



Croydon Shire Council

Councillor Acceptable Request Guideline Policy

Document Control

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CEO Approval:

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07-05-13	16 May 2013	New policy
04-08/2019	22 August 2019	Review – change in legislation
03-12/2020	19 November 2020	Review – change in legislation

1. Purpose

To provide a guideline for the way in which a councillor may ask a local government employee to provide advice to assist the councillor to carry out his or her responsibilities, and reasonable limits on requests that a councillor may make, pursuant to section 170A of the *Local Government Act 2009* (the Act).

2. Scope

This policy applies to all Councillors and employees of Croydon Shire Council.

3. Background

Section 170A of the Act provides for Council to adopt guidelines by resolution about 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 the Act, and reasonable limits on requests that a councillor may make.

4. Legislation

Local Government Act 2009, section 170A

Local Government Act 2009, section 150L(c)(ii)

5. Definitions

CEO means the Chief Executive Officer of the Croydon Shire Council.

Advice means advice to assist the councillor to carry out his or her responsibilities under the Act.

Designated officer means an officer delegated by the CEO to accept and process the councillor request.

6. Policy

Councillor responsibilities

6.1 Communication by Councillors must be conducted:

- in a respectful, reasonable and professional manner;
- in accordance with the law and the local government principles, values and standards under the Act;
- in accordance with Council's policies, guidelines and procedures;
- in accordance with the Code of Conduct for Councillors in Queensland

- 6.2 Councillors must not direct, or attempt to direct, any employees in the course of their employment or about the way in which the employee's duties are to be performed, with the exception of the Mayor who may give a direction to the CEO in accordance with the Act. 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.
- 6.3 A Councillor cannot request information:
- (a) that is a record of the 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.
- 6.4 Councillors must not take advantage of their official position to improperly influence Officers or pursue matters of a prescribed or declarable conflict of interest.
- 6.5 Councillors must not discuss with any employee the terms and conditions of the employee's employment with Council.
- 6.6 A request for advice must be by emailed to the CEO to ensure that Council can maintain appropriate records in accordance with the *Public Records Act 2002*.
- 6.7 If the Councillor is of the opinion that their request is likely to be time-consuming to fulfil they should contact the CEO to discuss the request for information.
- 6.8 The CEO may delegate the request to a designated officer for actioning.
- 6.9 Section 171 of the Act prohibits councillors (including past councillors) from using information that was acquired as a councillor to –
- (a) gain, directly or indirectly, a financial advantage for the person or someone else; or
 - (b) cause detriment to the local government.

A Councillor must not release information that the Councillor knows, or should reasonably know, is information that is confidential to the local government.

Employee's responsibilities

- 6.10 Communication by employees must be conducted:
- in a respectful, reasonable and professional manner;
 - in accordance with the law and the local government principles, values and standards under the Act;
 - in accordance with Council's policies, guidelines and procedures.
- 6.11 If a Councillor contacts an employee in contravention of this policy, then the employee should refer the request to the CEO.
- 6.12 Delegated officers must reasonably ensure that any information that is provided to a Councillor is accurate and correct.

- 6.13 If the CEO or delegated officer is of the opinion, that the information requested by the Councillor is unreasonably complex or would necessitate an unreasonable commitment of resources and significantly divert them from their regular duties to obtain the information, the CEO or delegated officer may contact the Councillor to discuss narrowing the scope of the request.
- 6.14 If a Councillor directs or attempts to direct an employee about the way in which their duties are to be performed, the employee must report the circumstances to the CEO as soon as possible.
- 6.15 The response to a request must be by email unless circumstances warrant otherwise. Employees must keep records of advice given to Councillors and ensure that the record of the advice is stored electronically in Council's records management system.
- 6.16 No employee, other than the CEO, is entitled to distribute commercial-in-confidence information or data to a Councillor.
- 6.17 Employees must not discuss with a Councillor any matter relating to the terms and conditions of their employment with Council or any other employees terms and conditions of employment with Council.
- 6.18 Employees must inform the CEO if they believe a Councillor has behaved in a manner contrary to this policy.

Response times to requests for advice or information

- 6.19 Where the information requested by the Councillor is routine and is readily available from Council's business systems, where possible, the response shall be provided within one (1) business day of the request.
- 6.20 Where the information requested is of a complex nature or requires substantial research, where possible, the response shall be provided within three (3) business days of the request.
- 6.21 Where the matter is complex and requires substantial research or analysis or requires input from various business units, where possible, the response shall be provided within ten (10) business days.

Handling of information

- 6.22 Both Councillors and employees acknowledge that the information provided to a request may be confidential and that they must adhere to the Act, the *Information Privacy Act 2009* and other relevant Acts and Regulations relating to privacy when they are in receipt of information that may affect individuals, organisations and Council.
- 6.23 If an employee has concerns about a request from a Councillor in relation to confidentiality or sensitivity of the information, the employee must report the circumstances to the CEO who will determine an outcome for the request.
- 6.24 All records relating to the request for advice or information must be kept and recorded in Council's electronic records management system to ensure that Council can maintain appropriate records in accordance with the *Public Records Act 2002*.

Related Documents

- Code of Conduct for Councillors in Queensland
- Employee Code of Conduct
- Councillor Administrative Support Guidelines