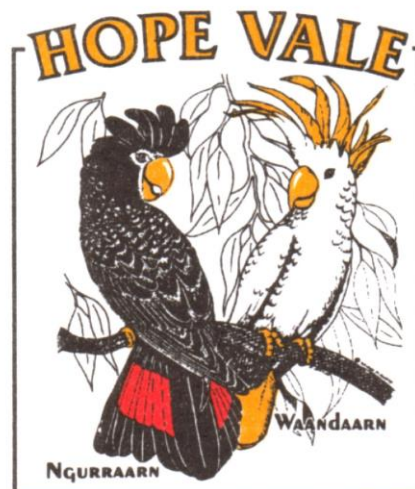


HOPE VALE ABORIGINAL SHIRE COUNCIL



Acceptable Requests Guidelines Policy

Document Control

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1	19 March 2014		Council Resolution
2	21 February 2018		Council Resolution
3	27 February 2019		Council Resolution
4	16 December 2019		Council Resolution
5	14 October 2020		Council Resolution

ACCEPTABLE REQUESTS GUIDELINES POLICY 2020-2021

ORIGIN/AUTHORITY

Local Government Act 2009

Section 170A

Local Government Act 2009 Section 170AA

PURPOSE OF POLICY

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.

To provide 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 staff can occur to ensure that Councillors are fully informed in respect to decision making and other Councillors responsibilities while ensuring that requests for staff are formal and focus on operational priorities.

- a) Every reasonable assistance will be provided to Councillors in the exercise of their role and the performance of their duties.
- b) To facilitate the timely and accountable flow of information, Councillors are asked where possible to submit requests in writing through Council's email system. If a matter is urgent Council Officers will record requests made verbally by way of a file note and email the information to the Chief Executive Officer.
- c) Requests for information, advice or action by Councillors may be made to the Chief Executive Officer or relevant Executive Manager.
- d) In relation to special projects, the CEO will authorise Council Officers who have relevant expertise to liaise directly with Councillors. Councillors should liaise with the CEO and request advice on the appropriate project contact and process.
- e) For afterhours emergencies Councillors are to utilise Council's advertised emergency contact numbers.
- f) Council Officers who receive a request from a Councillor for information or assistance must inform the Chief Executive Officer and their Manager, evaluate if it is within their role to provide a response and if so, record the response in the Councillor request system.
- g) Council Officers 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.
- h) Any response to the Councillor must have due regard to the provisions of all relevant Acts, Legislation, Council Plans, Local Laws and Policies. Officers must ensure at all times that requests for assistance which involve the expenditure of funds or the use of resources not specifically provided for in the budget, are referred to the Chief Executive Officer for approval. This could involve obtaining a Council resolution to authorise the expenditure.
- i) 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.
- j) A Councillor cannot direct and must not attempt to direct any employee 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 including this policy.

- k) Councillors must not take advantage of their official position to improperly influence Officers or pursue matters of a conflict or material personal interest.
- l) A Councillor cannot make strong suggestions to a Council Officer as to what information or recommendations should be contained in the Officer's report.
- m) Councillors cannot seek out information relating to matters that would breach the Information Privacy legislation, private commercial-in-confidence matters, CMC investigation, legal professional privilege or another matter where disclosure of information would breach legislation or a court order.
- n) Council Officers must not comply with requests from Councillors that are contrary to these guidelines. Where such requests are received a report must be made to the Chief Executive Officer.
- o) 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.

For Consideration by Council on the 14 October 2020

Mark Kelleher

14 October 2020

Chief Executive Officer

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 are council employees, who ultimately report to the CEO or a council manager, as well as being subject to employee workplace agreements and employment conditions.

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. Councils should consider how guidelines for councillor administrative support staff can help give effect to and 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" General Principles*

- Can be directed by mayor or councillor to complete administration tasks only (e.g. filing, phone, email, resident enquiries), in accordance with adopted guidelines by the Chief Executive Officer about administrative support staff
- Can be given directions by mayor or councillor for day-to-day tasks in accordance with council's guidelines but report to the CEO or council manager
- Can give directions to other administrative support staff, for example if appointed by the CEO as an office manager
- Employed as a regular council employee, appointed by the CEO
- 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

Support available to councillors

Administrative support staff are local government employees who may be involved in a range of activities including other responsibilities besides supporting a councillor or councillors.

In relation to administrative support within Hope Vale Aboriginal Shire, specific staff should be identified as support available to the councillors. These staff members are available to provide administrative support to councillors and there is no intention to provide additional staff over and above Council's existing staff establishment.

All 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 as required.

Acceptable tasks include the following:

- answering telephone calls
- managing email inbox and appointments calendar
- managing correspondence flows and drafting or typing replies to simple correspondence
- filing
- photocopying, printing and ordering stationery
- liaising with council about office maintenance or health and safety issues on behalf of the councillor
- travel bookings when councillors are travelling on Council business
- driving councillors to meetings or official functions if required, not including personal appointments or campaign activities
- logging requests for service jobs from the community, for example requests for street or park maintenance
- locating information for councillors such as legislation, or information from council's website or other sources
- assisting with communication to the community through emails, e-newsletters, informational advice flyers about construction works, or other similar mediums, if the communication is objective, factual, informational, 'business as usual' and an efficient use of funds.

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 an administrative support staff member have concerns about any administrative support requests or directions made by a councillor, they should discuss this with their immediate supervisor. If needed the matter should be escalated to the CEO.

Compliance

A councillor's failure to follow any council guidelines about administrative support staff 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 will be reviewed at 12 monthly intervals unless required sooner due to operational circumstances.