

Acceptable Request Guidelines

Policy Details

Directorate:	Organisational Services
Branch:	Corporate Governance
Responsible Manager:	Corporate Governance Manager
Date adopted:	21 September 2022
Date for review:	4 years from the date of adoption or date of last review
Legislative basis:	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
Related Documents - forms and procedures	Code of Conduct for Councillors in Queensland

1. Policy Purpose

Logan City Council is committed to ensuring that its elected representatives have appropriate access to relevant advice or information they require to fulfil their roles and to facilitate informed decision making.

The purpose of this Guideline is to establish 'acceptable request guidelines' (Guidelines) as required by section 170A of the *Local Government Act 2009* (the Act) to establish:

- (a) the way in which Councillors may ask Council employees for advice, to help a Councillor carry out their responsibilities under the Act;
- (b) the way in which a Councillor may ask the Chief Executive Officer to provide information, that the local government has access to, relating to the local government; and
- (c) the reasonable limits on requests that a Councillor may make.

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*.

A request by a Councillor for advice or information has no effect if the request does not comply with these Guidelines. However, a request does not need to comply with the Guidelines if it is made by:

- (a) the Mayor; or
- (b) the chairperson of a committee of a local government, if the request relates to their role of the chairperson.

2. Scope

This Guideline applies to all Councillors, Councillor Advisors, employees and contractors working for Council regardless of whether they are permanent, temporary, full time, part time

or casual. For the purposes of this guideline, the term contractor includes on-hired temporary or labour services (agency staff) and sub-contractors.

3. Policy Statement

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.

4. Requests

Subject to the reasonable limits outlined in clause 5 and the exceptions outlined in clause 6, Councillors may ask for advice or information to help them carry out their responsibilities under the *Local Government Act 2009* as follows:

Nature of Request	Who requested can be made to	How request is made*
<p>Advice</p> <p>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 of Council.</p>	<ul style="list-style-type: none"> (a) The Chief Executive Officer (b) Director (c) City Solicitor (d) Manager (e) Program Leader (f) Any other local government employee authorised in writing by the Chief Executive Officer from time to time, to provide advice in accordance with these Guidelines. 	<ul style="list-style-type: none"> (a) Email (b) Telephone (c) In person
<p>Information</p> <p>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 for a copy of an application that was submitted by a ratepayer to Council.</p>	<ul style="list-style-type: none"> (a) The Chief Executive Officer (b) Any other local government employee authorised in writing by the Chief Executive Officer from time to time, to provide information in accordance with these Guidelines. 	<ul style="list-style-type: none"> (a) Email (b) Telephone (c) In person
<p>Genuine emergency</p>	<ul style="list-style-type: none"> (a) The Chief Executive Officer. (b) Director (c) Manager 	<ul style="list-style-type: none"> (a) Telephone. (b) 3412 3412 - for afterhours emergencies. <p>The after-hours emergency service operates:</p>

Nature of Request	Who requested can be made to	How request is made*
		<ul style="list-style-type: none"> • Monday to Friday - 5pm to 8am; and • Saturday, Sunday and public holidays – 24 hours.

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

All requests for advice and information are required to be:

- (a) submitted to the appropriate employee;
- (b) acknowledged – within 1 business day (unless unable to do so e.g. an employee is on leave); and
- (c) within 10 business days (except where the request is of a complex nature or requires substantial research):
 - accepted;
 - referred; or
 - declined.

5. Reasonable limits

When asking for advice or information Councillors must:

- (a) act in accordance with the local government principles prescribed in section 4(2) of the Act;
- (b) act in accordance with the Code of Conduct for Councillors in Queensland;
- (c) not breach section 171 of the Act (Use of Information by Councillors);
- (d) 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);
- (e) not behave towards Council employees in a threatening manner, attempt to coerce or entice any Council employee to do anything that does not comply with these Guidelines;
- (f) 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;
- (g) comply with Council policies, procedures and guidelines; and
- (h) act in good faith and be respectful, reasonable and professional.

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.

6. Exceptions

A Councillor may not ask for advice or information that:

- (a) will place an unreasonable burden on Council's resources;
- (b) is a record of the Councillor Conduct Tribunal;
- (c) would be contrary to an order of a court or tribunal;
- (d) would be privileged from production in a legal proceeding on the grounds of legal professional privilege;
- (e) would disclose personal information, including employees' bank accounts details, child support deductions or tax file number;
- (f) is confidential information under the *Crime and Corruption Act 2001*;
- (g) is about matters relating to the conduct of any councillor pursuant to Part 3, Chapter 5A of the Act;
- (h) 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;
- (i) is considered to be outside the scope of a Councillors official duties.

These matters may be escalated to the Chief Executive Officer to make a decision as to whether it is appropriate for a Councillor to access the documents via Council's Right to Information process. The Councillor will be required to pay the processing fee as if they were a member of the public making an application. This fee is not eligible for Council reimbursement.

7. Access to documents

In line with Council's commitment to the environment and a reduction in paper usage, access to electronic copies of documents will be provided.

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

- (a) a document is of historical significance and could be damaged if copied or scanned;
- (b) if copying or scanning a document would unreasonably divert the resources of the relevant Council business area from its other operations;
- (c) if an Act or agreement signed by Council states that the document is not to be copied or reproduced;
- (d) 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 and may require the Councillor to sign a register recording when the information was viewed.

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.

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

8. Non-Council related interactions

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 to the Chief Executive Officer.

9. Breach

Any suspected breach of this Guideline is to be communicated immediately, in writing, as follows:

- (a) Any suspected breach by a Council employee may constitute a breach of the Code of Conduct and is reported to the People & Culture Manager for investigation and action as appropriate.
- (b) 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.

Document Control

File:	1163852-1	Document Id:	13315443
--------------	-----------	---------------------	----------

Amendment History

Version Number	Description of Change	Author / Branch	Date
1.0	Creation	Corporate Governance	4 December 2019
2.0	Amended	Corporate Governance	23 March 2022
3.0	2022 Review	Corporate Governance	21 September 2022