

	CENTRAL HIGHLANDS REGIONAL COUNCIL POLICY	
	Councillor Acceptable Requests Guidelines Policy	POLICY REF NO CHRCP: 0043

1. Guidelines Purpose

- 1.1. Section 170A (7) of the *Local Government Act 2009* (the Act) requires Central Highlands Regional Council (council) to adopt Acceptable Requests Guidelines (Guidelines) about the way in which a councillor may ask council staff for information and advice to help them carry out their responsibilities under the Act, and reasonable limits on requests that a councillor may make.
- 1.2. These Guidelines also provide a process for councillors to request information and advice from council staff in a manner that is compliant with section 170A of the Act.
- 1.3. To provide for consistency with the terminology of section 170A of the Act, the term ‘Guidelines’ is used and has the same meaning as the term ‘Policy’.

2. Guidelines Statement

- 2.1. Councillors are entitled to seek:
 - a. from council’s Chief Executive Officer (CEO): information and advice, that council has access to, relating to council; and
 - b. from council staff: information and advice to assist the councillor to carry out their responsibilities under the Act.
- 2.2. To ensure the efficient operations of council, the process of seeking that information and advice must take place in an orderly way.
- 2.3. To assist councillors being fully informed in respect to decision making and their other responsibilities under the Act:
 - a. the CEO must keep an up-to-date list of council staff that the councillors can ask for information and advice on particular issues, see Attachment 1;
 - b. council must provide the councillors with a system for managing the requests for information and advice (Guidelines); and
 - c. authorised council staff must make all reasonable endeavours to comply with any reasonable request for information and advice made to them by the councillor in compliance with these Guidelines.
- 2.4. Under Chapter 6, Part 2, Division 5 (obligations of councillors) of the Act:

Giving directions to local government staff (s170)

(1) The mayor may give a direction to the chief executive officer.

(2) However, a direction under subsection (1) must not be given if—

- a. *it is inconsistent with a resolution, or a document adopted by resolution, of the local government; or*
- b. *it relates to the appointment of a local government employee under [section 196\(3\)](#); or*
- c. *it relates to disciplinary action by the chief executive officer in relation to a local government employee under [section 197](#) or a councillor advisor; or*
- d. *it would result in the chief executive officer contravening a provision of an Act.*

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: 22 November 2023

Amended Date:

Document Name: Councillor Acceptable Requests Guidelines Policy

Replaces:
Document Set ID: 947554

Review Date: December 2024

Page 1 of 10

- (3) No councillor, including the mayor, may give a direction to any other local government employee, except in accordance with guidelines made under [section 170AA](#) about the provision of administrative support to councillors.

Note—

Contravention of subsection (3) is misconduct that could result in disciplinary action being taken against a councillor. See [sections 150L\(1\)\(c\)\(iv\), 150AQ and 150AR](#) of the Act.

- 2.5. Council's CEO has made guidelines in relation to the provision of administrative support to councillors in accordance with section 170AA of the Act.

Refer to: Guidelines for Administrative Support to Councillors for Engagement Activities CHRCAG:0037.

3. Definitions

To assist in interpretation, the following definitions apply:

the Act	<i>Local Government Act 2009</i> (Qld)
Advice	advice includes options available to achieve a particular outcome, an opinion, or a recommendation. <i>An example of requests for advice: Can you explain this financial statement? What does this strategy achieve?</i>
Afterhours	means any time other than between the hours of 8.30am to 5pm on a business day
Business day	means a day that is not a Saturday, a Sunday or a public holiday in the council area. For the purpose of 8.5 of this policy, calculating the number of business days commences the first business day after receiving a councillor's request.
CEO	Chief Executive Officer is a person who holds an appointment under section 194 of the Act. This includes a person acting in this position.
Code of Conduct	means the Code of Conduct for Councillors in Queensland made under section 150D of the Act.
Council	Central Highlands Regional Council.
Councillor/s	the mayor and councillors of council within the meaning of the Act.
Council staff	a person holding an appointment under section 196 of the Act.
CRM	means a customer request for a service that council routinely provides and that a member of the public may generally make, for example, a road repair request, the collection of missed bins or the reporting of a non-compliance issue such as a noise complaint or a public health concern.
Direction	Direct, or otherwise influence, another person to carry out or instigate an action.
ELT	means executive leadership team which also includes council's chief executive officer
Guideline	means this policy, as required under section 170A(7) of the Act
Information	means as defined in section 170A of the Act, the information the local government has access to, relating to the local government. <i>An example of information: How many trainees does council employ?</i> It does not include information available on council's website or information can readily be obtained by a member of the public via council's customer service team (e.g., copy of a policy, opening times of a waste facility, council adopted fees and charges schedule).
Misconduct	means as defined in section 150L of the Act.

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Adoption Date: 22 November 2023

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Document Name: Councillor Acceptable Requests Guidelines Policy

Revolves:
Document Set ID: 947554

Review Date: December 2024

Page 2 of 10

4. Who requests should go to

- 4.1. In the first instance requests for information and advice should be communicated via email to the relevant Executive Leadership Team (ELT) member and carbon copy (cc) governance@chrc.qld.gov.au email address for record keeping purposes.
- a. In recognition that the ELT member may not always be available or have access to specific information relevant to the request for advice, councillors may direct their request to a manager of a council business unit and (cc) the relevant ELT member (and governance@chrc.qld.gov.au email address for record keeping purposes).
 - b. To achieve practicality, councillors may request information and information to assist them in carrying out their roles from the nominated Council positions listed in Attachment 1.
 - c. The relevant ELT member is responsible for providing the response to a councillor's request for information and advice and has further obligations under section 8 of these Guidelines.
 - d. A manager of a council business may respond directly to a councillor's request for information and advice, provided the manager has approval from the relevant ELT member. The relevant ELT member is at all times responsible and accountable for the information and advice provided to councillors.

5. When making requests for information or advice

- 5.1. When making requests for information or advice, to ensure council staff can appropriately respond to requests, councillors are asked to:
- a. Outline the nature and purpose of the matter for which the councillor requires information or advice.
 - b. Specify either the relevant ELT member or manager from whom the information or advice is sought.
 - c. Outline the urgency of the request and timeframe that is expected for response.
- 5.2. A councillor may make a request under these Guidelines afterhours. However, there is no expectation that the request will be acknowledged or or actioned until the next business day.
- 5.3. Before making a request, a councillor should consider the likely cost to council in complying with the request (including administrative and resourcing costs). The councillor should not make the request if the costs of complying with the request cannot be justified having regard to the public interest.
- 5.4. A request for information or advice is of no effect if the request does not comply with these Guidelines.

6. Limits to the Guidelines

Any council-related contact from a councillor to council staff other than in accordance with these Guidelines, or guidelines made by the CEO about the provision of administrative support to councillors, may constitute a breach of the Act or Code of Conduct for Councillors in Queensland. If a councillor is unsure whether they may lawfully approach council staff, the councillor should seek advice from the CEO.

- 6.1. Without limiting the above, councillors will not:
- a. Direct, or attempt to direct council staff (except for directions given by the mayor to the CEO and directions given in relation to administrative support in accordance with guidelines made by the CEO);
 - b. Behave towards council staff in an overbearing or threatening manner.
 - c. Coerce, or entice, or attempt to coerce or entice council staff to do anything that does not comply with these Guidelines, the Code of Conduct for Councillors in Queensland or the Act.
 - d. Unduly disrupt council staff:

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: 22 November 2023	Amended Date:	Document Name: Councillor Acceptable Requests Guidelines Policy
Replaces: Document Set ID: 947554	Review Date: December 2024	Page 3 of 10

- i. Undertaking routine employment obligations;
 - ii. During meal breaks; or
 - iii. In the workplace i.e., lengthy, unscheduled discussions with council staff in the corridor or an unplanned attendance at the council staff member's workstation.
- e. Hold meetings with council staff outside of a professional environment.
 - f. Place, or attempt to place council staff in a position that would create a conflict of interest for council staff, or that would compromise the integrity and honest performance of council staff.
 - g. Direct or pressure council staff in relation to their work, recommendations they should make or action they should take.

This section 6.1, is not intended to stop a councillor's social visit i.e. birthday/morning tea where the relevant ELT member has been notified as a courtesy of the councillor's attendance by the councillor or council staff member who has extended the invite to the councillor to attend. For clarity councillors may attend the office for a scheduled meeting or by invitation.

Information which cannot be sought by a councillor

- 6.2. Pursuant to section 170A(4) of the Act, the information or advice that may be provided to a councillor excludes information or a document:
 - a. That is a record of the Councillor Conduct Tribunal.
 - b. That was a record of a former conduct review body (as defined in section 170A of the Act).
 - c. If disclosure of the information or document to the councillor would be contrary to, an order of the court or tribunal.
 - d. That would be privileged from production in a legal proceeding on the ground of legal professional privilege.
- 6.3. In addition to 6.2, the following requests for information or documentation may be denied:
 - a. Where confidentiality obligations under legislation, in contract or in equity prohibit disclosure.
 - b. The request is not in accordance with this policy unless the request is made by the mayor or the chairperson of a committee of council and the request relates to the role of the chairperson.
 - c. The request relates to information that is able to be obtained from publicly available sources.
 - d. Where the costs of responding to the request cannot be justified in the public interest.

7. Use of Information

- 7.1. A person who is or has been a councillor must not use information or advice that was acquired as a councillor (other than information that is lawfully available to the public) to gain, directly or indirectly a financial advantage for themselves or someone else or cause detriment to the local government (maximum penalty as per section 171 of the Act)
- 7.2. A councillor must not release information or advice that the councillor knows or should reasonably know is information that is confidential to council.
- 7.3. A councillor that obtains access to council information or advice must comply with section 171 of the Act and council's Councillors Confidentiality Policy and continue to conduct themselves in accordance with the local government principles and Code of Conduct for Councillors in Queensland.

8. Staff Responsibility

- 8.1. As per section 4.1, the responsibility to manage and respond to councillor enquiries rests at all times with the relevant ELT member.
- 8.2. All council staff have a responsibility to ensure that requests are dealt with in accordance with section 4.1.

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: 22 November 2023	Amended Date:	Document Name: Councillor Acceptable Requests Guidelines Policy
Replaces: Document Set ID: 947554	Review Date: December 2024	Page 4 of 10
Version: 22, Version Date: 01/02/2024	Version: 4	

- 8.3. A council staff member who is required to respond to a councillor request under these Guidelines is responsible for:
 - a. Providing sound and impartial advice to the councillor.
 - b. Acting professionally and providing accurate information.
 - c. Documenting and recording the request in line with these Guidelines.
 - d. Providing the CEO with a copy of the request and details of the action taken in relation to the request including providing a copy of any information or advice given to the requesting councillor.
- 8.4. If the CEO reasonably believes that significant council resources will be required to comply with a request, the CEO may refer the request to the next available council meeting for council's direction.
- 8.5. Request for information or advice made to relevant ELT members or managers must be dealt with within 10 business days after receiving the request. If the relevant ELT member or manager believes it is not reasonably practicable to comply with the request within 10 business days, they must advise the councillor of that belief and the reasons for the belief within 10 business days after receiving the request and then comply with the request within 20 business days after receiving the request, unless the councillor has provided a longer timeframe for response in the request.
- 8.6. With respect to section 8.5 above, it is recognised that there are occasions where information or advice is needed urgently i.e., for attendance at a Community Reference Group meeting. In these circumstances council staff are required to make all reasonable endeavours to provide the information or advice within the expected timeframe as identified in the request under section 5.1.c.
- 8.7. If council staff are unsure as to whether a request from a councillor is appropriate, the council staff member should seek advice from the CEO or relevant ELT member.
- 8.8. No council staff shall initiate contact, provide advice, comment or release information on any other matter outside of their area of responsibility or knowledge unless they are authorised by the CEO and fully briefed on the matter.
- 8.9. To ensure transparency, the final response or outcome to a councillor request for information or advice must be provided to all councillors. In most instances this can be achieved through publishing on council's Hub.
- 8.10. Where a councillor is dissatisfied with the response from the relevant council staff member, the councillor may discuss the matter with the relevant ELT member. If still dissatisfied the councillor may report their dissatisfaction to the mayor. The mayor will refer the complaint to the CEO for review as per council's complaint management process.

9. Compliance

- 9.1. These Guidelines will be reviewed annually to ensure they remain effective and meet the changing needs of council and councillors.
- 9.2. A councillor's failure to follow these Guidelines may be considered misconduct as a contravention of section 170A of the Act.
- 9.3. The Office of the Independent Assessor is the responsible agency for complaints about the conduct of a councillor in Queensland.
- 9.4. Under the Act the CEO must notify the Office of the Independent Assessor if they become aware of information indicating a councillor may have engaged in conduct that would be misconduct.
- 9.5. Any suspected breach by council staff of these Guidelines may constitute a breach of council's Code of Conduct and may be reported to council's People and Culture business unit or through the CEO or relevant General manager, for investigation and action as appropriate in line with council's Administrative Guideline - Grievance CHRCAG:0043.

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: 22 November 2023	Amended Date:	Document Name: Councillor Acceptable Requests Guidelines Policy
Replaces: Document Set ID: 947554	Review Date: December 2024	Page 5 of 10

Legislative Reference	<i>Code of Conduct for Councillors in Queensland Local Government Act 2009 (Qld)</i> <i>Public Interest Disclosure Act 2010 (Qld)</i> <i>Public Sector Ethics Act 1994 (Qld)</i>
Category	Elected Members
Lead Business Unit	Governance
Public Consultation	No
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Record Keeping	ECM, The Vine, CHRC Hub
Related Documents	Standing Orders and Meeting Procedures CHRCP0055 Councillor's Confidentiality Policy CHRCP0030 Central Highlands Regional Council Employee Code of Conduct Code of Conduct for Councillors in Queensland Guidelines for Administrative Support to Councillors for Engagement Activities CHRCAG0037 Central Highlands Regional Council Administrative Guideline - Grievance CHRCAG:0043

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: 22 November 2023	Amended Date:	Document Name: Councillor Acceptable Requests Guidelines Policy
Revokes:	Review Date: December 2024	Page 6 of 10

Attachment 1 – Nominated Council Positions

Position	Nature of Information or Advice
Executive Support	
Chief Executive Officer (CEO)	Any matter
Executive Assistant to CEO	Administrative matters relating to the Office of the CEO
Executive Assistant to Mayor and Councillors	Administrative matters relating to the Office of the Mayor or Councillors in carrying out their responsibilities under the Act.
Principal Projects Advisor	Councillors agreed advocacy priorities and projects assigned to the position
Commercial and Corporate Services	
General Manager	Any matter in relation to: <ul style="list-style-type: none"> • Emerald Airport, regional aerodrome landing strips and advisory committee • Governance • Information Communication Technology and integrated systems throughout council • Information Management • Corporate and operational planning and reporting • Corporate performance management and reporting • Enterprise risk management • Internal and external audit and advisory committee • Emerald Saleyards and advisory committee • Area offices and customer service • Content, background, rationale or clarification for reports presented to council by the relevant department
Manager Governance	Policy, corporate and operational planning/reporting, performance management reporting, risk management/ internal audits, delegations, information management, complaints management and right to information
Manager Information Communications and Technology	Computers, mobile phones, tablets, laptops, council software, internet and intranet
Manager Airport	Airport and regional landing strip operations
Manager Customer Service	Area offices and customer service
Manager Saleyards	Emerald Saleyards, Saleyards Consultation Advisory Committee
Infrastructure and Utilities	

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: 22 November 2023	Amended Date:	Document Name: Councillor Acceptable Requests Guidelines Policy
Revolves: Document Set ID: 947554	Review Date: December 2024	Page 7 of 10

Position	Nature of Information or Advice
General Manager	Any matter relating to: <ul style="list-style-type: none"> • Road (and stormwater) infrastructure capital works and maintenance • Local roads – roadworks, road hazards, road closures, road signs, bridges, drains • Water (and wastewater) infrastructure capital works and maintenance • Asset management planning, operational works, long term infrastructure planning • Project management office • Content, background, rationale or clarification for reports presented to council by the relevant department
Manager Infrastructure	Road (and stormwater) infrastructure capital works and maintenance
Manager Water Utilities	Water (and wastewater) infrastructure capital works and maintenance
Manager Project Management Office	Capital expenditure projects, strategic asset management and planning and infrastructure planning
Manager Fleet, Workshops and Depot Operations	Fleet and depot operations, mechanical maintenance, metal fabrication services and plant and vehicle management
Communities	
General Manager	Any matter relating to: <ul style="list-style-type: none"> • Land use planning and development control • ranger services (animal control, pest and stock route management) • building certification, plumbing certification • waste management and environmental services • Parks and recreational assets and facilities including operational maintenance and capital works for major leisure centres, sporting fields, swimming pools, showgrounds, cemeteries, housing and special projects, • Social/community planning • Community development • Youth and indigenous development • Arts and cultural services • Library services • Grants/funding and community reference group coordination • Support and Media enquiries • Local disaster management matters and SES • Corporate communications - media releases, public relations matters, project/event promotion, website, social media and tourism • Content, background, rationale or clarification for reports presented to council by the relevant department

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: 22 November 2023	Amended Date:	Document Name: Councillor Acceptable Requests Guidelines Policy
Revolves:	Review Date: December 2024	Page 8 of 10

Position	Nature of Information or Advice
Manager Planning and Land Management	Land use planning and development, ranger services (animal control, pest and stock route management), building certification, plumbing certification
Manager Waste and Environment	Waste management and environmental services
Manager Parks and Recreation	Parks and recreational assets, facilities, leisure centre, sporting fields, swimming pools, showgrounds, cemeteries, halls and community centres
Manager Connected Communities	Social/community planning, community development, youth and indigenous development, arts and cultural services, library services, grants and community reference group coordination and support
Coordinator Public Relations and Events	Public relations, media, brand management and council events
Coordinator Disaster Management and Community Resilience	Disaster management
Flood Mitigation Project Manager	Flood warning network
People Safety & Legal	
General Manager	Any matter relating to: <ul style="list-style-type: none"> • Human resources, payroll, recruitment • Work health and safety • Legal • Land and property matters • Content, background, rationale or clarification for reports presented to council by the relevant department
Manager People and Culture	Human resources, payroll, training and development, recruitment and uniforms
Manager Safety and Wellness	Work health and safety, staff wellness programs and staff health monitoring
Manager Legal and Property	Legal matters, land matters including native title and staff and community housing
Finance	
Chief Financial Officer	Any matter relating to: <ul style="list-style-type: none"> • Finance • Strategic Procurement and Contracts • Content, background, rationale or clarification for reports presented to council by the relevant department
Strategic Procurement and Contracts Manager	Procurement, contracts and stores
Manager Finance	Finance, rates and budget

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: 22 November 2023	Amended Date:	Document Name: Councillor Acceptable Requests Guidelines Policy
Replaces: Document Set ID: 947554	Review Date: December 2024	Page 9 of 10

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: 22 November 2023	Amended Date:	Document Name: Councillor Acceptable Requests Guidelines Policy
Replaces: Document Set ID: 947554	Review Date: December 2024	Page 10 of 10
Version: 22, Version Date: 01/02/2024	Version: 4	