

## CHERBOURG ABORIGINAL SHIRE COUNCIL - ACCEPTABLE REQUESTS GUIDELINES POLICY

### ORIGIN/AUTHORITY

Local Government Act 2009 Section 170A  
Local Government Act 2009 Section 170AA

### PURPOSE OF POLICY AND LEGISLATIVE BACKGROUND

To provide the framework, in accordance with Sections 170A and 170AA of the Local Government Act 2009, about the way in which a Councillor may:



- (1) Ask an employee for advice to help the councillor carry out his or her responsibilities under the Local Government Act 2009;
- (2) Ask the Chief Executive Officer to provide information or documents that the local government has access to relating to the local government.

Additional notes in relation to Section 170A of the Local Government Act 2009:

- *Section 170A (7) - The acceptable requests guidelines are guidelines:*
  - *Adopted by resolution of the local government;*
  - *That may place reasonable limits on requests that a councillor may make;*
- *Section 170A (4) – The requirement to provide information or documents do not pertain to:*
  - *a record of the conduct tribunal; or*
  - *a record of a former conduct review body; or*
  - *if disclosure of the information or document to the councillor would be contrary to an order of a court or tribunal; or*
  - *that would be privileged from production in a legal proceeding on the ground of legal professional privilege.*
- *Section 170AA – Guidelines about provision of administrative support to councillors*
  - 1) *The chief executive officer of a local government may make guidelines about the provision of administrative support by local government employees to a councillor.*
  - 2) *The guidelines must include—*
    - a) *when a councillor may be provided with administrative support by a local government employee; and*
    - b) *how and when a councillor may give a direction to a local government employee in relation to the provision of administrative support; and*
    - c) *a requirement that a councillor may give a direction to a local government employee only if the direction relates directly to administrative support to be provided by the local government employee to the councillor under the guidelines.*
  - 3) *A direction purportedly given by a councillor to a local government employee is of no effect if the direction does not comply with the guidelines.*

## SCOPE OF POLICY

To undertake their roles as set out in Section 12 of the *Local Government Act 2009*, Councillors need information to carry out the responsibilities under the Act. However, Councillors should be mindful of the number of requests made, and the amount of information requested through the guidelines, and ensure that the requests do not hinder Council's ability to serve the community.

This policy also provides guidelines about the provision of administrative support by local government employees to a councillor in accordance with the Local Government Act 2009 Section 170AA which came into force on 12 October 2020. Refer to Appendix A relating to *Guidelines for the Provision of Councillor Administration Support Staff*.

Other than the specific guidelines for the provision of administrative support by local government employees to a councillor, the following guidelines set out how interaction between Councillors and the Council can occur to ensure that Councillors are fully informed in respect to decision making and Councillors' other responsibilities while ensuring that requests do not impact on the operational efficiency of Council.

### **Cherbourg Aboriginal Shire Council Policy**

- a) Every reasonable assistance will be provided to Councillors in the exercise of their role and the performance of their duties.
- b) **Requests for information, advice or action by Councillors are to be made to the Chief Executive Officer only and not to other Council staff unless specifically authorised by the CEO.**
- c) To facilitate the timely and accountable flow of information, Councillors are asked where possible to submit requests in writing through Council's email system to the CEO.
- d) Council Officers who receive a request from a Councillor for information or assistance must inform the Chief Executive Officer and their Manager and also advise the Councillor to contact the CEO.
- e) The CEO must respond to Councillor requests within an appropriate timeframe advising the action taken and where appropriate also notify the Councillor of the outcome of the said action.
- f) Any response to the Councillor must have due regard to the provisions of all relevant Acts, Legislation, Council Plans, Local Laws and Policies. The CEO must ensure at all times that requests for assistance which involve the expenditure of funds or the use of resources are specifically provided for in the budget. Any such request that are not provided for will require obtaining a Council resolution to authorise the expenditure.
- g) Interaction between Councillors and Council Officers shall, at all times, be carried out in a professional manner with due regard for each other's respective positions.
- h) A Councillor cannot direct and must not attempt to direct any employee (including the CEO) about the way in which the employee's duties are to be performed. The Mayor however may direct the CEO in relation to Council policy.
- i) Councillors must not take advantage of their official position to improperly influence officers or pursue matters of a conflict or material personal interest.
- j) A Councillor cannot make strong suggestions to a Council Officer as to what information or recommendations should be contained in an Officer's report.
- k) Councillors cannot seek out information from the CEO relating to matters that would breach the Information Privacy legislation, private commercial-in-confidence matters, Crime and Corruption Commission or Office of the Independent Assessor investigations, legal professional privilege or another matter where disclosure of information would breach legislation or a court order.
- l) Council Officers cannot lobby Councillors on matters regarding industrial relations or matters of material personal interest.

The CEO may provide the Mayor with a report regarding Councillor requests for information on a quarterly basis. If the CEO has concerns that the number of requests and the volume of information provided is hindering the ability of Council to serve the community, the CEO should raise the matter with the Mayor.

Policy adopted by Council on: 26<sup>th</sup> October 2022

Policy due for review in 2024

# APPENDIX A

## GUIDELINES FOR THE PROVISION OF ADMINISTRATION SUPPORT FOR COUNCILLORS

### Origin/Authority

*Local Government Act 2009 Section 170AA*

### Purpose:

Changes to the Local Government Act 2009 in effect from 12 October 2020 provide that a councillor may give a direction to a local government employee who provides administrative support to the councillor in accordance with guidelines made by the Chief Executive Officer (CEO).

This aims to promote accountability and integrity to meet the community's expectations about the use of administrative support staff, and appropriate standards for interactions between councillors and council employees.

Administrative support staff in this guideline is defined as the Council employee who holds the position of Executive Assistant reporting to the CEO. For the purposes of clarity, the Mayor and Councillors may only request administrative support from the Executive Assistant and not from any other staff member.

### Local government principles

To ensure the system of local government in Queensland is accountable, effective, efficient and sustainable, all mayors, councillors and council employees are required to carry out their responsibilities in accordance with the local government principles.

The principles highlight the essentials to local government performance that Queenslanders expect and deserve. Council has developed these guidelines for councillor administrative support staff to promote these principles:

- Transparent and effective processes, and decision-making in the public interest
- Sustainable development and management of assets and infrastructure, and delivery of effective services.
- Democratic representation, social inclusion and meaningful community engagement.
- Good governance of, and by, local government.
- Ethical and legal behaviour of Councillors and local government employees.

### Guidelines about provision of administrative support to councillors

The Chief Executive Officer may make guidelines about the provision of administrative support by local government employees to a councillor. These guidelines need to be read in conjunction with *Council's "Acceptable Requests Guidelines Policy"*.

### Requests for Administrative Assistance from the Executive Assistant

- The Executive Assistant can be directed by Mayor or councillor to complete administration tasks only (e.g. filing, phone, email, resident enquiries), in accordance with these guidelines

- The Executive Assistant can be given directions by the Mayor or Councillor for day-to-day administrative tasks in accordance with these guidelines but the role of Executive Assistant reports to the CEO
- The Executive Assistant is employed as a regular council employee, appointed by the CEO
- A direction purportedly given by a councillor to the Executive Assistant or another Council employee is of no effect if the direction does not comply with these guidelines

### **Support available to councillors**

The Executive Assistant is a local government employees who may be involved in a range of activities including other responsibilities besides supporting the Mayor or councillors.

All other administrative staff members and Councillors will be made aware of these guidelines to ensure clarity around who councillors seek support from and what support can be provided.

### ***Operational Issues***

- Administrative tasks for councillors will only be provided by the allocated staff members during designated business hours of Council. Any requests for assistance outside of these hours should be made initially to the CEO.
- Where Councillor workloads increase in unusual circumstances, the CEO will review short term arrangements and implement changes if required.

### ***Acceptable tasks include the following:***

- answering telephone calls
- managing email inbox and appointments calendar if required
- providing copies of Council meeting agendas
- managing correspondence flows
- filing
- photocopying, printing and ordering stationery if required
- travel bookings for Councillors when councillors are travelling on Council business
- locating information for councillors such as legislation, or information from council's website or other sources

### **Councillor escalation process**

If a councillor is dissatisfied with the administrative support provided, they should discuss the issue with the CEO or alternatively send an email to the CEO.

### **Escalation process for employees**

Should the Executive Assistant have concerns about any administrative support requests or directions made by a councillor, they should discuss this with the CEO.

### **Compliance**

A councillor's failure to follow any council guidelines about administrative support contravenes the behaviour standards set out under the Code of Conduct for councillors in Queensland and is considered inappropriate conduct.

Council employees, other councillors or members of the community may lodge complaints about suspected inappropriate conduct to the Office of the Independent Assessor.

### **Review**

These guidelines should be reviewed following the regular local government elections unless required sooner due to operational circumstances.

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