

Acceptable Requests by Councillors for Advice or Information

Head of Power

Local Government Act 2009

Related Legislation

Public Sector Ethics Act 1994

Local Government Regulation 2012

Objective

The objective of this Policy is to provide guidelines in accordance with section 170A of the *Local Government Act 2009* about the way in which a Councillor can request advice from a Council employee, or information from the Chief Executive Officer in order to assist the Councillor in carrying out their responsibilities, and the reasonable limits on those requests.

Definitions

CEO means Council's Chief Executive Officer.

Employee means all employees of Council, whether employed on a permanent, temporary, or part-time basis.

Application

This Policy applies to requests made by Councillors to employees for advice, or to the Chief Executive Officer for information. This Policy does not apply to the Mayor.

Policy Statement

Requests for Advice

Councillors seeking advice from employees to assist them in carrying out their responsibilities must follow the guidelines below:

1. Requests for advice must be made in a professional manner and in accordance with the Code of Conduct for Councillors in Queensland.
2. Councillors must not direct or pressure employees in relation to their work or the recommendations they should make.
3. Councillors may request advice:
 - (a) from a Council department that is similar in nature to advice provided to the public.
 - (b) at a meeting between a Councillor and employee under the direct supervision of the CEO, relevant Director or Manager, or Coordinator in relation to development assessment matters.
4. All other requests for advice must be directed in the first instance to the CEO, or the relevant Director or Manager, and may be required in writing.
5. Where urgent advice is required after-hours, Councillors may contact the CEO, relevant Director or Manager as appropriate.

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Employees responding to requests for advice from a Councillor must follow the guidelines below:

1. Any significant or substantial advice should be provided in writing where practicable and appropriate.
2. Advice that is provided by an employee must be approved by the CEO, relevant Director or Manager.
3. Advice that is provided in a meeting between a Councillor and employee must be under the direct supervision of the CEO, relevant Director or Manager, or Coordinator in relation to development assessment matters.
4. Advice that is provided to one Councillor should, where practicable and relevant, be provided to all Councillors, CEO and Directors.

Information Requests

In accordance with section 170A(2) of the *Local Government Act 2009*, all requests for information should be directed to the CEO who will facilitate a response to the request.

Any request made by a Councillor to an employee that is contrary to this Policy is not lawful, and the CEO or Director should be informed as soon as is practicable.

Related Documents

This Policy complements and is to be implemented in conjunction with other Council policies, directives and relevant documents published by other agencies including, but not limited to:

- Councillor Code of Conduct
- Employee Code of Conduct

Review and evaluation

This policy will be reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents. Reviews of this policy will occur as required, or at least once every four years.

Responsibility

This Policy is to be:

- (1) implemented by the Manager Governance & Executive Services; and
- (2) reviewed and amended in accordance with the "Review Triggers" by the Director Finance & Corporate Services.

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