordination of community consultation sessions or community meeting sessions attended by Councillors;
- c. other Council appointed or directed tasks allocated to Councillors and for which adhoc support is needed;
- d. answering and returning telephone calls;
- e. scheduling and managing appointments, meetings and invitations using electronic calendar;
- f. photocopying, printing and ordering stationery;
- g. liaising with other Council departments about car or IT maintenance or health and safety issues etc on behalf of the Councillor;
- h. conference, accommodation and/or travel bookings, booking meeting rooms etc;
- i. logging customer requests and complaints from the community;
- j. locating information for Councillors such as legislation, information from Council's website or other sources; and
- k. managing correspondence and preparation of speech notes etc.

Except in exceptional circumstances, and if approved and arranged in advance, any administrative support will be –

- a. provided within standard working hours; and
- b. shared between multiple Councillors.

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<sup>9</sup> Local Government Act 2009 - section 170(2)(b), (3)

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## 6.2 Councillor Responsibilities

Councillors cannot ask administrative support staff to carry out tasks not directly related to Council business, nor should they be asked to attend any internal or external meetings or events as a Councillor representative. Administrative support staff cannot assist with the Councillor's re-election or other 'campaigning' tasks.

Should Councillors require administrative support outside of business hours or tasks in addition to the abovementioned tasks, Councillors should discuss with, or email their request to, the CEO.

Councillors should direct any concerns about the performance of administrative support staff to the CEO and not direct criticism to employees.

It should be noted that a Councillor's failure to follow this Administrative Support Guideline contravenes the behavioural standards set out in the Code of Conduct for Councillors in Queensland and is considered inappropriate conduct.

## 6.3 Administrative Support Staff Responsibilities

Administrative support staff will at all times treat Councillors with respect, honesty and fairness and in accordance with the Employee Code of Conduct. Administrative support staff should raise concerns about administrative support requests or directions made by a Councillor to the CEO in the first instance.

A request or direction purportedly given by a Councillor is of no effect if the request or direction does not comply with this Policy.<sup>10</sup>

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<sup>10</sup> *Local Government Act 2009 - 170AA(3)*