

# ACCEPTABLE REQUEST GUIDELINES FOR COUNCILLORS

## 1. Purpose & Scope

The Acceptable Request Guidelines apply to Councillors and employees of the Charters Towers Regional Council and ensure accountability, consistency, and transparency with respect to requests by Councillors to staff.

## 2. Commencement of Policy

This Policy will commence from 18 September 2024.

## 3. Application Of Policy

The Acceptable Request Guidelines are adopted by resolution of Council to:

- a) Provide guidance to Councillors and staff about the acceptable manner in which a Councillor may ask staff members for advice to help Councillors carry out their responsibilities under the *Local Government Act 2009 (the Act)*.
- b) Establish reasonable limits on requests that a Councillor may make.
- c) Detail how Council requires responses to be provided to particular requests.
- d) Define the staff whom Councillors may make requests for information.

*It is recognised that Councillors and Council employees live and work in relatively close communities where social interaction can be frequent and unavoidable. These Guidelines are not intended to constrain normal community interaction between Councillors and Council employees, but where such interaction is clearly work-related, these guidelines are aimed to facilitate a positive working relationship between Councillors as elected representatives of the community and the staff employed to administer the operations of Council.*

## 4. Definitions

Term	Definition
Assistance/Advice	Relates to the transfer of knowledge or an act of service.
CEO	Chief Executive Officer - has the same meaning as that described by the <i>Local Government Act 2009</i> definition for "Chief Executive Officer", i.e., those employees appointed under Section 194 of the Act (refer to Schedule 4 - Dictionary).
Council	Charters Towers Regional Council
Councillors	Has the same meaning as that described by the <i>Local Government Act 2009</i> for "Councillors" and includes the Mayor (refer to Schedule 4 - Dictionary).
Employees	Has the same meaning as that described by the <i>Local Government Act 2009</i> definition for "local government employees", i.e., those employees appointed under Section 196 of the Act (refer to Schedule 4 - Dictionary).
Information	Includes documents or records held by the Council
Manager	Includes persons appointed to positions including Manager or member of the Executive Leadership Team (ELT).

## 5. Compliance with Code of Conduct for Councillors in Queensland

Part 5A of the Act imposes upon Councillors the obligation to comply with the Code of Conduct for Councillors in Queensland (the Code). Under the Code, Councillors must:

*Carry out responsibilities conscientiously and in the best interests of the Council and the community.*

*For example, Councillors will, at a minimum, have the following responsibilities:*

*1.1 Attend and participate meaningfully in all Council meetings, committee meetings, informal meetings, briefings, relevant workshops, and training opportunities to assist them in fulfilling their roles other than in exceptional circumstances and/or where prior leave is given.*

*1.2 Respect and comply with all policies, procedures, and resolutions of Council. Treat people in a reasonable, just, respectful, and non-discriminatory way.*

*For example, Councillors will, at a minimum, act in the following ways:*

*2.1 Treat fellow Councillors, Council employees, and members of the public with courtesy, honesty, and fairness.*

*2.2 Not use abusive, obscene, or threatening language (either oral or written) or behaviour towards other Councillors, Council employees or members of the public.*

*2.3 Have proper regard for other people's rights, obligations, cultural differences, safety, health, and welfare. Ensure conduct does not reflect adversely on the reputation of Council.*

*For example, Councillors will, at a minimum, conduct themselves in the following manner:*

*3.1 When expressing an opinion dissenting with the majority decision of Council, respect the democratic process by acknowledging that the Council decision represents the majority view of the Council.*

*3.2 When making public comment, clearly state whether they are speaking on behalf of Council or expressing their personal views.*

*3.3 At all times strive to maintain and strengthen the public's trust and confidence in the integrity of Council and avoid any action which may diminish its standing, authority, or dignity.*

*A Councillor request for information is not acceptable and is not properly made unless in making the request the Councillor has fully complied with the Code of Conduct for Councillors in Queensland.*

## 6. Directions to Staff

Section 1 of the Local Government Act 2009 states:

- 1) The Mayor may give a direction to the Chief Executive Officer.*
- 2) No Councillor, including the Mayor, may give a direction to any other local government employee, except in accordance with guidelines made under section 170AA about the provision of administrative support to councillors.*

## 7. Guidelines

### 7.1 Mayor and Chairpersons

Section 170A (5) of the Act provides that these guidelines do not bind the Mayor, or the chairperson of a committee who makes a request for advice about his or her role as chairperson of the committee. To facilitate efficient provision of service by staff members the Mayor and chairpersons are encouraged to comply with these guidelines in all cases.

### 7.2. Staff Attendance at Meetings

Any Councillor may request the Chief Executive Officer (CEO) or other ELT member to arrange for a staff member to attend a meeting involving the Councillor and a member of the public. Such a request is not a request for advice under section 170A of the Act. The Chief Executive Officer or ELT member is authorised to approve or refuse the Councillor's request. Reasons must be provided to the Councillor when a request is refused.

### 7.3. Routine Operational Requests

A request for assistance from staff about routine operational matters, for example the location of a meeting, is not a request for advice under section 170A of the Act and these guidelines do not apply to that request.

### 7.4. Interaction between Councillors and Staff Members

Interaction between Councillors and staff members must, at all times, be carried out in a professional and courteous manner.

Contact between Councillors and approved staff is appropriate for matters specific to that officer's area of individual responsibility.

Contact with Councillor support staff members (refer to S0078 Councillor Administrative Support Staff) is appropriate for all Councillor service requests and enquiries.

In some instances, the Chief Executive Officer will direct individual staff members to contact Councillors to provide specific information or clarification relating to a specific matter.

When an urgent matter arises and an immediate response is required, Councillors are requested to contact either the CEO, ELT member or Executive Services Manager.

### 7.5 Lodging a Request

Councillor requests for information or advice are to be made in writing e.g., via email with a cc to the relevant ELT member and Office of the CEO. These emails will be reviewed and replied to, as appropriate. Staff will only call Councillors in response to a request or where an email is considered inappropriate.

Staff (excluding the Chief Executive Officer) will not call Councillors outside office hours unless it is urgent, in response to a request to call or a message left. Staff will endeavour to contact Councillors using their preferred method of contact whether it be by email or phone call.

Councillors shall refer complaints to the CEO to be dealt with under Council's Complaints Management Policy.

In accordance with section 170A(9) and 170A(10) of the *Local Government Act 2009*, information or assistance requested and made in accordance with these guidelines will be responded to:

- i. Within 10 business days after receiving the request; or
- ii. If the CEO reasonably believes it is not practicable to comply with the request within 10 business days (i.e., the request may impact adversely on current staff workload) the CEO must give the Councillor notice about the belief and the reasons why the request cannot be responded to within 10 business days after receiving the request and will ensure the request is answered within 20 business days after receiving the request.

## 7.6 Requests for Information or Advice

Subject to compliance with these guidelines, Councillors may make requests for information or advice to:

- The Chief Executive Officer about any council issue.
- An ELT member about any matter relevant to the ELT member's Directorate.
- Any Manager nominated in writing by the Chief Executive Officer relevant to the Manager's Department.
- Other approved staff only if the Councillor believes that the matter about which advice is sought is a matter that falls within the area of responsibility or speciality of that staff member. When making a written request for advice to any other approved staff member a Councillor must ensure that a copy of the request is provided to the relevant ELT member and cc'd to the Office of the CEO.

### 7.6.1 Requests to be made in Writing

Councillors must make all requests in writing.

This will ensure all requests are made and responded to in accordance with the guidelines. A record can then be maintained for all information provided.

To ensure the policy guidelines are met and to ensure record keeping practises are met, Councillors are requested to cc a member of the Office of the CEO into any requests for information or advice.

### 7.6.2 Requests must not be in Conflict with Policies, Local Laws, the adopted Budget, or the Community Strategic Plan

Councillors must ensure that any request they make is not in conflict with Council's adopted policies, local laws, resolutions, the adopted budget, and the Community Strategic Plan.

### 7.6.3 Requests for Information Relating to a Matter in Respect of which the Councillor has a Prescribed or Declarable Conflict of Interest

Councillors have an obligation to ensure that they deal transparently with matters in which they have a conflict of interest.

A Councillor must not make a request in respect of a matter in which the Councillor may have a Prescribed or Declarable Conflict of Interest:

- Without the Council first resolving that the Councillor may make the request; or
- Except to the extent necessary to enable the Councillor to determine whether he or she has a conflict of interest in the matter, unless:
  - (a) The matter is an Ordinary Business Matter as defined in Section 150EF of the Act applies; or
  - (b) A Council meeting has resolved pursuant to Section 150ES of the Act that the Councillor may participate in a decision about the matter; or
  - (c) The Councillor
    - First applies to the Council for approval to make the request.
    - Gives reasons as to why it is necessary that the Councillor make the request.

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- Sets out how the Councillor proposes to manage the Councillors conflict of Interest in the matter, or why that Conflict should not preclude the Councillor making the request.
- The Council resolves to approve the Councillor making the request.

When the Chief Executive Officer believes that a Councillor has made a request in respect of a matter in which the Councillor may have a Prescribed or Declarable Conflict of Interest:

- (a) The Chief Executive Officer must advise the Councillor in writing about that belief, explaining the basis upon which the belief was formed.
- (b) The Councillor must either:
  - Withdraw the request, or
  - In writing inform the Chief Executive Officer that the advice or information is requested to enable the Council to determine whether the Councillor has a Prescribed or Declarable Conflict of Interest; or
  - In writing, certify to the Chief Executive Officer that the Councillor does not have a Prescribed or Declarable Conflict of Interest in the matter.
- (c) If the Councillor advises that the advice or information is requested to enable the Councillor to determine whether the Councillor has a Prescribed or Declarable Conflict of Interest, the Chief Executive Officer must restrict the advice or information provided to the Councillor to the minimum necessary to fulfil that purpose.
- (d) The time period set out in section 170A of the Act for the Chief Executive to provide information or advice in response to the request does not commence until the Chief Executive Officer receives the Councillor's written response provided pursuant to clause 7.6.3(f).

### 7.6.4 Requests for Confidential Draft and Deliberative Process Documents

There are a number of draft documents and reports under development that contain confidential information, and information that if released prematurely would enable a recipient to obtain a commercial advantage or to prejudice negotiations between the Council and affected persons and companies.

There is a potential for the Council to become liable for loss suffered by others through the early release of such information. Temporarily limiting Councillors' access to that draft information does not impact upon Councillor decision making as Councillors will be provided with reports and information to inform their decision making about the matter at a General Meeting of Council.

Council wishes to minimise the potential for the inappropriate or inadvertent release of deliberative process documents and to minimise the opportunity for allegations to be made that a Councillor has intentionally or inadvertently released information contained in those documents.

Council adopts the following reasonable limits upon a Councillor's ability to request and obtain deliberative process information before the deliberation to which the information relates is finalised. If a Councillor requests advice, information, or documents that are confidential and:

- Are still in development by Council's administrative arm, including, but not limited to, documents that are the subject of internal consultation within Council's administrative arm, or require further consideration and deliberation at an administrative level before being presented to Council consideration or a decision; or
- Will be the subject of a future report to be tabled at a Councillor Workshop or General Meeting and the relevant staff member forms the view that it is advisable or expedient to present the

- advice, information, or documents as part of a report to a Councillor Workshop or General Meeting.

Then the Councillor's request will be refused.

If a Councillor is informed that the draft Information that the Councillor has requested will not be provided in response to the request, the Councillor may write to the Chief Executive Officer asking for a review of that decision. The review request need not to be considered unless it includes an explanation about why the Councillor immediately requires the draft information to discharge his or her responsibilities as a Councillor. If a review request relates to a decision made by the Chief Executive Officer, then upon receipt of the review request the Chief Executive Officer must refer the request to the Mayor for decision.

#### **7.6.5 Provision of Advice and Information by Allowing Councillor to View Documents**

When the Chief Executive Officer reasonably believes that a response to a request involves providing a Councillor with access to information that has commercial sensitivity, the Chief Executive Officer has discretion to make the information available to the Councillor solely by the provision of access to view the documents, and without providing copies of the documents.

When a Councillor request is responded to by the provision of viewing access only, the Councillor must not photograph, transcribe, or otherwise record any part of the information.

If a Councillor is informed that their request will be responded to by the provision of viewing access only, the Councillor may write to the Mayor asking for a review of that decision. The review request need not be considered unless it includes an explanation about why the Councillor requires copies of the documents to discharge his or her responsibilities as a Councillor.

#### **7.6.6 Requests for Information or Advice Provided Previously**

Councillors are under obligations to carry out their responsibilities conscientiously and in the best interests of the Council and the community and have proper regard for the obligations of Council employees. To discharge those obligations, it is necessary that before making a request Councillors first seek to determine whether the information or advice has been provided to them previously or is readily available to them by simple search of those parts of the Council's information system that are available to Councillors or of public sources.

When a Councillor requests information or advice that has been provided previously and that remains available to the Councillor by a search, the staff member who receives the request:

- (a) Is not required to again provide the information to the Councillor; and
- (b) Must advise the Councillor about how to search for the document.

#### **7.6.7 Unreasonable Diversion of Resources**

Councillors must ensure that a request for advice does not substantially and unreasonably divert the resources of Council from the performance of its functions. Councillors must consider the likely cost and resource implications when making requests for advice and if the cost of providing the information is likely to be high, the Councillor may make the request only to the Chief Executive Officer, who is expressly authorised by Council under these guidelines to seek to minimise the costs of providing the advice.

#### **7.7 Resident Telephone Calls**

Council's Administration Centre is open between 8:30am and 4:00pm Monday to Friday. All calls outside these hours to Council are directed to Council's after-hours service on 07 4761 5300.

It is not appropriate for Councillors to provide residents with a staff member's direct contact details. Similarly, staff will not provide residents with Councillors' contact details, other than the details which Councillors have designated for public use.

Councillors should only call the Chief Executive Officer or delegate outside of business hours.

#### **7.8. Other Approved Staff**

Approved staff responding to a Councillor's request for advice must ensure that the CEO or appropriate ELT member is informed of the making of, and response to, all significant Councillor requests.

If a staff member believes that the cost of actioning a Councillor request will be high and/or outside approved budget, the request must be brought to the attention of the Chief Executive Officer prior to it being actioned.

If a staff member is concerned or unsure whether a request made by a Councillor is outside the scope of these Guidelines or may not comply with these Guidelines, the staff member must seek to resolve those concerns or clarify the matter with the Councillor in the first instance. If the Councillor maintains the request is to be met, the staff member must not act upon the request and must immediately obtain guidance from the Chief Executive Officer, appropriate ELT member or Executive Services Manager.

#### **7.9 Caretaker Period**

Requests for information from Councillors will continue to be processed under the existing administrative arrangements defined in this Guideline.

During an Election Period, Councillors' requests for advice or information shall be restricted to those matters being formally decided by Council at its General Meetings and shall only be made in writing to the Chief Executive Officer or Executive Services Manager. Requests for advice or information on any other matter shall be handled as if they were submitted by any other candidate in the election.

#### **7.10 Election Year**

Following the Declaration of Office and up until the 30 June of an Election year, requests for advice or information shall only be made in writing to the Chief Executive Officer, Executive Leadership Team and the Executive Services Manager.

#### **7.11 Obligation to Report Non-Compliance**

Councillors are reminded that when a request by a Councillor to a staff member does not comply with these Guidelines, the Chief Executive Officer must report the matter to the relevant State Government Department or Agency under applicable legislation.

### **8. VARIATIONS**

CTRC reserves the right to vary, replace or terminate this Policy from time to time.

#### **Associated Documents**

*Local Government Act 2009*

*Local Government Regulations 2012*

D0016 Travel Arrangements & Expense Claims – Councillors and Staff

S0028– Statutory Policy – Entertainment and Hospitality Expenditure Policy

S0078 Councillor Administrative Support Policy

STRAT0067 Election Caretaker Period Policy



Document Review			
<b>Date Adopted by Council</b>	18 September 2024	<b>Council Resolution</b>	4322
<b>Date Adopted by ELT</b>	4 September 2024	<b>Next Review Date</b>	August 2026
<b>ECM No.</b>	1207481	<b>Document Contact</b>	Executive Services Manager



## **ATTACHMENT 1 – OTHER APPROVED STAFF**

### **OFFICE OF THE CHIEF EXECUTIVE OFFICER**

- Executive Services Manager
- Executive Services and Disaster Management Officer
- Executive Services Officer/s
- Governance Officer
- Marketing & Communications Officer/s
- PMO Manager

### **CORPORATE & COMMUNITY BUILDING**

- Executive Manager Corporate & Community Building
- Manager Planning & Development
- Manager Community Development
- Chief Financial Officer
- Chief Information Officer

### **HUMAN RESOURCES & WORK HEALTH & SAFETY**

- Executive Manager Human Resources & Work Health & Safety
- Manager Work Health & Safety
- Payroll Coordinator

### **INFRASTRUCTURE SERVICES**

- Executive Manager Infrastructure Services
- Manager Water & Wastewater
- Manager Operations
- Manager Fleet Services
- Manager Council Facilities
- Manager Design & Delivery