

## Intent

Tablelands Regional Council (TRC) is committed to ensuring that its elected representatives have appropriate access to relevant advice or information they require to perform their roles and to facilitate informed decision-making.

The purpose of this policy is to establish “acceptable requests guidelines” as required by section 170A of the *Local Government Act 2009* (LGA) to establish the:

- Way in which Councillors may ask TRC employees for advice, to help a Councillor carry out their responsibilities under the LGA
- Way in which a Councillor may ask the Chief Executive Officer (CEO) to provide information, that the local government has access to, relating to the local government and
- Reasonable limits on requests that a Councillor may make.

A request by a Councillor for advice or information has no effect if the request does not comply with this policy.

## Scope

This policy applies to all Councillors, TRC employees and contractors.

## Policy Statement

### 1. Principles

It is necessary for Councillors and TRC employees to interact so that informed decisions that deliver positive outcomes for the community are achieved.

Councillors, including the Mayor, may ask for advice or information from TRC employees to enable them to make decisions and effectively carry out their responsibilities under the LGA.

This policy provides clear information to the Mayor, Councillors and TRC employees about the way in which a Councillor may ask:

- a TRC employee to provide advice to assist the Councillor to carry out his or her responsibilities under the LGA and
- the CEO, subject to any limits prescribed under a regulation, to provide information that Council has access to, relating to the local government.

*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.*

### 2. Making Requests

Requests by Councillors for information or advice should be directed to the TRC employees set out in Appendix 1 to this policy and only if the advice or information relates to the role and function of the TRC business unit to which that officer is attached or is within that officer’s area of expertise.

Councillors should use their judgement in directing their request to the appropriate person. It is expected that TRC 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.

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.

All requests for advice and information are required to be:

- Submitted to the appropriate employee
- Acknowledged within 2 business days (unless unable to do so e.g. an employee is on leave) and
- Within 5 business days (or within 10 business days where the request is of a complex nature or requires substantial research and it is not reasonably practicable to reply sooner):
  - Accepted
  - Referred or
  - Declined.

Where a 10 business 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.

Notwithstanding the statutory timeframes prescribed in the LGA, TRC officers will provide a response to the request as soon as reasonably practicable.

Any Councillor who is unsure about how and when they may approach TRC 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.

When asking for advice or information, Councillors must:

- Act in accordance with the local government principles prescribed in section 4(2) of the LGA
- Act in accordance with the Code of Conduct for Councillors in Queensland
- Not breach section 171 of the LGA (Use of Information by Councillors)
- Not direct, or attempt to direct any TRC employee to do anything (except for the Mayor, who is entitled to direct only the CEO in accordance with sections 170 and 12(4) of the LGA)
- Not behave towards TRC employees in a threatening manner, attempt to coerce or entice any TRC employee to do anything that does not comply with this policy
- Not place, or attempt to place any TRC employee in a position that would create a conflict of interest for that employee, or that would compromise the integrity and honest performance of that employee
- Not make a request (under this policy) for information which is able to be obtained from publicly available sources (including Council's website) or by other means
- Comply with Council policies, procedures and guidelines and
- 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 CEO or relevant General Manager.

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

### 3. Limits on requests

A Councillor may not ask for advice or information that:

- Will place an unreasonable burden on Council's resources
- Is a record of the Councillor Conduct Tribunal
- Would be contrary to an order of a court or tribunal
- Would be privileged from production in a legal proceeding on the grounds of legal professional privilege
- Would disclose Personal Information, including employees' bank account details, child support deductions or tax file number
- Is confidential information under the *Crime and Corruption Act 2001*
- Is about matters relating to the conduct of any Councillor pursuant to Part 3, Chapter 5A of the LGA or
- Is a record in relation to an employee's recruitment and performance, with the exception of the recruitment and performance of the CEO.

These matters may be escalated to the CEO to make a decision as to whether it is appropriate for a Councillor to access the documents.

### 4. Access to Documents

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

The CEO 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 TRC 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 CEO to be of such a confidential nature, that a risk could arise in the provision of the document in hard copy or electronic format.

Where this occurs, the CEO may 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 TRC maintains its reputation and good standing within the community.

Councillors must ensure that any hard copy documents provided by TRC are securely destroyed when the documents are no longer required.

### 5. Non-business related interactions between Councillors and TRC Employees

Councillors and TRC employees often live in the same community, interact as members of the community and form relationships outside of Council. The requirements of this policy do not in any way impact on the ability of Councillors and TRC employees, as community members (in their private capacity as residents or ratepayers), to interact in social or informal settings. However, social/personal 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 TRC employee to raise the matter through the appropriate Council channels.

## 6. Breach

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

- Any suspected breach by a TRC employee may constitute a breach of the Code of Conduct and is to be reported to the CEO, General Manager or Coordinator Legal and Governance for investigation and action as appropriate.
- Any suspected breach by a Councillor may constitute a breach of the Councillor Code of Conduct and is to be reported to the CEO for consideration of whether a referral to the Office of the Independent Assessor is required.

## Context

### Definitions

For the purpose of this policy, the following definitions apply:

**Advice** means the provision of knowledge, an opinion or recommendation offered as a guide to action e.g. by a TRC employee to assist a Councillor to carry out their duties under the LGA.

**CEO** means the Chief Executive Officer.

**Decision** means a conclusion or resolution reached after consideration.

**ELT** means Executive Leadership Team.

**Formal Request** means a request for information made under section 170A(2) of the LGA. Statutory timelines apply to the provision of such information.

**Informal Request** means a request for information made generally which is not a formal request under section 170A(2) of the LGA and is not subject to statutory timelines.

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

**LGA** means the *Local Government Act 2009*.

**Personal Information** has the meaning defined in the *Information Privacy Act 2009*.

### Alignment to Risk Register

This policy mitigates the following risks identified in the Corporate Risk Register:

- COR2 Fraud and Corruption
- COR4 Poor operational management
- COR5 Poor governance
- COR8 Legislative Non-Compliance
- COR9 Lack of capacity, skills or capabilities to meet emerging needs and impacts service delivery

### Relevant Legislation

- *Local Government Act 2009* (Qld)
- *Local Government Regulation 2012* (Qld)
- *Right to Information Act 2009* (Qld)
- *Crime and Corruption Act 2001* (Qld)
- *Information Privacy Act 2009* (Qld)
- *Public Interest Disclosure Act 2010* (Qld)
- *Public Sector Ethics Act 1994* (Qld)

## Related Documents

- Code of Conduct for Councillors in Queensland
- TRC Employee Code of Conduct
- Complaint Management Policy
- Councillor Expenses and Reimbursement Policy
- Public Interest Disclosure Procedure and Management Plan
- Standing Orders for Council Meetings

## Corporate Plan Links

This policy aligns with the following Corporate Plan 2021– 26 themes:

- Our organisation is progressive, efficient, transparent and collaborative.

## Human Rights Commitment

TRC has considered the human rights protected under the *Human Rights Act 2019* (Qld) when adopting and/or amending this policy. When applying this policy, TRC will act and make decisions in a way that is compatible with human rights.

# Responsibility

Council is responsible for the adoption, amendment and repeal of this policy and the Chief Executive Officer is responsible for the development and amendment of any associated procedures and guidelines relevant to the policy.

The CEO is responsible for maintaining the currency and accuracy of Appendix 1.

This policy is to remain in force until otherwise amended or repealed by resolution of Council.

Adopted By	Council	Responsible Officer	Chief Executive Officer
Adopted Date	26 September 2024	Review Date	22 August 2028
Version	2	This policy repeals any previous versions.	

## ACCEPTABLE REQUEST POLICY

### APPENDIX 1

#### Office of the CEO

Position	What Councillors can ask officer Information (formal and / or informal requests) and advice
Chief Executive Officer	Formal and informal information requests and advice regarding all matters
Executive Manager Economic Development	Informal information requests and advice regarding advocacy, working with local businesses, strategic economic development initiatives and investment attraction
Executive Manager Project Management	Informal information requests and advice regarding project management
Senior Advisor Emergency Management	Informal information requests and advice regarding emergency management including recovery and business continuity
Executive Manager Development Services	Informal information requests and advice regarding planning and building services
Senior Planner	Informal information requests regarding planning
Development Engineer	Informal information requests regarding development engineering

#### Community & Corporate Services

Position	What Councillors can ask officer Information (formal and / or informal requests) and advice
General Manager Community and Corporate Services	Formal and informal information requests and advice regarding Community & Corporate Services and ELT
Coordinator Communications and Engagement	Informal information requests and advice regarding engagement, customer services, strategic planning and reporting
Strategic Communications Advisor	Informal information requests and advice regarding communication, media and statements
Project Funding Officer	Informal information requests regarding strategic projects and grant funding
Supervisor Customer Relations	Informal information requests regarding customer relations
Manager People & Culture	Informal information requests and advice regarding recruitment, industrial relations, workforce and culture, including advice on Councillor remuneration

Position	What Councillors can ask officer Information (formal and / or informal requests) and advice
WHS Lead Business Partner	Informal information requests regarding WH&S
Manager Finance	Informal information requests and advice regarding finance management and rates
Coordinator Legal and Governance	Informal information requests and advice relating to legal matters, enterprise risk, governance, property tenure and complaints
Manager Systems and Information	Informal information requests and advice regarding systems, records and information
Manager Community Services	Informal information requests and advice regarding community
Coordinator Libraries	Informal information requests regarding libraries
Supervisor Local Laws	Informal information requests regarding local laws
Coordinator Tourism, Heritage and Culture	Informal information requests regarding tourism, culture and events
Coordinator Community Development	Informal information requests regarding community development

## Infrastructure and Environment Services

Position	What Councillors can ask officer Information (formal and / or informal requests) and advice
General Manager Infrastructure and Environment Services	Formal and informal information requests and advice regarding Infrastructure & Environmental Services and ELT
Manager Water and Waste	Informal information requests and advice regarding water, sewerage and waste
Coordinator Reticulation Operations	Informal information requests regarding water and sewerage
Coordinator Treatment Operations	Informal information requests regarding water and sewerage treatment plants
Coordinator Waste Services	Informal information requests regarding waste services
Senior Advisor Compliance	Informal information requests regarding compliance in relation waste, water and sewerage
Manager Roads and Projects	Informal information requests and advice regarding roads and projects

Position	What Councillors can ask officer Information (formal and / or informal requests) and advice
Coordinator Construction and Contracts	Informal information requests regarding road construction and contracts
Coordinator Maintenance	Informal information requests regarding road maintenance
Project Engineer Civil	Informal information requests regarding roads and stormwater engineering and projects
Supervisor Technical Investigations	Informal information requests regarding road and stormwater related investigations
Manager Strategic Assets	Informal information requests and advice regarding fleet, facilities, parks and gardens and asset management
Coordinator Facilities & Precincts	Informal information requests regarding facilities
Coordinator Fleet and Workshops	Informal information requests regarding fleet and workshops
Coordinator Parks and Gardens	Informal information requests regarding parks and gardens
Asset Management Officer - Precincts	Informal information requests regarding asset management related to precincts, buildings, and other facilities structures
Asset Management Officer – Roads & Projects	Informal information requests regarding asset management related to transport infrastructure
Asset Management Officer – Water & Waste	Informal information requests regarding asset management related to water, sewerage and waste
Manager Environment & Natural Resources	Informal information requests and advice regarding Environment & Natural Resources
Environmental Health Officer	Informal information requests regarding environmental health
Trade Waste and Environmental Health Officer	Informal information requests regarding trade waste and environmental health
Senior Land Protection Officer	Informal information requests regarding land protection
Natural Assets Advisor	Informal information requests regarding natural assets