

# ACCEPTABLE REQUESTS GUIDELINES POLICY

## SCOPE

All Councillors and Employees of Banana Shire Council.

## LEGISLATION

Section 170A of the *Local Government Act 2009* states:

### **170A Requests for assistance or information**

- (1) A councillor may ask a local government employee to provide advice to assist the councillor to 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) If the advice or information requested under subsection (1) or (2) relates to a document, the requirement under subsection (9) to comply with the request includes a requirement to provide a copy of the document.
- (4) Subsections (2) and (3) do not apply to information or a document—
  - (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.
- (5) A request of a councillor under subsection (1) or (2) is of no effect if the request does not comply with the acceptable requests guidelines.
- (6) Subsection (5) does not apply to—
  - (a) the mayor; or
  - (b) the chairperson of a committee of a local government if the request relates to the role of the chairperson.
- (7) The **acceptable requests guidelines** are guidelines, adopted by resolution of the local government, about—
  - (a) 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
  - (b) reasonable limits on requests that a councillor may make.
- (8) In this section a **local government employee** includes a person prescribed under a regulation.
- (9) The chief executive officer must comply with a request made to the chief executive officer under subsection (1) or (2)—

- (a) within 10 business days after receiving the request; or
- (b) if the chief executive officer reasonably believes it is not practicable to comply with the request within 10 business days—within 20 business days after receiving the request.

Maximum penalty—20 penalty units.

- (10) If the chief executive officer forms the belief mentioned in subsection (9)(b), the chief executive officer must give the councillor notice about the belief and the reasons for the belief within 10 business days after receiving the request.
- (11) In this section—

**former conduct review body** means a regional conduct review panel or the Local Government Remuneration and Discipline Tribunal under this Act as in force before the commencement of the *Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018*, section 18.

## OBJECTIVE

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To provide guidelines for the interaction between Councillors and employees in relation to the way in which a Councillor may ask an employee for information and advice to help the Councillor carry out his or her responsibilities under the Act; and also to set reasonable limits on requests that a Councillor may make.

## DEFINITIONS

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Chief Executive Officer	The Chief Executive Officer (CEO) of Banana Shire Council and includes any officer acting in that position from time to time.
Councillor/s	Person/s elected or appointed to the local government under the <i>Local Government Act 2009</i> or the <i>Local Government Electoral Act 2011</i> . Councillor/s include the Mayor.
Director	A Senior Executive Employee of Council in charge of a Department of Council and includes any officer acting in those positions from time to time.
Employee	Any permanent, part-time and casual employee of Council and any person or consultant who contracts with the Council to provide services to it, such as engineers, lawyers, architects, planners or plant operators.  Employee includes a person prescribed as a <i>local government employee</i> under a State Government regulation.
Information and advice	Information and advice includes details of what Council Councillors and Employees are doing; any administrative, legal, financial, technical or statistical information held by Council and options available to achieve a particular thing.

## POLICY

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The following protocol guides all day-to-day communication between Councillors and Employees of Banana Shire Council:

### COUNCILLOR / EMPLOYEE INTERACTION

Every reasonable assistance will be provided to Councillors in the exercise of their role and the performance of their duties.

Employees must not approach Councillors to discuss any matter relating to the terms and conditions of their employment with the Council.

Councillors must not discuss, with Employees, any matter relating to the terms and conditions of their employment with Council except as necessary for conducting the performance appraisal of the Chief Executive Officer, in accordance with section 12 (4) (e) of the *Local Government Act 2009*.

Councillors are to consult the Schedule of Employees to determine which employee may be contacted on specific issues. If in doubt, the CEO or the relevant Director should be contacted to ascertain the appropriate employee referral. Notwithstanding this, a Councillor may ask any employee a question in respect to Council operations subject to legislative restrictions and privacy restrictions.

Councillors and employee interaction shall, at all times, be carried out in a professional manner with due regard to each other's respective position.

### DIRECTIONS TO EMPLOYEES

#### Mayor

The Mayor has a responsibility to direct the chief executive officer, **in accordance with Council's policies**. (Section 12 (4) of the *Local Government Act 2009*)

#### Councillors (including Mayor)

Councillors may not direct and must not attempt to direct any employee about the way in which the employee's duties are to be performed except as allowed in Section 12 (4) of the *Local Government Act 2009*.

#### Employees

Except for the Mayor exercising the Mayor's responsibility under Section 12 (4), if an attempt is made by a Councillor to direct an employee, the employee must report this matter to the CEO directly or through the employee's Director so that the matter can be addressed with the Councillor concerned.

### INFORMATION OR ADVICE

#### Councillors

This section does not seek to limit free and frank discussion between elected Councillors and staff. Councillors are welcome to discuss Council operations informally with all staff openly and transparently, subject to statutory or information privacy restrictions.

Councillors may make a request to a Director for information or advice on any matter relating to the administration or management of the department managed by the Director in question.

Councillors may make a request to the CEO for information or advice on any matter relating to the administration or management of any aspect of Council's affairs.

A request for information or advice must identify the proposed decision that the Councillor needs information or advice on.

Councillors attending a general or committee meeting may request information or advice from an officer other than the CEO or a Director where such officer is attending the meeting for the purpose of providing professional advice or as a delegate/representative of the Chief Executive Officer or a Director.

Councillors may request the CEO allow any employee to provide information or advice in any particular instance.

#### The Chief Executive Officer

- (a) may apply conditions to any such communication.
- (b) will inform the relevant Director of any such approved communication and the conditions (if any) relating thereto.

A Councillor seeking formal information or advice from the CEO, Director, Manager or other specified employee must advise that Employee if he/she has made a similar request for similar information or advice from any other employee.

A Councillors' request for advice must not take the form of an attempt to direct or pressure a Director or Employee to prepare a response in a certain manner.

A Councillor is to inform the CEO if they believe the Director or Employee has not appropriately responded to a request for information or advice.

All requests for formal information shall be provided within the statutory timeframes.

#### Employees

Employees must not comply with requests for information or advice from Councillors which are contrary to these guidelines and all employees must take care to ensure all information provided is accurate and complete. Where such requests are received, a report must be made either direct to the CEO or to the CEO through the employee's Director so that the matter can be addressed with the Councillor concerned.

Where they are residents within the Banana Shire, employees have constituents' normal rights of access to Councillors providing that such rights are exercised out of working hours.

Except in circumstances mentioned in the above clause, employees must not, without first informing the CEO, approach Councillors to discuss any matter relating to the administration or management of any aspect of the Council's affairs.

Where an employee contacts a Councillor in an emergency situation, the Councillor should immediately (or as soon as practicable) inform the CEO accordingly.

It is important that each member of staff is aware of the names of each of the Councillors, the Division that they represent and their relevant Portfolio in order that an appropriate level of service can be provided.

Any response to a Councillor must have due regard to the provisions of relevant legislation including the *Local Government Act 2009*, *Local Government Regulation 2012*, other Acts and Regulations, Council's Local Laws, Policies, Corporate Plan, Operational Plan, Annual Budget, and the nature of the environment in which work is performed.

Employees 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 relevant Director for approval. This could involve obtaining a Council resolution or budget amendment to authorise the work.

## SCHEDULE OF EMPLOYEES

See Acceptable Request Guidelines Schedule of Employees - Appendix 1

**Note** *This appendix consists of 2 versions*

*Appendix 1a Does not contain personal information and may be posted on council's web site.*

*Appendix 1b Contains personal information and is not to be posted on Council's web site. It includes personal names and telephone numbers. It may be obtained by Councillors by contacting the Chief Executive Officer.*

## SCHEDULE OF COUNCILLORS AND PORTFOLIOS

See Schedule of Councillors by Division and Schedule of Councillors Portfolios & Relevant Officers - Appendix 2

## PROCEDURE

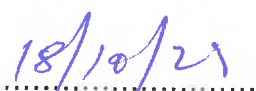
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Procedures as approved and issued by the Chief Executive Officer, and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

## CERTIFICATION

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**CHIEF EXECUTIVE OFFICER**  
**BANANA SHIRE COUNCIL**

  
.....  
**DATE**



## ACCEPTABLE REQUESTS GUIDELINES

### APPENDIX 1A – SCHEDULE OF EMPLOYEES WHO MAY BE CONTACTED BY COUNCILLORS

DEPARTMENT	POSITION
<b>Executive Services</b>	Chief Executive Officer
	Executive Services Executive Assistant
	Manager People & Culture
	Manager Governance
	Manager Process & Performance
	Disaster Management Officer
<b>Corporate &amp; Community Services</b>	Director Corporate & Community Services
	Manager Finance
	Manager Community Services
<b>Infrastructure Services</b>	Director Infrastructure Services
	Manager Infrastructure Works
	Manager Technical Services
<b>Council Services</b>	Director Council Services
	Manager Water Services
	Manager Waste & Environment
	Manager Development & Regulatory Services
	Principal Environmental Health Advisor
	Principal Economic Development Advisor

## ACCEPTABLE REQUESTS GUIDELINES

### APPENDIX 2 – SCHEDULE OF COUNCILLORS INCLUDING PORTFOLIOS

#### SCHEDULE OF COUNCILLORS BY DIVISION

COUNCILLOR	DIVISION
Cr Nev FERRIER	Mayor
Cr John RAMSEY	1
Cr Judy PENDER	2
Cr Phillip CASEY	3
Cr Colin SEMPLE	4
	Deputy Mayor
Cr Brooke LEO	5
Cr Terri BOYCE	6

## SCHEDULE OF COUNCILLORS PORTFOLIOS & RELEVANT OFFICERS

COUNCILLOR	PORTFOLIO	DEPARTMENT	SENIOR OFFICER	OTHER OFFICER/s
Mayor Cr Nev Ferrier	Executive Management	Executive Services	Chief Executive Officer	
	Economic Development	Council Services	Chief Executive Officer Director Council Services	
	Media/PR	Executive Services	Chief Executive Officer	Marketing & Media Officer
	LDMG	Executive Services	Chief Executive Officer	Disaster Management Officer
	Assist all Portfolio Councillors			
Cr Terri Boyce	Water	Council Services	Director Council Services	Manager Water Services
	Sewerage	Council Services	Director Council Services	Manager Water Services
	Public Pools	Council Services	Director Council Services	Senior Land & Lease Management Coordinator
	Trade Waste	Council Services	Director Council Services	Manager Waste & Environment
	Solid Waste	Council Services	Director Council Services	Manager Waste & Environment
	HACC	Corporate & Community Services	Director Corporate and Community Services	Manager Community Services
	Land Tenure & Land Development	Council Services	Director Council Services	Senior Land & Lease Management Coordinator
	Native Title	Council Services	Director Council Services	



COUNCILLOR	PORTFOLIO	DEPARTMENT	SENIOR OFFICER	OTHER OFFICER/s
	Public Conveniences	Infrastructure Services	Director Infrastructure Services	Manager Infrastructure Works
Cr Phillip Casey	Human Resources	Executive Services	Chief Executive Officer	Manager People & Culture
	Learning & Development	Executive Services	Chief Executive Officer	Manager People & Culture
	Work Health & Safety	Executive Services	Chief Executive Officer	Manager People & Culture
	Planning & Environment (includes Planning, Plumbing, Building, Built Environment, Animal Control, Cemeteries/ Funerals, Compliance Enforcement)	Council Services	Director Council Services	Manager Waste & Environment Principal Environmental Health Advisor
	Disaster Management (including SES)	Executive Services	Chief Executive Officer	Disaster Management Officer
Cr Semple (Deputy Mayor) & Cr Ramsey	Infrastructure (includes Roads, Streets, Drainage, Parks, Recreation, Reserves, Contract/Private Works, Quality Assurance, Quarries, Operational Works, Street Lighting, Design, Survey)	Infrastructure Services	Director Infrastructure Services	Manager Infrastructure Works Manager Technical Services
	Airports	Corporate & Community Services	Director Corporate and Community Services	Coordinator - Aerodrome Operations
	Fleet	Corporate & Community Services	Director Corporate and Community Services	Principal Fleet and Workshop Advisor
	Land Protection	Council Services	Director Council Services	Manager Waste & Environment Principal Environmental Health Advisor
	Wash Down Facilities	Council Services	Director Council Services	Manager Waste & Environment Principal Environmental

COUNCILLOR	PORTFOLIO	DEPARTMENT	SENIOR OFFICER	OTHER OFFICER/s
				Health Advisor
	Saleyards	Council Services	Director Council Services	Manager Waste & Environment Principal Environmental Health Advisor
	Clearance Dip (Taroom)	Council Services	Director Council Services	Manager Waste & Environment Principal Environmental Health Advisor
Cr Brooke Leo	Governance & Risk	Executive Services	Chief Executive Officer	
	Arts/Culture, Tourism/Promotion	Corporate & Community Services	Director Corporate and Community Services	Manager Community Services
	Finance, Purchasing/Stores, Rates, Asset Management	Corporate & Community Services	Director Corporate and Community Services	Manager Finance
	Information Technology	Corporate & Community Services	Director Corporate and Community Services	
	GIS	Corporate & Community Services	Director Corporate and Community Services	
Cr Judy Pender	Customer Service & Records Management	Executive Services	Chief Executive Officer	Manager Governance
	Libraries, Community Resource Centre, Halls, Biloela Civic Centre	Corporate & Community Services	Director Corporate and Community Services Director Council Services	Manager Community Services Senior Land & Lease Management Coordinator
	Community Development	Corporate & Community Services	Director Corporate and Community Services	Manager Community Services
	Community Engagement & Consultation	Corporate & Community Services	Director Corporate and Community Services	Manager Community Services
	Sister Cities	Executive Services	Chief Executive Officer	