

Gladstone Regional Council

Council Policy

Title	COUNCILLOR ACCEPTABLE REQUEST GUIDELINES
Policy Number	P-2021-20
Business Unit/s	FINANCE GOVERNANCE AND RISK
Date of Adoption	
Resolution Number	
Review Date	
Date Repealed	

1.0 PURPOSE:

The purpose of this policy is to outline Acceptable Request Guidelines for Councillor requests for advice or access to information of Council officers as required by section 170A(6) of the *Local Government Act 2009*.

2.0 SCOPE:

This policy applies to all Councillors and also applies to all Council officers insofar as this policy sets out nominated officer positions for Councillors to contact under this policy.

However, this policy does not apply to requests made by Councillors where it is a general request that may be sought by any member of the community. For example - Asking how an animal can be registered is a general request that can be answered by many officers in Council without having to be a Councillor request.

3.0 RELATED LEGISLATION:

Crime & Corruption Act 2001
Integrity Act 2009
Local Government Act 2009
Local Government Regulation 2012
Public Sector Ethics Act 1994

4.0 RELATED DOCUMENTS:

Councillor Code of Conduct Policy
Council Meeting Procedures Policy
Councillor Complaint Investigation Policy
Councillor Expenses Reimbursement and Provision of Facilities Policy

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

Councillor	means a Councillor of Council as defined under the <i>Local Government Act 2009</i> and includes the Mayor of Council.
Council Officer	means a local government employee as defined under the <i>Local Government Act 2009</i> identified by nominated position title in this policy.

6.0 POLICY STATEMENT:

6.1 Background

The *Local Government Act 2009* provides that the Chief Executive Officer has responsibility to comply with requests from Councillors for advice to assist the Councillor carry out their role as a Councillor or for information that the local government has access to relating to the local government. The Act also identifies the Acceptable Request Guidelines to be the way in which a Councillor may ask for advice or information and any restrictions on such requests that have been made by resolution of Council.

Accordingly, the below guidelines are to be followed by Councillors and identified Council Officers as the Acceptable Request Guidelines adopted by resolution of Council.

6.2 Who Requests Should Go To

Council is of the view that requiring all Councillor requests for advice or information to be submitted through the Chief Executive Officer is impractical. Council is also of the view that such requests need to be made of relatively senior Council officers.

Council guidelines as to the way that a Councillor may request advice or request information are provided below.

Accordingly, to achieve practicality, Councillors may request advice or information to assist them in carrying out their roles from the Council positions listed in Attachment 1.

For clarity these guidelines do not apply when:

- a Councillor:
 - seeks advice from any Council officer where that matter is a minor matter that requires the Council officer no more than a few minutes of time to address or is advice that is normally provided by that Council officer to any member of the public making a similar query; or
 - seeks clarification from the Council officer who has authored a briefing paper or report to Council on an aspect of that briefing paper or report; or
- the Mayor gives a direction to the Chief Executive Officer.

6.3 Procedure to be Used for Requests for Advice or Information

Councillor requests for advice or information from Council officers to assist them carry out their roles are to be made, and dealt with, as follows:

- Councillor requests should be made in writing (eg, email) to the Info@ mailbox in the first instance.
 - In making a request the Councillor will need to indicate the information or advice required and any preferred time requirements for receipt of requested information or advice.
 - Where a Councillor is unsure as to what information or advice to request, he or she may contact a nominated Council officer (refer Attachment 1) directly for assistance in clarifying the request.
- Councillor requests for advice or access to information must not take the form of an attempt to direct or pressure any Council officer to prepare a response in a certain manner¹.
- Preference is that the request be made by email to Info@ mailbox to ensure consistent management of the request. If verbally requested, the Council officer may reproduce the verbal request in writing and seek confirmation from the Councillor that the written request is a fair representation of the request made by the Councillor.
- If Councillors have made a similar request of another Council officer they must advise the Council officer of that other request, the name of the Council officer of whom the other request was made and the time when it was made.
- Council nominated officers identified in this policy are to send a copy of the request to the Info@ mailbox (if received directly) and their General Manager for noting and discussion as required.
- Requests made by a Councillor to the info@ mailbox will be actioned in accordance with standard operational procedures developed and set by the General Manager Customer Experience and in accordance with legislative requirements².
- In accessing any information provided to a Councillor as a result of a Councillor request, Councillors are specifically made aware of their obligations under *Section 171 of the Local Government Act 2009 (Use of information by Councillors)* and *Section 171A of the Local Government Act 2009 (Prohibited conduct by councillor in possession of inside information)*.
- Councillors must inform the Chief Executive Officer if they believe a Council officer of whom a request has been made by them has not appropriately responded to a request.

6.4 Reasonable Limit Guidelines

Council recognises that it has provided finite resources to the Chief Executive Officer for the undertaking of Council's endeavours as set out in Council's budget and policy documents. The diversion of resources towards the provision of advices or access to information requests from

¹ Such action could constitute misconduct and be dealt with under the misconduct provisions of the Local Government Act 2009.

² Section 170A of the *Local Government Act 2009* outlines specific provisions in relation to Acceptable Request Guidelines including when exemptions to provide information apply. Requests made in accordance with this policy are to be provided within 10 business days after receiving the request, unless the CEO believes it is not practicable to provide within 10 business days. Where this belief is formed by the CEO, the CEO must give the Councillor notice about the belief and the reasons for the belief within the 10 business days.

Councillors may, at times, jeopardise the provision of services by Council as the Council officers' time is taken away from their ordinary duties to address requests from individual Councillors. The extent of the diversion of resources required may be extenuated by either the nature of the request made, the frequency of requests made, the timing of the request or a combination of these factors.

Where responding to a request made by a Councillor for advice or access to information raises concerns that the time involved in responding may create an issue with having to divert resources from existing priorities of Council at the detriment of implementing those priorities, the Council officer will liaise with their General Manager or CEO in the first instance. The General Manager or CEO may seek to negotiate an alternate timing for responding to the Councillor that may allow the request to be responded to without jeopardising the meeting of existing priorities by that Council officer.

In the event that a mutually acceptable timing cannot be found, the CEO will discuss the request with the Mayor for potential withdrawal of the request or to consider referring the matter to Council for resolution of the resource allocation issue³.

7.0 ATTACHMENTS:

Nil.

8.0 REVIEW MECHANISM:

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of adoption.

TABLE OF AMENDMENTS			
Document History	Date	Council Resolution No.	Notes (including the prior Policy No, precise of change/s, etc)
Originally Approved	19 July 2016	G/16/2850	Include with code of conduct.
Amendment 1	4 December 2018	G/18/3592	Revised to be standalone policy following State Government Code of Conduct for Councillors
Amendment 2			
Amendment 3			

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LEISA DOWLING
CHIEF EXECUTIVE OFFICER

³ Note that under Section 170A(8) of the *Local Government Act 2009* the chief executive officer must "make all reasonable endeavours to comply with a request" (for information).

Attachment 1 – Nominated Council Positions

Department Officer Position	Subject Matter
Office of the CEO	
Chief Executive Officer	Any matter.
Executive Assistants	Minutes, agendas, administrative support.
Finance, Governance & Risk	
General Manager Finance, Governance & Risk	Any matter.
Manager Governance	Records, Council policies, committees, local law development, delegations, Conflicts of Interest, other governance advice.
Manager Revenue Services	Rating and Revenue matters.
Executive Secretary	Minutes, agendas, documents associated with Council meetings.
Strategy & Transformation	
General Manager Strategy & Transformation	Any matter.
Manager ICT or ICT Specialist	Assistance with computers and telephones.
Manager Strategy & Improvement	Corporate or Operational Plan
Strategic Projects Specialist	Strategic Projects
Strategic Grants Specialist	Grants/ funding
Economic Development Specialist	Economic Development
Strategic Asset Performance	
General Manager Strategic Asset Performance	Any matter.
Property Acquisition & Disposal Specialist	Council property transactions including leases, sales, acquisitions, etc
Manager Asset Governance	Asset Management framework.
Manager Asset Planning	Infrastructure planning (i.e. Local Government Infrastructure Plan)
Manager Environment & Conservation	Environment and conservation
Community Development & Events	
General Manager Community Development & Events	Any matter.
Manager Brand or Manager Communications	Branding, media, internal and external communications, marketing, social media, digital content, intranet, websites.
Manager & Curator Gladstone Regional Art Gallery & Museum	Arts and cultural activities and initiatives
Manager Regional Libraries	Libraries.
Manager Engagement & Partnerships	Community investment, community engagement, multicultural affairs, community development, seniors, disability and youth programming and development, sport and recreation, public swimming pools.
Manager Events & Entertainment	Community Events, Gladstone Entertainment & Convention Centre
Customer Experience	
General Manager Customer Experience	Any matter.

Manager Customer Solutions	Any matter related to a customer service request (CSR) or Councillor request.
Manager Development Services	Regulatory functions of planning, building and plumbing assessments, operational works, planning scheme development, trade waste assessment.
Manager Biosecurity & Environmental Health	Environmental health (including food and public health matters), rural land management / biosecurity.
Manager Local Laws	Local laws enforcement and animal management.
Operations	
General Manager Operations	Any matter.
Manager Operations Support Services	Fleet vehicles and Council stores / warehouse.
Manager Works Planning & Scheduling	Operational project and program delivery (including maintenance and capital projects).
Manager Contracts & Procurement	Purchasing, tendering and disposal processes.
Manager Roads Program Delivery	Road (and stormwater) operations.
Manager Water Program Delivery	Water (and wastewater) operations.
Manager Waste Program Delivery	Waste (and recycling) operations.
Manager Parks Program Delivery	Parks and cemeteries/crematorium operations.
Disaster Response Specialist	Disaster and emergency management.
People, Culture & Safety	
General Manager People, Culture & Safety	Any matter.
Manager Health Safety & Wellbeing	Safety matters.