



Acceptable Request Guidelines- Council Policy

Effective Date	Ordinary Meeting of Council - 17 August 2016
Policy Owner	Customer Support and Governance General Manager
Link to Corporate Plan	Strategic Theme 1: Effective and Inclusive Governance
Review Date	May 2020
Related Legislation	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i> <i>Information Privacy Act 2009</i> <i>Information Privacy Regulation 2009</i> <i>Public Interest Disclosure Act 2010</i> <i>Crime and Corruption Act 2001</i>
Related Documents	Staff Code of Conduct Customer Service Charter Confidentiality - Council Policy

Policy Version	Approval Date	Adopted/Approved
1	17/08/2016	Ordinary Meeting of Council - 17 August 2016

*This policy may not be current as Council regularly reviews and updates its policies. The latest controlled version can be found in the policies section of Council's intranet or Website. **A hard copy of this electronic document is uncontrolled.***



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 Legislative Context

Section 13(3)(e) and (f) of the LG Act provides that the Chief Executive Officer has, inter alia, the following responsibilities:-

(e) the safe custody of—

- (i) all records about the proceedings, accounts or transactions of the local government or its committees; and*
- (ii) all documents owned or held by the local government;*

(f) complying with requests from Councillors under section 170A of the LG Act —

- (i) for advice to assist the Councillor carry out his or her role as a Councillor; or*
- (ii) for information, that the local government has access to, relating to the local government.*

Requests for assistance or information are to be made in accordance with Section 170A of the *Local Government Act 2009*.

3.2 The Way Advice Requests May be Made (LG Act s170A (6)(a))

Councillor's request for advice or assistance from an employee, (pursuant to section 170A (1) of the LG Act) must comply with the following:-

- a) Requests by Councillors for advice or assistance should be submitted to either the Chief Executive Officer (CEO), General Manager or the relevant portfolio Manager or Executive Assistant.
- b) Councillors' requests for advice should be made in writing (e.g. letter, memo, facsimile or email) unless the officer receiving the request agrees to accept the request verbally.
- c) Councillors' requests for advice should clarify the purpose of their request.
- d) Councillors must inform the Chief Executive Officer if they believe an officer has not appropriately responded to a request for advice.
- e) A copy of any written responses received by the Councillor must also be provided to the Chief Executive Officer or General Manager by the officer who provided the response.
- f) The Chief Executive Officer may provide the copy of the response to all Councillors.

3.3 Reasonable Limits on Requests (LG Act s170A (6)(b))

Councillors' requests for advice must not take the form of an attempt to direct or pressure an officer to prepare a response in a certain manner.

A request for advice must not be made if:-

- a) the advice is likely to disclose information to which 170A(3) of the LG Act applies;
- b) a statutory obligation or privilege exists for Council, the Chief Executive Officer or a local government employee and provision of the advice is likely to:-
 - i. result in a breach of the statutory obligation; or
 - ii. waive legal professional privilege; or
 - iii. the advice is likely to disclose confidential or other sensitive information relating to a local government employee.

The Chief Executive Officer also has confidentiality obligations under a number of Acts and must not disclose documents to Councillors in the circumstances provided by specific obligations under that other legislation.

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.

3.4 Use of Information By Councillors

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

- a) under section 171 and 171A of the LG Act 2009;
- 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.

3.5 Action of an Operational Nature/ General Communications

Councillors should forward matters of an operational nature to the Customer Contact Centre either by telephone or email to 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.

3.6 Council Employee's Responsibilities When Replying to Councillor Requests for Assistance or Information

Employees have a responsibility to ensure that all reasonable steps are taken to ensure that the Councillor is provided with all the relevant information being sought, and where appropriate, provide any additional commentary or information required to ensure clarity or context around the information being provided.

Where the Employee has any doubt around the information request (e.g. the type of information being sought, the expenditure of significant resources required to process the request etc.) guidance should be sought from their General Manager in the first instance.