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.

Law includes Council policies and directives.

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.

2. Councillors must not behave in an overbearing or threatening manner.

3. Councillors must not direct or pressure employees in relation to their work or the recommendations they should make.

4. Requests for advice must be directed as follows:

   (a) From a Council Department, Councillors may request advice of a nature similar to that given to the public.

   (b) All other requests for advice must be directed to the CEO or the relevant Director/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.

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 to one Councillor should, where practicable and relevant, be provided to all Councillors, CEO and Directors.
3. If a Councillor makes a request to an employee contrary to this Policy, the CEO or Director should be informed as soon as is practicable.

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.

Related Documents
This Policy complements and is to be implemented in conjunction with other Council policies and directives, including but not limited to the Employee Code of Conduct.

Review Triggers
This Policy will be reviewed for applicability, continuing effect and consistency with related documents and the Law when any of the following occurs:

1. The related documents are amended.
2. The related documents are replaced by new documents.
3. Amendments affecting the scope and effect of a Policy of this nature are made to the Law.

Otherwise, this Policy is to be reviewed at least once every two years for relevance and effectiveness.

Responsibility
This Policy is to be:

1. implemented by the CEO; and
2. reviewed and amended in accordance with the “Review Triggers” by the CEO.

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