

COUNCILLOR ACCEPTABLE REQUEST GUIDELINES POLICY

STATUTORY POLICY



1 Scope

This policy applies to Councillors and employees of Rockhampton Regional Council.

2 Purpose

The purpose of this policy is to provide clear guidelines for when a Councillor asks:

- (a) An employee for advice, to assist them to carry out their responsibilities under the *Local Government Act 2009*; and
- (b) The CEO to provide information, that the Council has access to, relating to Council.

3 Related Documents

3.1 Primary

Local Government Act 2009

3.2 Secondary

Local Government Electoral Act 2011

Public Sector Ethics Act 1994

Audit and Business Improvement Committee Policy

Caretaker Period Policy

Code of Conduct

Code of Conduct for Councillors in Queensland

Delegation and Authorisation Policy

Delegations Corporate Register

4 Definitions

To assist in interpretation, the following definitions apply:

Advice/Information	Information and advice includes details of what Councillors and employees are doing; any administrative, legal, financial, technical or statistical information held by Council and options available to achieve a particular thing.
Caretaker Period	As defined in section 90A of the <i>Local Government Act 2009</i> , the period during an election for a local government that starts on the day when the public notice of the holding of the election is given under the <i>Local Government Electoral Act 2011</i> , section 25(1) and ends at the conclusion of the election. There is no caretaker period during a by-election or fresh election.

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CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Council	Rockhampton Regional Council
Councillor/s	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
Direction	Direct, or otherwise influence, another person to carry or instigate an action.
ECM	Enterprise Content Management, Council's electronic document and record management system.
Election Period	As defined in the <i>Local Government Electoral Act 2011</i> , the period starting on the day when public notice of the holding of the election is given under section 25(1) and ending on the close of the poll for the election.
Emergency Situation	A matter that may cause harm to Council or the community, or damage the reputation of Council if not dealt with promptly.
Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Former Conduct Review Body	As defined in the <i>Local Government Act 2009</i> , a regional conduct review panel or the Local Government Remuneration and Discipline Tribunal under this Act as in force before the commencement of the <i>Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018</i> , section 18.
GM	General manager. An employee appointed to a position with a corporate band 2 delegated in accordance with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register, positions include Deputy Chief Executive Officer, general managers and Executive Manager Advance Rockhampton.
Leadership Team	CEO, Deputy Chief Executive Officer, general managers, Executive Manager Advance Rockhampton, Manager Workforce and Governance and Chief Financial Officer.
Manager	An employee appointed to a position with a corporate band 3 delegated in accordance with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register.
Mayor	The Mayor is an elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the <i>Local Government Act 2009</i> .
Pathway	Pathway Request Module. Council's customer request/enquiry and complaints system.

5 Policy Statement

The following guides all day-to-day communication between Councillors and employees. This policy should not be used as an alternate procedure for dealing with customer enquiries. Initial customer enquiries should be directed to the Customer Service Centre or Executive Support Officers. Customer service requests should be entered into Pathway on behalf of the Councillor, rather than directly referring requests to an individual employee.

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5.1 Requests for Advice or Information

Communication between Councillors and employees must:

- (a) Be conducted in accordance with section 4(2) of the *Local Government Act 2009*;
- (b) Comply with the law and Council policy documents;
- (c) Be conducted in good faith; and
- (d) Be conducted in a respectful, reasonable and professional manner.

Councillors may request advice or information from employees in the following positions:

- (a) Coordinator Communications and Engagement;
- (b) Executive Assistant to the Mayor;
- (c) Executive Support Officers;
- (d) Managers; and
- (e) Leadership Team.

Where these nominated employees are not available, another suitably qualified employee may provide the advice or information requested subject to the following paragraph.

Councillors may be given approval by the CEO or another member of the leadership team to request advice and information from an employee other than the nominated employees, in specific circumstances. In these circumstances, written approval is provided to both the Councillor and employee, however in the first instance the GM or manager should be able to respond to the Councillors request.

Councillors may request from an employee advice or information that would ordinarily be given to the public (for example with a Customer Service Officer at a Customer Service Centre).

Councillors may request, in writing, access to confidential information through the relevant manager or a member of the leadership team.

The CEO must comply with a request made by a Councillor within 10 business days. If the CEO reasonably believes that is not practicable, they must advise of that belief and the reasons for the belief within 10 business days and then comply with 20 business days after receiving the request.

A Councillor's decision to rely on verbal advice given by an employee is at the discretion of the Councillor. Any such decision should be made with due regard to the level of knowledge and experience of the employee and alternative advice available from other sources.

Councillor's use of any advice or information obtained is specifically constrained by section 171 and where applicable former section 171A of the *Local Government Act 2009*.

Councillors must consider any likely cost implications in making requests for advice or information, and will not make requests where the costs cannot be justified as being in the public interest. If the cost of providing advice or information is likely to be high, the Councillor may make the request only to the CEO, who is expressly authorised by the Council to seek to minimise the costs of providing the advice or information.

5.2 Emergency Situations

Other than in emergency situations (as per the following paragraph) Councillors are not to contact an employee outside normal office hours other than with the prior approval of the employee and CEO or another member of the leadership team.

- (a) When an emergency situation occurs after hours, Councillors may contact a member of the leadership team or a manager.

If an after-hours matter is of a non-emergency operational nature, Councillors must defer the matter for consideration until during normal office hours. Otherwise, Councillors must log a request through the general Council phone number.

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5.3 Exemptions to this Policy

In accordance with section 170A(4) of the *Local Government Act 2009* Councillors may not ask for information:

- (a) That is a record of the Councillor Conduct Tribunal; or
- (b) That was a record of a former conduct review body; or
- (c) If disclosure of the information or document to the Councillor would be contrary to an order of a court or tribunal; or
- (d) That would be privileged from production in a legal proceeding on the ground of legal professional privilege.

Councillors cannot request information which has confidential obligations under legislation and cannot be disclosed to Councillors by specific obligations imposed by that legislation (for example, the *Information Privacy Act 2009*, *Crime and Corruption Act 2001*, *Public Interest Disclosure Act 2010*, *Food Act 2006*).

Other than in accordance with this policy, Councillors must not:

- (a) Behave towards employees in an overbearing or threatening manner;
- (b) Coerce or entice, or attempt to coerce or entice any employee to do anything that does not comply with this policy;
- (c) Unduly disrupt an employee:
 - (i) Undertaking routine employment obligations;
 - (ii) During meal breaks; or
 - (iii) In the workplace i.e. lengthy, unscheduled discussions with an employee in the corridor or unplanned attendance at an employee's work station;
- (d) Place, or attempt to place any employee in a position that may create a conflict of interest for that employee, or may compromise the integrity and honest performance of that employee; and
- (e) Direct or pressure an employee in relation to their work or recommendations they should make or action they should take.

The Mayor is exempt from this policy when seeking advice or information at any time.

During an election period and where it is apparent that a sitting Councillor request relates solely to an election issue, or where there is any doubt as to the entitlement that the Councillor has to that information, then the request should be referred to the CEO for consideration.

A Councillor may request the CEO or another member of the leadership team to arrange for an employee to attend a meeting with a member of the public. Such a request is not a request for advice.

A request about a routine operational matter from a Councillor (for example, the location of a meeting) is not a request for advice.

5.4 Direction to Employees

In accordance with section 170 of the *Local Government Act 2009*:

- (a) The Mayor may give a direction to the CEO; and
- (b) No Councillor, including the Mayor, may give a direction to an employee except in accordance with guidelines made under section 170AA about the provision of administrative support to Councillors (this policy).

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5.5 Complaints

Where Councillors are dissatisfied with the response from an employee, for a request for advice or information, the Councillor may report their dissatisfaction to the relevant member of the leadership team. Councillors may seek a further review if they are dissatisfied with the member's response, by putting their concerns in writing to the CEO.

5.6 Employees

All employees are bound by Council's Code of Conduct, the *Local Government Act 2009* and the *Public Sector Ethics Act 1994* principles. Employees will seek to maintain and enhance public confidence in the integrity of public administration and to advance the common good of the community.

Specifically, employees must not:

- (a) Use information acquired as an employee to gain, directly or indirectly, an advantage for themselves (or someone else); or to cause detriment to the Council;
- (b) Release information that the employee knows, or should reasonably know, is information that is confidential to Council, and which the Council wishes to keep confidential; and
- (c) Improperly use, or allow the improper use of, their official powers or position.

Employees must keep records of advice and information given to Councillors, as they would do when advising a member of the public. This should be recorded electronically in ECM.

Employees must ensure that any conflict that may arise between their personal interests and their official responsibilities is resolved in favour of the public interest.

Employees appointed to a position listed in paragraph 5.1 may contact a Councillor. Where an employee is uncertain about whether or not they should respond to a Councillor enquiry, or how to respond to a Councillor enquiry, they must not provide a response, but rather refer the matter to the relevant member of the leadership team.

If a Councillor behaves inappropriately or asks for information or advice outside of this policy, the employee must inform their manager, a member of the leadership team about the request as soon as practicable.

5.7 Breaches to the Policy

An allegation of a breach of this policy by a Councillor (including the Mayor) may constitute a breach of the Code of Conduct for Councillors in Queensland and is referred to the Office of the Independent Assessor, for investigation and action as appropriate.

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6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) As required by legislation;
- (b) The related information is amended or replaced; or
- (c) Other circumstances as determined from time to time by Council.

7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Deputy Chief Executive Officer
Policy Quality Control	Legal and Governance



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