

### ACCEPTABLE REQUESTS GUIDELINES

**Intent** This policy sets out the guidelines for requests for advice or information by Councillors to local government employees to assist Councillors to carry out their responsibilities under the Local Government Act 2009 (the Act).

**Scope** The Act requires that Council adopts Acceptable Request Guidelines about the way in which Councillors may ask local government employees for advice to help them carry out their responsibilities under the Act.

This policy provides guidance 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;
- reasonable limits on requests that a Councillor may make;
- requests from Councillors to use council resources (not specifically covered by other policies);
- requests from Councillors to access Council properties and worksites that are not typically accessible to unauthorised employees or members of the public, such as depots, construction areas/sites, confined areas etc; and
- giving directions to local government staff.

A Councillor may not request information that is:

- not compliant with these guidelines;
- information which is a public interest disclosure under the *Public Interest Disclosure Act 2010* (Qld);
- personal information under the *Information Privacy Act 2009* (Qld);
- the employment records of a Council employee;
- a record of the Office of the Independent Assessor or Councillor Conduct Tribunal to the extent it is not publicly available information;
- subject to legal professional privilege;
- Confidential information under the *Crime and Corruption Act 2001* (Qld).

### PROVISIONS

Councillors are able to access advice or information from local government employees to assist them to carry out their responsibilities under the Act. A Councillor may also, subject to any limits prescribed under a regulation, ask the Chief Executive Officer (CEO) to provide information relating to the local government that they have access to.

#### Guidelines for Councillors:

1. Requests for information or advice to carry out Councillors' responsibilities under the Act must be directed to the Chief Executive Officer, Executive Officer, Directors, Associate Directors or Executive Managers. See addendum guide to clarify where requests should be directed.
2. In requesting advice or information, Councillors must not attempt to direct or pressure employees in relation to how their duties are performed or seek to influence recommendations the employee should make. The Mayor may direct the CEO in accordance with s170 of the Act.

3. Requests for advice or information must be made in a professional manner and with respect, in line with the Councillor's Code of Conduct. Wherever practical, Councillors are encouraged to obtain information themselves from publicly available sources.
4. Requests can not involve an unreasonable use of a Council employee's time having regard to the resources available to Council.
5. Requests outside of normal Council operating hours must be limited to either the CEO, a Director or the acting Media Coordinator.
6. Councillors must be mindful to operate with a high level of caution in maintaining clear separation between their Councillor role and anything that could be perceived as campaigning or electioneering activity. Interactions with Council staff must relate to the undertaking of Council duties.

#### **Guidelines for Officers / Employees:**

1. Requests from Councillors for advice or information are to be responded to as soon as reasonably possible, or in a timeframe not exceeding ten (10) working days of receipt of the request. If the request involves a complicated issue; requires significant time or resources to research; or necessitates a report to Council, the officer will respectfully inform the Councillor and the relevant Executive Manager / Director who will escalate the reason for the delay to the CEO. If the CEO believes that is not practicable to respond to the Councillor's request within 10 working days, they must advise of that belief and the reasons for the belief within 10 business days and then comply within 20 business days after receiving the request.
2. If a Councillor asks for advice or information outside of these guidelines or attempts to direct or influence an employee about the way in which his or her duties are to be performed, the employee must report this in a timely manner to their Director or the CEO. It is important to note that a request has no effect if it does not comply with these guidelines, unless the request is made by a Mayor, or Councillor making a request that relates to their role as a Council chair.
3. Further, employees should keep a record of advice, access or information provided to Councillors as they would in advising or assisting a member of the public or another authority. This is to be recorded in Council's record management system.

#### Other types of requests:

1. **Access to or use of a council resource:** Should a Councillor request access to or use of a council resource (not specifically covered by other policies) for the benefit of a community group, such must be authorised by resolution of Council or made as a request in writing to the relevant Director or the CEO.
2. **Access to Council properties, administration buildings or depot facilities:** Access to Council facilities where staff offices are located, and those properties that are not typically accessible to unauthorised employees or members of the public, such as depots, construction areas/sites, confined areas etc., access must be authorised by resolution of Council or via an approval from the relevant Director or the CEO. In obtaining access, the Councillor will comply with all site specific worksite health and safety requirements, including but not limited to, the use of any necessary personal protective equipment, inductions and any lawful directions given.
3. **Suppliers and Contractors:** Councillors do not have the authority to directly engage with suppliers or contractors to Council, including the incurring of expenditure.
4. **Administrative assistance:** See addendum guide to identify the appropriate officer/employee for administrative assistance. Requests for administrative assistance must be in line with the *Administrative Support Staff Guidelines General Policy*.

#### **Councillor Use of Information**

A Councillor must only use information or advice obtained from a Council employee in good faith (used for a proper purpose) and must not use the information or advice in contravention of section 171 of the LGA.

**Roles and Responsibilities**

This policy applies to the Councillors and employees of the Cairns Regional Council. With regard to the application of these guidelines to the Mayor, section 12(4) of the Act is noted wherein the Mayor is given extra local government responsibilities.

**Complaints and non-compliance**

A complaint by an officer/employee about a Councillor failing to comply with these guidelines should be referred to the Office of the Independent Assessor and dealt with in accordance with legislation.

A complaint by a Councillor about an officer/employee failing to comply with these guidelines should be referred to the person to whom the officer reports. The Councillor may also notify the Mayor.

Where a Councillor repeatedly operates outside of these guidelines, the CEO retains the right to require that all future requests for advice or information, by that Councillor be made in writing to the relevant Director and/or CEO.

**Definitions**

**Councillor** (of a local government) includes the Mayor, noting section 12(4) of the Act.  
**Officer/employee** includes all employees of the Cairns Regional Council, regardless of their employment status or type, for example, permanent, maximum-term, casual, full/part time, those with employment contracts or agency casuals.  
**CEO** is the Chief Executive Officer of the Council as prescribed by the Local Government Act 2009.

**Related legislation, policies and guides**

- Local Government Act 2009
- Administrative Support Staff Guidelines General Policy #6846286
- Expenses Reimbursement and Support for Elected Representatives General Policy #1952691
- Acceptable Request Guidelines Councillor Aid



**This policy is to remain in force until otherwise determined by Council.**

**Directorate responsible for Review: Office of the CEO**

**ORIGINALLY ADOPTED:** 29 November 2018  
**CURRENT ADOPTION:** 25 October 2023  
**DUE FOR REVISION:** 25 October 2027  
**REVOKED/SUPERSEDED:**

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**Mica Martin**  
**CHIEF EXECUTIVE OFFICER**

# Acceptable Requests Guidelines

Attachment guide to Acceptable Requests Guidelines General Policy

Topic	Mayor	CEO	Executive Officer (Office of the CEO)	Relevant Director / Associate Director	Relevant Executive Manager	Media Officer On Call	Councillor Support	IT Help Desk	Customer Service	Publicly available
Council policy or strategy	✓	✓	✓	✓	✓					✓
Operational issue and service delivery (when not a request to log a simple CRM)		✓		✓	✓					
Request to log a CRM							✓		✓	✓
Media and comms (including social media, speech requests)	✓	✓		✓	✓	✓				
Civic and ceremonial, or when delegated as Council's representative	✓	✓	✓		✓					
Planning and regulatory matters		✓		✓	✓					
Governance including code of conduct, requests for legal advice		✓	✓	✓						
Training & Professional Development (including conferences and travel)	✓	✓	✓				✓			
IT Support (including after hours support)		✓		✓	✓		✓	✓		
After Hours requests		✓	✓	✓		✓				