

Acceptable Requests Guidelines

Governing councillors' interaction with staff arising from requests for advice or information

YARRABAH ABORIGINAL SHIRE COUNCIL



Document Control and Version History

Document Reference Number:

Version Number:

1

Officer Responsible for Review:

Chief Executive Officer

Review Frequency:

Every four years (early in the term or each new council) or as determined by Council or the Chief Executive Officer

Version Number	Approval Date	Resolution Number	Signature	Review Date	Comments
1	20/04/15	No 12	<i>J. Menzies</i>	01-05-16	

Background

Section 170A, *Requests for Assistance or Information*, of the *Local Government Act 2009* (the *Act*), outlines requirements associated with councillors seeking:

- advice from *Yarrabah Aboriginal Shire Council (Council)* employees to assist in carrying out their responsibilities; and/or
- information that *Council* has access to, relating to Council.

The *Act* allows for the preparation of *Acceptable Request Guidelines* (the *Guidelines*) for governing councillors' requests for advice or information from Council employees.

The *Guidelines* must be adopted by resolution of Council.

Acceptable Requests Guidelines

Governing councillors' interaction with staff arising from requests for advice or information

Councillor requests for advice and/or information must be in accordance with the *Acceptable Requests Guidelines*, regarding:

- The way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under this Act; and
- Reasonable limits on requests that a councillor may make.

A councillor's request for advice or information is of no effect if the request does not comply with the *Guidelines*.

The *Guidelines* do not apply to the Mayor or the chairperson of a committee of Council if the request relates to the role of the chairperson.

The following provisions of the *Act* are most relevant:

- **Section 170, *Giving Directions to Local Government Staff***
 - (1) The mayor may give a direction to the chief executive officer or senior executive employees.
 - (2) No councillor, including the mayor, may give a direction to any other local government employee.
- **s 170A, *Requests for Assistance or Information***
 - (1) A councillor may ask a local government employee to provide advice to assist the councillor carry out his or her responsibilities under this *Act*.
 - (2) A councillor may, subject to any limits prescribed under a regulation, ask the chief executive officer to provide information, that the local government 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.

- (3) Subsection (2) does not apply to information -
 - a) that is a record of the *Regional Conduct Review Panel* or the *Tribunal*; or
 - b) if disclosure of the information to the councillor would be contrary to an order of a court or tribunal; or
 - c) that would be privileged from production in a legal proceeding on the grounds of legal professional privilege.

Principles

The *Guidelines* are intended to assist communication and information flow between councillors and staff on the occasions of a councillor request for information or assistance.

The local government principles underpinning the *Act* and councillors responsibilities under the *Act* are set out in Section 4 of the *Act* and Section 12 of the *Act* respectively.

Acceptable Requests Guidelines

Governing councillors' interaction with staff arising from requests for advice or information

Under the provisions of these sections, councillors are required to act in the interests of the residents of their local government area, to ensure effective service delivery and to be accountable to their community for the performance of the councils they comprise.

Section 13 of *the Act* sets out the responsibilities of local government employees, including efficient and effective management of public resources, excellence in service delivery and provision of sound and impartial advice.

Through these provisions, the *Act* accommodates councillors' need for current and relevant information about their local government to enable them to carry out their responsibilities.

Employees recognise this need and understand that the provision of prompt, accurate information to councillors will enhance council's reputation in the community as an efficient, customer-focused organisation.

In the Yarrabah Aboriginal Shire, the *Guidelines* support good corporate governance in accordance with the local government principles by assisting councillors and employees to comply with *the Act* and serve the needs of the community.

Scope

The Guidelines apply to councillors and employees and relate specifically to requests by councillors for assistance or information in accordance the *Act*.

Definitions

The following terms apply throughout this document:

- **Council** – means Yarrabah Aboriginal Shire Council
- **CEO** – shall mean the person appointed to the position of Chief Executive Officer under the *Act* and anyone acting in that position.
- **Director (or Manager)** – shall mean the director (or manger) of a department of Council and persons acting in such positions.
- **Councillors** – shall mean all elected members of council excluding the Mayor.
- **Local Government Employee** - includes a person prescribed under a regulation.
- **The Act** – shall mean the *Local Government Act 2009*

Statement of Guidelines and Policy

1. Councillors' Responsibilities and Rights

- a. Communications by councillors with employees must be conducted in a respectful, reasonable and professional manner.
- b. Communications by councillors with employees must:
 - be conducted in accordance with the principles prescribed in Section 4, Subsection 2 of *the Act*; and
 - be conducted in accordance with the Councillor Code of Conduct; and
 - comply with legislation, Council policies, guidelines and procedures; and
 - be conducted in good faith.

Acceptable Requests Guidelines

Governing councillors' interaction with staff arising from requests for advice or information

- c. Councillors may request, from any employee, assistance or information of a similar nature and in similar manner to that which the employee would ordinarily give to the public.
- d. Councillors may request, from any employee, assistance or information relating to minor/routine matters. Such requests may be either oral or in writing at the discretion of the councillor. A minor/routine matter includes:
 - procedural-type issues, e.g. asking when certain meeting minutes will be distributed, or
 - following up on an issue previously identified, or
 - any other matter that the CEO, a director or manager has specifically referred to an employee for attention.
- e. For anything other than minor/routine matters, wherever reasonably possible, councillors shall direct requests for assistance or information to the CEO, the relevant director or manager, whichever is the most appropriate for the request concerned.
- f. Where it is appropriate to do so, for example on a significant policy matter or a matter of high importance, councillor requests for assistance or information shall be made in writing.
- g. Wherever possible, councillor requests for assistance or information outside of normal business hours shall be made only to the CEO or relevant director or manager.
- h. Councillors are encouraged to only seek assistance or information out-of-hours for matters of significant concern that should not be left to the next business day to resolve, e.g. matters relating to an imminent risk to community safety; an operational issue that immediately and significantly impacts on residents amenity or capacity to access services; or significant immediate risk to Council's reputation.
- i. Where out-of-hours matters involve more operational issues, such as animal control complaints, councillors are to use Council's after hours contact to report such matters and/or deal with the appropriate on-call officer.
- j. When referring requests for action from constituents and/or interest groups, councillors should use the normal customer request procedures rather than directly referring requests to any employee individually.
- k. Councillors shall consider the likely cost implications in making requests for assistance or information, and shall not make requests where costs cannot be justified.
- l. Councillors may request the attendance of an employee at a meeting he or she is having with a member or members of the public where technical input or relevant background knowledge, etc. is necessary. Such requests shall be made:
 - with a reasonable lead time and adequate supporting information so that the employee can attend the relevant meeting with a solid understanding of the issue at hand.
 - in a way which is mindful of operational workloads and priorities.
- m. Councillors will work collaboratively with employees to ensure that assistance and information requests do not significantly impact on operational workloads and priorities.
- n. Other than in accordance with these Guidelines, councillors shall not direct, or attempt to direct any employee to do anything. The only exception to this is for the Mayor, who may direct the CEO and senior executive employees (those senior employees who report directly to the CEO) in accordance with Section 170 of the Act.

Acceptable Requests Guidelines

Governing councillors' interaction with staff arising from requests for advice or information

2. Employees' Responsibilities and Rights

- a. Communications by employees with councillors must be conducted in a respectful, reasonable and professional manner.
- b. Communications by employees with councillors must:
 - be conducted in accordance with the principles prescribed in Section 4, Subsection 2 of the *Act*; and
 - be conducted in accordance with the Employee Code of Conduct; and
 - Comply with the law, Council policies, guidelines and procedures; and
 - be conducted in good faith.
- c. If an employee receives a request for information or advice from a councillor but does not have adequate knowledge or experience to reasonably respond and/or does not have functional responsibility for the matter, the employee will refer the request to his or her supervisor and refrain from responding other than to advise that the request has been referred.
- d. Employees will consider the likely resource implications in responding to councillors' requests for assistance or information, and where the employee has concerns relating to the costs or other use of resources, he or she will refer the request to the relevant manager or director or to the CEO.
- e. In preparing a response to a councillor request, the CEO, a director or manager may authorise provision of the requested assistance or information to all councillors if it is considered that such provision would be in the best interests of the Council and/or the community or if the request relates to a matter currently under consideration by Council. In doing so the CEO or director or manager will advise the relevant councillor of his or her intention to provide the information to all councillors.
- f. Employees will make every effort to assist where a request is received to attend a meeting between a councillor and a member or members of the public.
- g. Wherever practical to do so, an employee in receipt of a request to attend a meeting between a councillor and a member or members of the public, will ensure that he or she is in possession of adequate background information on the matter to be discussed to allow a solid understanding. Where appropriate, the employee should discuss the matter with the councillor before attending the meeting. If the employee feels they are unqualified to attend the meeting, he or she will advise his or her manager who will liaise with the relevant councillor and ensure appropriate alternative arrangements are made to support the councillor.

3. Response Times to Requests for Assistance or Information

- a. Wherever possible for routine councillor requests for information, response will be provided immediately or by same-day email. Routine requests are those for which relevant information is known by an employee or is readily available from a Council document.
- b. All other requests will be responded to within three business days unless the matter is of a complex nature.
- c. Where the matter is complex (requiring, for example, research and analysis or input from several areas), the employee receiving a request from a councillor will provide the councillor with an estimate of the time until a response will be provided. If the estimated period of time elapses and a response has not been provided, the employee will contact the councillor to advise of the delay and the revised timeframe for provision of the information.

Acceptable Requests Guidelines

Governing councillors' interaction with staff arising from requests for advice or information

- d. At the sole discretion of the Mayor, he or she may from time to time determine that a matter is urgent. Where the Mayor classifies a matter as urgent, every endeavour will be made to provide the assistance or information to the Mayor in the shortest timeframe possible.
- e. For urgent matters that cannot be resolved inside three business days, the employee concerned will ensure that the relevant director or manager is made aware of the reasons for delay so they can be communicated to the Mayor and/or councillors as appropriate.
- f. Where a councillor requires an urgent response on a matter, he or she will make the necessary request for assistance through the Mayor. If the Mayor agrees that the matter is urgent, the Mayor can make a request for urgent assistance or information on behalf of the councillor and the request will be dealt with as if it was an urgent request from the Mayor.
- g. Employees will always place a level of priority on requests for assistance or information from councillors. Where it is practical to do so, and without creating service delivery issues for the community, employees will endeavour to meet or exceed the timeframes indicated above.
- h. Where there are genuine operational or resourcing reasons for delays, employees will always be open and communicative with councillors, and/or the Mayor and will provide alternative estimated timeframes so that expectations can properly be managed.

Review

The CEO is responsible for progressing reviews of this document.

This document will be reviewed every four years (early in the term or each new council) or as determined by Council or the Chief Executive Officer.