

Logan City Council

Staff Interaction Procedure and Acceptable Request Guidelines

Logan City Council

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1 Procedure Objective

This Procedure establishes the ways in which Councillors, Councillor Advisors and Council employees are expected to interact. This Procedure also incorporates the acceptable requests guidelines that are required to be adopted by Council in accordance with section 170A(7) of the *Local Government Act 2009* (the Act). The acceptable requests guidelines determine the way in which Councillors and Councillor Advisors may ask Council employees for advice or information to help a Councillor carry out their responsibilities under the Act.

Good working relationships between Councillors, Councillor Advisors and Council employees is fundamental to an effective Council. These relationships are often subject to community and media scrutiny and it is therefore vitally important that the relationship is transparent and supportive. Should significant differences in opinion arise then this needs to be resolved in a timely manner and not in the public eye otherwise the organisation may become dysfunctional and communities lose confidence in the Council.

It is necessary for Councillors, Councillor Advisors and Council employees to interact so that informed decisions that deliver positive outcomes for the community are achieved. It is important we strike the right balance to ensure positive working relationships and flow of information between the administration and Councillors. This procedure seeks to establish protocols that guide interactions in a positive way to achieve the best outcomes for the City of Logan.

2 Acceptable Requests Guidelines

Section 170A of the Act provides for the way in which a Councillor may ask a Council employee for advice, or the Chief Executive Officer to provide information, in order to assist the Councillor to carry out his or her responsibilities under the Act.

These Guidelines are about:

- The way in which a Councillor may ask a Council employee for advice to help the Councillor carry out his or her responsibilities under the Act; and
- The way in which a Councillor may ask the Chief Executive Officer for information relating to the local government; and
- The reasonable limits on requests that a Councillor may make.

Section 170A(6) of the Act provides that a request by the Mayor or a chairperson of a committee of Council (if the request relates to the role of the chairperson) still has effect if the request is made other than under the Acceptable Request Guidelines.

Otherwise, a request by a Councillor for advice or information is of no effect if the request does not comply with the Acceptable Request Guidelines.

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

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

2.1 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 of the obligations set out in Chapter 6, Division 5 of the Act;

- not direct, or attempt to direct any Council employee to do anything (except for the Mayor, who is entitled to direct only the Chief Executive Officer in accordance with sections 170 and 12(4) of the Act);
- not behave towards Council employees in an overbearing or threatening manner;
- not coerce or entice, or attempt to coerce or entice any Council employee to do anything that does not comply with these Guidelines;
- not unduly disrupt a Council employee in the undertaking of that Council employee's routine employment obligations;
- not place, or attempt to place any Council employee in a position that would create a conflict of interest for that Council employee, or that would compromise the integrity and honest performance of that Council employee; and
- comply with all laws that apply to the local government, as well as Council policies, procedures and guidelines;
- 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*);
- during the caretaker period not request information or advice that involves or relates to major policy decisions of Council or which will result in or be likely to result in any inappropriate political gain or advantage for the Councillor (as per sections 90A – 90D of the Act);
- act in good faith;
- be respectful, reasonable and professional.

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

Councillors may request advice or information with assistance from a Councillor Advisor or Administrative Support staff. However, when doing so, the Councillor Advisor or Administrative Support staff must comply with these Guidelines as if it was the Councillor making the request directly.

Section 197A(5) of the Act provides that a Councillor Advisor cannot direct a local government employee.

The Mayor and Councillors may request assistance from the Mayoral or Councillor Administrative Support Team in accordance with the Councillor Expenses and Entitlements Policy and Procedure.

2.2 Distinction between 'advice' and 'information'

'Advice' means the provision of knowledge or opinion by a Council employee to assist a Councillor to carry out their duties under the Act. For example, a Councillor may ask a Council employee to advise the Councillor on the status, and process to be followed for consideration, of an application made by a ratepayer to council.

'Information' means information relating to Council that the local government has access to. It includes records and documents (in printed and electronic form) that Council possesses or can access. For example, a Councillor may ask the Chief Executive Officer (but not other Council employees) for a copy of an application that was submitted by a ratepayer to council.

2.3 How a Councillor may ask for advice or information

A Councillor may ask for advice to assist in carrying out their responsibilities under the Act from:

- a) The Chief Executive Officer
- b) Director
- c) Manager

- d) Program Leader
- e) Senior Legal Advisor
- f) Corporate Meetings Coordinator
- g) Corporate Meetings Officers (in relation to citizenship ceremonies only)
- h) Development Assessment Coordinators and Principals
- i) Sport and Recreation Services Coordinator
- j) Sport and Recreation Leasing Coordinator
- k) Sport and Recreation Planning Coordinator
- l) Maintenance and Renewals Coordinator
- m) Capital Delivery Coordinator
- n) Divisional Sport and Recreation Officer
- o) Parks Coordinators
- p) Traffic Engineer
- q) Principal Traffic Engineer
- r) Traffic Services Coordinator
- s) Process Liaison Officer, Road Infrastructure Planning
- t) Principal Engineer Road Asset Management
- u) Infrastructure Asset Management Coordinator
- v) Media Advisors
- w) Events Officers
- x) Brand Coordinator
- y) Digital Marketing Coordinator
- z) Marketing Coordinator
- aa) Marketing Projects Lead
- bb) Strategic Communications and Stakeholder Lead (Marketing)
- cc) Content Coordinator (Marketing)
- dd) Risk Management and Insurance Coordinator
- ee) Place Management Team Leader
- ff) Economic Development Team Leader
- gg) Team Leader Strategic Land Use Planning
- hh) Team Leader Infrastructure Coordination and Strategy
- ii) Logan Plan 2025 Coordinator
- jj) Community Grants Coordinator
- kk) Community Development Coordinator
- ll) Community Programming Coordinator
- mm) Corporate Customer Experience Coordinator

by lodging the request either:

- a) by email
- b) via telephone, or
- c) in person.

Should the request be complex, the officers listed above may require that the request be in writing.

A Councillor may ask for information to assist in carrying out their responsibilities under the Act from:

- a) The Chief Executive Officer
- b) Director
- c) Manager

by lodging the request either:

- a) by email
- b) via telephone, or
- c) in person

The Chief Executive Officer, Director or Manager may require that the request be in writing.

The request will be acknowledged within 1 business day and a response will be provided within 10 business days, except where the request is of a complex nature or requires substantial research. Requests of a complex nature will be responded to within 20 business days.

In the case of a genuine emergency, contact should be made by telephone with the Chief Executive Officer, Director or Manager of the relevant area of responsibility.

Where advice or information is required as a matter of urgency to enable the Mayor or Councillor to respond to or understand an issue presented, the request will be responded to within 5 business days.

2.4 Reasonable limits on requests for advice or information

A Councillor may not ask for information:

- that is capricious or which will place an unreasonable burden on Council's resources;
- that is a record of the conduct tribunal;
- if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal;
- that would be privileged from production in a legal proceeding on the grounds of legal professional privilege;
- that would disclose personal information, including employees' bank accounts details, child support deductions or tax file number;
- 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*;
- that is about matters relating to the conduct of any councillor pursuant to Part 3, Chapter 5A of the Act;
- that is a record in relation to an employee's recruitment and performance with the exception of the recruitment and performance of the Chief Executive Officer.

2.5 Provision of documents 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.

Councillors are to be aware of their responsibilities under the Act regarding the sharing or further distribution of this advice or information. The right of Councillors to have access to information is for the purpose of exercising the roles and responsibilities of a Councillor. It does not carry with it the right to disclose any information obtained by a Councillor to another person, unless the information is already in the public domain.

While not every document will be considered 'Confidential', Councillors should be aware that information provided may contain confidential material and must be handled appropriately to ensure that Council maintains its reputation and good standing within the community. Providing details of discussions held with Council employees regarding Council projects, internal policy considerations or technical opinion with third parties would be considered a breach of this Procedure.

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 with information made available to a Councillor as an elected representative that is not already within the public domain.

Councillors must ensure that hardcopy documents provided by Council are securely destroyed when the documents are no longer required.

2.6 'View only' access to documents

The Chief Executive Officer may determine that 'view only' access to information should be provided to a Councillor when:

- A document is of historical significance and could be damaged if copied or scanned;
- If copying or scanning a document would unreasonably divert the resources of the relevant Council business area from its other operations;
- If an Act or agreement signed by Council states that the document is not to be copied or reproduced;
- The contents of the document are considered by the Chief Executive Officer to be of such a confidential nature, that a risk could arise in the provision of the document in hardcopy or electronic format.

Where this occurs, the Chief Executive Officer will determine a suitable time and place for the Councillor to be provided with 'view only' access. The Chief Executive Officer may require the Councillor to sign a register recording that the Councillor viewed the information on a certain date and at a certain time.

2.7 Refusal to provide advice or information

Should a request for advice or information be raised that:

- is considered to be outside of the scope of a Councillor's official duties; or
- will take a significant amount of resources to satisfy or cause an undue impact on employees' 'business as usual' responsibilities

the matter will be escalated to the Chief Executive Officer. The Chief Executive Officer is to make a decision as to whether it is considered that the fulfilment of the request is required to allow the Councillor to perform their duties.

If the Chief Executive Officer confirms that the advice or information requested is not deemed to be required for the Councillor to carry out their official duties, the Councillor has the opportunity to apply for access to the documents via Council's Right to Information process. The Right to Information application form is available on Council's website. The Councillor will be required to pay the processing fee as if he/she were a member of the public making an application. This fee is not eligible for Council reimbursement.

2.8 Complaints

If a Councillor is not satisfied with a response to their request for advice or information, the Councillor should in the first instance raise the concern with the Chief Executive Officer or relevant Director.

Under no circumstances is it acceptable for a Councillor to directly contact a Council employee regarding a complaint about their request for advice or information.

3 Emergency and after hours service

Council's after-hours emergency service number is 3412 3412.

The after-hours emergency service is currently managed by Brisbane City Council (BCC). BCC has been providing this service since 2001. The after-hours emergency service operates:

- Monday to Friday - 5pm to 8am; and
- Saturday, Sunday and public holidays – 24 hours.

Councillors must use the after-hours emergency service process 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 as prescribed in the after-hours emergency procedure, but is of such urgency that to delay contact would bring harm to Council or damage the reputation of Council, Councillors may contact one of the Council employees listed below:

- Chief Executive Officer;
- Director;
- Manager.

4 Summary of process for handling Councillor requests

The table below summarises the process for the handling of Councillor requests:

TYPE OF REQUEST	FORM OF REQUEST	PROCESS
Advice (e.g. technical advice, current status of development application, request for allocation of capital budgets)	<ul style="list-style-type: none"> • Email • Telephone • In Person 	<ul style="list-style-type: none"> • Councillor Advisor or Mayoral/Councillor Administrative Support staff will submit the request to the relevant Director or Branch Manager or Program Leader. • Requests for advice may also be submitted to: <ul style="list-style-type: none"> ○ Corporate Governance Branch: Senior Legal Advisor, Corporate Meetings Coordinator and Corporate Meetings Officers (note: Corporate Meetings Officers can only provide advice in relation to citizenship ceremonies). ○ Development Assessment Branch: Development Assessment Coordinators and Principals. ○ Sport, Leisure and Facilities Branch: Maintenance and Renewals Coordinator, Capital Delivery Coordinator, Sport and Recreation Services Coordinator, Sport and Recreation Leasing Coordinator, Sport and Recreation Planning Coordinator or Divisional Sport and Recreation Officers. ○ Administration Branch: Risk Management and Insurance Coordinator. ○ Parks Branch: Parks Coordinators. ○ Marketing and Events Branch: Brand Coordinator, Digital Marketing Coordinator, Marketing Coordinator, Events Officers, Marketing Projects Lead, Strategic Communications and Stakeholder Lead (Marketing) and Content Coordinator (Marketing).

TYPE OF REQUEST	FORM OF REQUEST	PROCESS
		<ul style="list-style-type: none"> ○ Road Infrastructure Planning Branch: Traffic Engineer, Principal Traffic Engineer, Traffic Services Coordinator, Principal Engineer Road Asset Management and Infrastructure Asset Management Coordinator and Process Liaison Officer. ○ Media Branch: Media Advisors. ○ Community Services Branch: Community Grants Coordinator, Community Development Coordinator and Community Programming Coordinator. ○ Customer Experience and Community Engagement Branch: Corporate Customer Experience Coordinator. ○ Economic Development and Strategy Branch: Place Management Team Leader, Economic Development Team Leader, Team Leader Strategic Land Use Planning, Team Leader Infrastructure Coordination and Strategy, and Logan Plan 2025 Coordinator. • Responses can be provided via email, by telephone or in person. • If a meeting is required, this may be arranged by the relevant Council employee with the assistance of the Councillor Advisor or Mayoral/Councillor Administrative Support staff. • Minutes of any meeting should be taken by a Mayoral/Councillor Administrative Support Staff or another Councillor Officer.
Information (Access to Council documents for a purpose related to your role as a Councillor)	<ul style="list-style-type: none"> • Email • Telephone • In person 	<ul style="list-style-type: none"> • Councillor Advisor or Mayoral/Councillor Administrative Support staff will submit the request to the Chief Executive Officer, Director or relevant Branch Manager. • Information may be provided electronically or viewed.
Access to documents for a private purpose	<ul style="list-style-type: none"> • Right to Information application – available on Council’s website 	<ul style="list-style-type: none"> • Application will be dealt with under the Right to Information process.

TYPE OF REQUEST	FORM OF REQUEST	PROCESS
Briefing session	<ul style="list-style-type: none"> • Email • Telephone • In person 	<ul style="list-style-type: none"> • Organised as required by the relevant Director, Branch Manager or Program Leader. • Meeting to be held in one of the dedicated Councillor meeting rooms • A Council Officer or Mayoral/Councillor Administrative Support staff will attend and minute the meeting and save minutes in Council's records management system.
Request for administrative support (e.g. stationery, office supplies, stenographic or clerical service)	<ul style="list-style-type: none"> • Email • Telephone 	<ul style="list-style-type: none"> • Provided in accordance with Council's Councillor Expenses and Entitlements Policy.

5 Councillors' interaction with Council employees

Local Government has two (2) distinct areas of expertise:

- The operational arm headed by Chief Executive Officer and encompassing the employees of Logan City Council;
- The strategic arm headed by the Mayor and encompassing all Councillors.

The Mayor and Councillors, as the strategic arm, set the long term direction of the City and the means for achieving the required outcomes. The Chief Executive Officer and staff provide expert support to the Mayor and Councillors in this role.

The Chief Executive Officer is responsible for the management of the operational requirements of Council in the provision of services to the community and the implementation of Council's objectives with the support of all Council employees.

In achieving this, Councillors and Council employees are equally responsible to act courteously and respectfully towards each other and in a manner consistent with the relevant codes of conduct.

5.1 General interaction with Council employees

Councillors may interact with the Chief Executive Officer, Directors, Branch Managers and Program Leaders to discuss specific projects or services that they are directly responsible for. A request for an appointment, including specific details on the matters to be discussed, may be coordinated by a Councillor Advisor or Mayoral/Councillor Administrative Support staff and minutes will be taken of the meeting by Administrative Support staff or a Council officer.

A Director may determine that a specific subject matter expert is better placed to provide the information or commentary to the Councillor. In these circumstances, the Council employee will initiate the contact with the Councillor with the assistance of the Councillor Advisor or Mayoral/Councillor Administrative Support staff as required. Where this occurs, meeting attendees will be:

- The subject matter expert;
- The relevant manager or Program Leader;
- The Councillor/s making the enquiry; and
- Minute taker.

For the Development Assessment Branch, meeting attendees will be:

- The subject matter expert;
- The Manager, Program Leader or Development Assessment Branch Coordinators and Principals;
- The Councillor/s making the enquiry; and
- Minute taker.

For Divisional Local Traffic Improvement matters (Road Infrastructure Planning Branch), scheduled meeting attendees will be:

- The subject matter expert;
- The Manager, Program Leader, Principal Traffic Engineer or responsible Traffic Engineer; and
- The Councillor/s representing the Division/s in which the matters relate.
- Minute taker.

For the Parks Branch, meeting attendees will be:

- The subject matter expert;
- The Manager, Program Leader or Parks Coordinator;
- The Councillor/s making the enquiry; and
- Minute taker.

The protocol for general interaction between Councillors and Council employees during a meeting of council is outlined in the Council's Local Government and Committee Meetings Code.

5.2 Briefing sessions

Councillors, as the strategic arm of Council, will require specific briefing sessions regarding significant events, projects or other matters as they arise to ensure that they have an appropriate level of background knowledge to participate in informed discussion at Committee or Council meetings.

An annual program of briefing sessions will be scheduled for a range of topics as required. These briefings will be coordinated by the Corporate Governance Branch.

The purpose of a briefing session is to inform Councillors only, not to provide a closed forum for debate on the matter or provide an opportunity for Councillors to influence the recommendations of the Committee report outside of the Committee process.

To ensure adherence to the legislated requirements, minutes from the briefing session along with associated background material or information packs and any outcomes are to be published and made available to all Councillors.

5.3 Non Council-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 of this Procedure 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 Council 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 follows:

- Councillor reporting repetitive/inappropriate interactions to the Chief Executive Officer. The Councillor is to provide a brief written outline of the discussion/interaction;
- Council employee reporting repetitive/inappropriate interactions to their Director. The Council employee is to provide a brief written outline of the discussion/interaction.
- Should a third party become aware of repetitive communication between a Councillor and Council employee in contravention of this Procedure, this should be reported to the Chief Executive Officer.

6 Councillor Advisors

6.1 Councillor Advisors' interaction with the community

Councillor Advisors may attend meetings with community members in the absence of the Mayor or a Councillor to receive information. Councillor Advisors must provide any information received to the Mayor or a Councillor within a reasonable time of the meeting.

However, Councillor Advisors must not:

- Purport to speak on behalf of the Mayor or a Councillor, without the express permission of the Mayor or the Councillor to which they are appointed
- Purport to have decision making authority on behalf of either Council, the Mayor or a Councillor
- Make public statements on behalf of either Council, the Mayor or a Councillor.

6.2 Councillor Advisors' interaction with Council employees

A Councillor Advisor to the Mayor may request the Mayoral Administrative Team to undertake those administrative tasks outlined in the Councillor Expenses and Entitlements Policy and Procedure.

A Councillor Advisor to a Councillor may request the Team Leader of the Councillor Administrative Support Team to undertake those administrative tasks outlined in the Councillor Expenses and Entitlements Policy and Procedure.

However, Councillor Advisors must not direct Council employees.

Councillor Advisors may request advice and information on behalf of the Mayor or a Councillor in accordance with Section 2 of this Procedure, except for requests for advice from the Senior Legal Advisor which can only be made by Councillors.

7 Suspected breaches of Policy or Procedure

Any suspected breach of the Staff Interaction Policy or this Procedure is to be communicated immediately, in writing, as follows:

- Any suspected breach by a Council employee may constitute a breach of the Code of Conduct is and is reported to the People & Culture Manager for investigation and action as appropriate.
- Any suspected breach of this policy by a Councillor may constitute a breach of the Councillor Code of Conduct and will be referred to the Office of the Independent Assessor for investigation and action as appropriate.

8 Definitions

Definitions for terms used within the Procedure can be found in the Staff Interaction Policy (DM: 13315443).