

1. Policy intent

These Guidelines set out the requirements under the *Local Government Act 2009* (LGA) that must be followed by councillors when seeking advice or information from an employee.¹

These Guidelines do not prevent normal social interactions between employees and councillors. Nor do the Guidelines prevent interactions between employees in their private capacity as residents or ratepayers and councillors acting in their representative roles.

The Guidelines do not permit employees to raise or discuss work-related matters with councillors as such matters are administrative responsibilities under the jurisdiction of the Chief Executive Officer pursuant to the LGA.

2. Scope

This policy applies to all councillors and employees.

3. Background/supporting information

The Mayor and councillors may require advice and information from employees of Council to enable them to make decisions and effectively carry out their responsibilities under the LGA.

The LGA requires that Council must adopt by resolution Acceptable Requests Guidelines.²

These Guidelines provide clear information to the Mayor, councillors and employees about the way in which a councillor may:

- a) ask a Council employee to provide advice to assist the councillor to carry out his or her responsibilities under the Act;³ and
- b) ask the CEO, subject to any limits prescribed under a regulation, to provide “information” that Council has access to, relating to the local government.⁴

Example of a limit prescribed under a regulation -

A regulation may prescribe the maximum cost to a local government of providing information to a councillor.

4. Guidelines

Requests by councillors for information or advice should be directed to the employees set out in Appendix 1 to these Guidelines, subject to any limitations in column 3 of the Appendix.⁵

Contravention of these Guidelines is misconduct under the LGA⁶

Councillors should use their judgement in directing their request to the appropriate person. It is expected that employees will also use their judgement to advise councillors if it would be more appropriate for the councillor's request to be dealt with by another employee, including a more senior staff member.

As a general rule, the more complex the issue or where the councillor request involves policy issues, then a councillor should direct their request to the CEO or a General Manager.

¹ s170A LGA

² s170A (7) LGA

³ s170A (1) LGA

⁴ s170A (2) LGA

⁵ While Council must adopt this guideline by resolution, the CEO may amend Appendix 1 as required to ensure it remains current and accurate.

⁶ s150L (1) (c) (ii) LGA

Where a person is engaged on a short term basis and is not included in Appendix 1, general permission to seek information or advice from the person may be given by the relevant General Manager or CEO.

Statutory timeframes apply to formal requests for information made to the CEO with responses required:

- within 10 business days after receiving the request; or
- if the CEO deems this impractical, within 20 business days after receiving the request.⁷

Note that where a 10 day initial response period is believed by the CEO to be impractical, notice must be provided to the councillor advising of the CEO's belief and the reasons for the belief.⁸

Any councillor who is unsure about how and when they may approach staff should seek advice from the CEO or a General Manager. Similarly, any staff who are unsure about the appropriateness of a request from a councillor should seek advice from their supervisor. Any conflicts arising between councillors and staff resulting from their interactions are to be brought to the attention of the CEO or a General Manager by the relevant supervisor, or by the councillor involved in the interactions.

4.1 Limits on requests to the CEO for information

Requests by councillors to the CEO for information relating to Council are limited by the LGA as follows:

- a) any limit prescribed under a Regulation;⁹ and
- b) information:
 - i. that is a record of the regional conduct review panel or tribunal; or
 - ii. if disclosure of the information to the councillor would be contrary to an order of a Court or tribunal; or
 - iii. that would be privileged from production in a legal proceeding on the ground of legal professional privilege.¹⁰

5. Definitions

For the purpose of these Guidelines, the following definitions apply:

LGA means the *Local Government Act 2009*.

advice means an opinion or recommendation offered as a guide to action, conduct etc.

CEO means the Chief Executive Officer.

ELT means Executive Leadership Team.

decision means a conclusion or resolution reached after consideration.

⁷ s170A (9) LGA

⁸ s170A (10) LGA

⁹ s170A (2) LGA Additional caveats at s170A (4)

¹⁰ s170A (4) LGA.

formal request means a request for information made under s170A (2) of the LGA.

information includes letters, reports/documents, facsimiles, attachments, tapes, emails, electronic media, and/or other forms of information including recordings of discussions during meetings.

informal request means a request for information made generally which is not a formal request under s170A (2) of the LGA.

WH&S means work health and safety.

NRM means natural resource management.

6. Related documents and references

Right to Information Act 2009 (Qld)

Local Government Act 2009 (Qld)

Code of Conduct for Councillors (TRC)

Employee Code of Conduct (TRC)

7. Review

Council is responsible for adopting and amending the Guidelines by resolution. The CEO is responsible for maintaining the currency and accuracy of Appendix 1. It is the responsibility of the CEO to monitor the adequacy of these Guidelines.

This policy will be formally reviewed every three years or as required by Council.

This Policy is to remain in force until otherwise amended/repealed by resolution of Council.

Bob Owen
CHIEF EXECUTIVE OFFICER

ACCEPTABLE REQUESTS GUIDELINES

APPENDIX 1

Column 1	Column 2	Column 3
Officer	Position	What Councillors can ask officer Information (formal and / or informal requests) and advice¹
Bob Owen	Chief Executive Officer	Formal and informal information requests and advice regarding all matters.
Community and Corporate Services		
Hilary Jackson	General Manager Community and Corporate Services	Formal and informal information requests and advice regarding Organisational Services and ELT
Nicole van Beuningen	Coordinator Communications and Engagement	Informal information requests and advice regarding advocacy, strategic planning and reporting
Tamara Vallance	Strategic Communications Advisor	Informal information requests and advice regarding communication, media and statements
Calum Kippin	Economic Development Officer	Informal information requests and advice regarding working with local businesses and local economic development
Lezel Snyman	Strategic Project Funding Officer	Informal information requests and advice regarding strategic projects and grant funding
Kelly Edwards	Manager People and Culture	Informal information requests and advice regarding industrial relations, workforce and culture, including advice on councillor remuneration.
Peter Ostenburg	Senior Advisor WH&S	Informal information requests and advice regarding WH&S
Erica Bowden	Manager Finance	Informal information requests and advice regarding finance management and rates

¹ Formal Requests for information are made under s170A (2) of the LGA and statutory timelines apply to the provision of such information.

Informal Requests are made generally and are not subject to timelines.

Requests for advice are made pursuant to s170A (1) of the LGA which may require an employee to provide advice to assist a Councillor to carry out his or her responsibilities under the LGA.

Phil Turner	Coordinator Legal and Governance	Informal information requests and advice regarding risk, legal matters, governance, property tenure and complaints
Sarah Dean	Senior Advisor Emergency Management	Informal information requests and advice regarding emergency management including business continuity
Amanda Henderson	Manager Systems and Information	Informal information requests and advice regarding systems, records and information
Rae Kiro	Coordinator Customer Relations	Informal information requests regarding customer relations
Vacant	Coordinator Libraries	Informal information requests regarding libraries
Shellina McKellar	Supervisor Local Laws	Informal information requests and advice regarding local laws
Gwyneth Nevard	Coordinator Tourism, Culture and Events	Informal information requests and advice regarding tourism, culture and events
Debora Gillespie	Supervisor Community Development	Informal information requests regarding community development
Shiralee McHardie	Manager Community Services	Informal information requests and advice regarding community and customer services
Infrastructure and Planning Services		
Mark Vis	General Manager Infrastructure and Planning Services	Formal and informal information requests and advice regarding Infrastructure Services and ELT
Jon Turner	Manager Water and Waste	Informal information requests and advice regarding water and waste
Graham Stanford	Coordinator Water and Sewerage	Informal information requests regarding water and sewerage
Vacant	Coordinator Waste Services	Informal information requests regarding waste services
Peter Harrison	Coordinator Treatment Plants	Informal information requests regarding treatment plants
Aleisha Myles	Senior Operations Advisor	Informal information requests and advice regarding water and wastewater
Natasha Glaskin	Senior Advisor Compliance	Informal information requests and advice regarding compliance in relation water and wastewater

Andrew Tinus	Coordinator Construction and Contracts	Informal information requests and advice regarding road construction and construction contracts
Shane Savich	Coordinator Maintenance	Informal information requests and advice regarding road maintenance
Vacant	Project Engineer Civil	Informal information requests and advice regarding roads and stormwater
Jeff Blackie	Manager Roads and Projects	Informal information requests and advice regarding roads and projects
Chris Mitchell	Manager Strategic Assets	Informal information requests and advice regarding strategic assets
Mitch Waters	Senior Advisor Facilities	Informal information requests regarding facilities
Sarah Shorey	Supervisor Fleet and Workshops	Informal information requests regarding fleet and workshops
Jacobus Grundling	Coordinator Parks and Gardens	Informal information requests and advice regarding parks and gardens
John Breen	Development Engineer	Informal information requests and advice regarding development engineering
Tudor Tanase	Manager Planning and Regulatory Services	Informal information requests and advice regarding planning and regulatory services
Paul Want	Coordinator Planning	Informal information requests and advice regarding planning
Scott Morrison	Coordinator Natural Resource Management and Biosecurity	Informal information requests and advice regarding NRM and biosecurity
Paul LeGear	Environmental Health Officer	Informal information requests and advice regarding environmental health