



Council Policy	
<b>Policy Name:</b>	<b>Acceptable Request Guidelines for Councillors</b>
<b>Policy Number:</b>	GP-010
<b>Version:</b>	4.0 <i>Please note that once printed, this is no longer a controlled document. All care should be taken to ensure that you are operating from the current version.</i>
<b>Commencement and Review:</b>	This directive will commence from <b>18/06/2024</b> and it will be valid for 2 years.
<b>Document Owner:</b>	Chief Executive Officer
<b>Approval Date:</b>	18 <sup>th</sup> June 2024
<b>Meeting Resolution:</b>	RES.M24/108

## Purpose

These acceptable request guidelines are adopted by resolution of the council, in accordance with section 170A of the *Local Government Act 2009* (the Act) to provide clear guidance for:

- the acceptable manner in which a Councillor may ask a local government employee for advice to help the Councillor carry out his or her responsibilities under the Act; and
- reasonable limits on requests that a Councillor may make; and
- define the staff members to whom Councillors may make requests for information.

## Scope

This policy applies to Paroo Shire Council Councillors and employees.

## Exceptions

These guidelines do not apply to applications made by Councillors under the *Right to Information Act 2009* (RTI applications).

## Principles

Requests for advice or information under these guidelines must comply with the principles that guide decision making by Councillors and council employees stated in section 4 of the *Local Government Act 2009* as:

- transparent and effective processes, and decision-making in the public interest; and
- sustainable development and management of assets and infrastructure, and delivery of effective services; and
- democratic representation, social inclusion and meaningful community engagement; and
- good governance of, and by, local government; and
- ethical and legal behaviour of Councillors and local government employees.

## **Guidelines**

### **Requests for Advice**

Councillors are encouraged to make all requests for advice in writing (including via email).

Acceptable request from Councillors for advice or assistance (per section 170A(1) of the Act) are only to be submitted to a relevant officer listed below:

- a) the CEO; or
- b) one of the Directors

Councillors are to consult Schedule 1 of this policy, Area of Responsibility and Contacts, to determine which may be contacted on specific issues. If in doubt, the CEO should be contacted to ascertain the appropriate Director referral.

Councillors should consider the resources required to provide advice and ensure that a request for advice does not substantially and unreasonably divert the resources of the council from the performance of its functions.

Where the cost or resources involved in providing the advice is likely to be high, the Councillor may make the request only to the chief executive officer, who is expressly authorised by the council under these guidelines to seek to minimise the costs of providing the advice.

Councillors receiving advice under these guidelines must take care to:

- a) avoid release of personal information in breach of the *Information Privacy Act 2009*
- b) avoid breaching section 171 of the *Local Government Act 2009* (Use of Information by Councillors) or section 171A of the *Local Government Act* (Prohibited Conduct by Councillor in possession of inside information).

### **Routine Operational Requests**

A request for assistance about routine operational matters – for example the location of a meeting, or lodgement of a customer service request – is not a request for advice under section 170A of the Act and these guidelines do not apply to that request.

Councillors are encouraged to raise routine operational matters through the customer request system or front reception.

### **Mayor and Chairpersons**

Section 170A (6) of the Act provides that these reasonable request guidelines do not apply to the mayor, or the chairperson of a committee who makes a request for advice about his or her role as chairperson. To facilitate efficient provision of service by council staff members the mayor and chairpersons are encouraged to comply with these guidelines.

### **Staff Member Attendance at Meetings**

Any Councillor may request the chief executive officer or relevant director to arrange for a council staff member to attend a meeting with a member of the public. Such a request is not a request for advice under section 170A of the Act.

### **Interaction between Councillors and Staff Members**

Interaction between Councillors and council staff members must, at all times, be carried out in a professional and courteous manner.

### **Acceptable Timeframes**

Acceptable requests made in accordance with this guideline shall be responded to within 10 business days of the request or if this is not practicable, then within 20 business days after receiving the request. Where further investigation, research or consideration is required to provide an accurate response to a request, the CEO must make contact with the Councillor to advise an expected timeframe for a response.

Where a response may take a considerable time, it is expected that regular updates be provided to the Councillor/s.

### **Councillor Obligations**

Councillors including the mayor are reminded of their obligations under section 170 of the Act which states:

- 1) *The mayor may give a direction to the chief executive officer.*
- 2) *However, a direction under subsection (1) must not be given if –*
  - a) *it is inconsistent with a resolution, or a document adopted by resolution, of the local government;*  
*or*
  - b) *it relates to the appointment of a local government employee under section 196(3); or*
  - c) *it relates to disciplinary action by the chief executive officer in relation to a local government employee under section 197 or a councillor advisor; or*
  - d) *it would result in the chief executive officer contravening a provision of an Act.*
- 3) *No councillor, including the mayor, may give a direction to any other local government employee except in accordance with guidelines made under section 170AA about the provision of administrative support to councillors. (These guidelines).*

### **Chief Executive Officer Obligations**

In accordance with requirements of the *Local Government Act 2009*:

*The chief executive officer must-*

- a) *Keep a record of each direction given to the chief executive officer; and*
- b) *Make available to the local government each direction mentioned in paragraph (a)*

Councillors must ensure that when making a request for advice that the manner and wording of their request is not capable of being construed as an unlawful direction to the staff member.

*Note - Contravention of subsection (3) is misconduct that could result in disciplinary action being taken against a Councillor. See sections 150L(1)(c)(iv), 150AQ and 150 AR.*

### **Legislation**

*Information Privacy Act 2009*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Public Interest Disclosure Act 2010*


### **Definitions and Abbreviations**

<b>Advice</b>	relates to the transfer of knowledge or an opinion held by a Council officer but does not include provision of documents or access to documents in Council's possession.
<b>Information</b>	includes documents or records held by Council in printed or electronic form.
<b>Personal information</b>	has the meaning defined in the <i>Information Privacy Act 2009</i> .
<b>Public Interest Disclosure</b>	has the meaning as defined in the <i>Public Interest Disclosure Act 2009</i> .
<b>Staff member</b>	includes all local government employees, contractors, volunteers and all others who perform work on behalf of Council

## SCHEDULE 1 – AREA OF RESPONSIBILITY AND CONTACTS

Councillors may contact only the following officers in relation to the below areas of responsibility:

AREA OF RESPONSIBILITY		CONTACT DETAILS	
Organisation	<ul style="list-style-type: none"><li>• Executive Services</li><li>• Workplace Health and Safety</li><li>• Human Resources</li><li>• Governance</li><li>• Economic Development</li><li>• Environmental Health</li><li>• Planning/Building Approval</li></ul>	Chief Executive Officer	Office: 4655 8437 Mobile: 0428 818 462
Operations	<ul style="list-style-type: none"><li>• Infrastructure</li><li>• Road Construction and Maintenance</li><li>• Fleet</li><li>• Parks and Gardens</li><li>• Town Services</li><li>• Stores</li><li>• Airport</li><li>• Refuse Collection and Disposal</li></ul>	Director of Infrastructure	Office: 4655 8404 Mobile: 0417 173 096
Corporate	<ul style="list-style-type: none"><li>• Tourism</li><li>• Community and Liveability</li><li>• Library</li><li>• Local Laws</li><li>• Rural Lands (Stock Routes)</li></ul>	Director of Community Support & Engagement	Office: 4655 8412 Mobile: 0439 642 068
Finance	<ul style="list-style-type: none"><li>• Accounting Services</li><li>• Accounts Payable</li><li>• Accounts Receivable</li><li>• Procurement</li><li>• Grants and Subsidies</li><li>• Assets</li></ul>	Director of Corporate, Governance & Risk	Office: 4655 8435 Mobile: 0403 244 399

<b>Endorsed</b>		<b>18/06/2024</b>
<b>Name:</b>	Neil Polglase	
<b>Title:</b>	Interim Chief Executive Officer, Paroo Shire Council	
<b>Signature:</b>		

#### Version Control

Date	Version	Meeting Resolution	Amendments / Comments
20/07/2021	3.0	RES.M21/102	Review
18/06/2024	4.0	RES M24/108	Review