

COUNCIL POLICY

Title	Councillor Acceptable Request Guidelines Policy
Policy Number	CHRCP: 0043
Document Number	947554
Category	Strategic
Effective Date	24 April 2024
Resolution Number	2024/04/24/004

1. Policy Purpose

- 1.1. Section 170A (7) of the *Local Government Act 2009* (the Act) requires Central Highlands Regional Council to adopt Acceptable Request Guidelines (Guidelines) about the way in which a councillor may ask for advice to help them carry out their responsibilities under the Act, and reasonable limits on requests that a councillor may make.
- 1.2. This Policy provides a process for councillors to request information and advice from Central Highlands Regional Council employees in a manner that is compliant with section 170A of the Act.
- 1.3. This Policy constitutes the acceptable request guidelines for the purpose of section 170A(7) of the Act.

2. 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 employees	a person holding an appointment under section 196 of the Act and includes a person prescribed under a regulation pursuant to section 170A(8) 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	<p>means as defined in section 170A of the Act, the information the local government has access to, relating to the local government.</p> <p>An example of information: How many trainees does council employ?</p> <p>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).</p>

3. Related Legislation

- *Code of Conduct for Councillors in Queensland*
- *Crime and Corruption Act 2001* (Qld)
- *Integrity Act 2009* (Qld)
- *Local Government Regulations 2012* (Qld)
- *Local Government Act 2009* (Qld)
- *Public Interest Disclosure Act 2010* (Qld)
- *Public Sector Ethics Act 1994* (Qld)

4. Related Documents

- Standing Orders Policy and Meeting Procedures CHRCP: 0055
- Councillor's Confidentiality Policy CHRCP: 0030
- Central Highlands Regional Council Employee Code of Conduct
- Code of Conduct for Councillors in Queensland
- Guidelines for Administrative Support to Councillors Procedure CHRCAG: 0037
- Central Highlands Regional Council Grievance Administrative Guideline CHRCAG:0043

5. Policy Statement

5.1. 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 employees: advice to assist the councillor to carry out their responsibilities under the Act.

5.2. This policy sets out the process to enable councillors to access information and advice pursuant to section 170A of the Act and in relation to Mayoral Directions under section 170 of the Act.

5.3. To ensure compliance with section 170A of the Act:

- a. The CEO must keep an up-to-date list of council employees that the councillors can ask for information and advice on particular issues and include the updated list as Attachment 1 to this Policy;

- b. Council employees listed in Attachment 1 and as updated from time to time must make all reasonable endeavours to comply with any reasonable request for information and advice made to them by the councillor in compliance with this Policy.
- 5.4. This Policy does not apply to the provision of administrative support to councillors in accordance with section 170AA of the Act.

Refer to: Guidelines for Administrative Support to Councillors Procedure CHRCAG:0037.

- 5.5. General community requests or complaints directed to councillors should be lodged as a CRM and are not acceptable requests under this Policy.

6. Who requests should go to

Requests for Advice

- 6.1. Requests for **advice** should be communicated via email to a council employee listed in Attachment 1 with a carbon copy (cc) to the ELT member who the council employee works under and governance@chrc.qld.gov.au email address for record keeping purposes. For clarity, a cc of the ELT member is not required where the request is submitted directly to the ELT member, however such requests should cc governance@chrc.qld.gov.au.
- 6.2. The relevant ELT member is responsible for providing the response to a councillor's request for advice and has further obligations under section 11 of this Policy.
- 6.3. If the council employee listed in Attachment 1 is a manager, the manager may respond directly to a councillor's request for advice, provided the manager has approval from the relevant ELT member. The relevant ELT member is at all times responsible and accountable for the advice provided to councillors.
- 6.4. If the Council employee listed in Attachment 1 is not a manager, the council employee must send the response to the request to the manager who will follow the process set out under 6.3.

Requests for Information

- 6.5. Requests for information should be communicated via email to the CEO and a carbon copy (cc) to governance@chrc.qld.gov.au email address for record keeping purposes, in accordance with section 170A(2) of the Act. In recognition that the CEO may not always have access to specific information relevant to the request for information, the CEO may direct their request to the relevant ELT member (and governance@chrc.qld.gov.au email address for record keeping purposes).

Directions by the Mayor

- 6.6. Pursuant to section 170 of the Act:
- (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.*
 - (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.*

- (4) *The mayor or another councillor must not give a direction in contravention of subsection (2) or (3).*

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.

- (5) *The chief executive officer must-*
- a. *keep a record of each direction given to the chief executive officer; and*
 - b. *make available to the local government each direction mentioned in paragraph (a).*
- 6.7. Where a direction is given pursuant to section 170 of the Act, the mayor must email the CEO confirming the direction and the Executive Assistant to the CEO will keep a register of directions received and make available to the local government the register pursuant to section 170(5) of the Act.
- 6.8. No councillor, including the mayor, may give a direction to any other local government employee, except in accordance with the Guidelines for Administrative Support to Councillors Procedure CHRCAG: 0037 made under section 170AA about the provision of administrative support to councillors.

7. When making requests for information or advice

- 7.1. When making requests for information or advice, to ensure council employees 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.
- 7.2. A councillor may make a request under this Policy after hours. However, there is no expectation that the request will be acknowledged or actioned until the next business day.
- 7.3. 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.
- 7.4. A request for information or advice is of no effect if the request does not comply with this Policy.

8. Limits to the Policy

- 8.1 Any council-related contact from a councillor to council employees other than in accordance with this Policy, 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 a council employee, the councillor should seek advice from the CEO.
- 8.2 Without limiting the above, councillors will not:
- 8.2.1 Direct, or attempt to direct council employees (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);
 - 8.2.2 Behave towards council employees in an overbearing or threatening manner.

- 8.2.3 Coerce, or entice, or attempt to coerce or entice council employees to do anything that does not comply with this Policy, the Code of Conduct for Councillors in Queensland or the Act.
 - 8.2.4 Unduly disrupt council employees:
 - 8.2.4.1 Undertaking routine employment obligations;
 - 8.2.4.2 During meal breaks; or
 - 8.2.4.3 In the workplace i.e., lengthy, unscheduled discussions with council employees in the corridor or an unplanned attendance at the council employees workstation.
 - 8.2.5 Hold meetings with council employees outside of a professional environment.
 - 8.2.6 Place, or attempt to place council employees in a position that would create a conflict of interest for council employees, or that would compromise the integrity and honest performance of council employees.
 - 8.2.7 Direct or pressure council employees in relation to their work, recommendations they should make or action they should take.
- 8.3 This part 8 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 employee who has extended the invite to the councillor to attend.

9. Information which cannot be sought by a councillor

- 9.1 Pursuant to section 170A(4) of the Act, the information or advice that may be provided to a councillor excludes information or a document:
 - 9.1.1 That is a record of the Councillor Conduct Tribunal.
 - 9.1.2 That was a record of a former conduct review body (as defined in section 170A of the Act).
 - 9.1.3 If disclosure of the information or document to the councillor would be contrary to, an order of the court or tribunal.
 - 9.1.4 That would be privileged from production in a legal proceeding on the ground of legal professional privilege.
- 9.2 In addition to 9.1, the following requests for information or documentation may be denied where:
 - 9.2.1 confidentiality obligations under legislation, in contract or in equity prohibit disclosure;
 - 9.2.2 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;
 - 9.2.3 the request relates to information that is able to be obtained from publicly available sources;
 - 9.2.4 the costs of responding to the request cannot be justified in the public interest.

10. Use of Information

- 10.1 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).

- 10.2 A councillor must not release information or advice that the councillor knows or should reasonably know is information that is confidential to council.
- 10.3 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.

11. Employee Responsibility

- 11.1 The responsibility to manage and respond to councillor enquiries rests at all times with the relevant ELT member.
- 11.2 If the ELT member reasonably believes that significant council resources will be required to comply with a request, the ELT member must notify the CEO who may refer the request to the next available council meeting for council's direction.
- 11.3 All council employees have a responsibility to ensure that requests are dealt with in accordance with section 6 of this Policy.
- 11.4 A council employee who is required to respond to a councillor request under this Policy must do so in consultation with their ELT member, to ensure:
 - 11.4.1 The response provides sound and impartial advice to the councillor.
 - 11.4.2 The response is professional and provides accurate information.
 - 11.4.3 The documenting and recording of the request is in line with this Policy.
 - 11.4.4 The CEO is provided 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.
- 11.5 Request for information or advice made to council employees must be dealt with within 10 business days after receiving the request. If the ELT member, acting under delegated power from the CEO pursuant to section 170A(10) 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.
- 11.6 With respect to section 11.5 above, it is recognised that there are occasions where information or advice is needed urgently (for example, for attendance at a Community Reference Group meeting). In these circumstances council employees are required to make all reasonable endeavours to provide the information or advice within the expected timeframe as identified in the request pursuant to the requirements of section 7.1.c) of this Policy.
- 11.7 If council employees are unsure as to whether a request from a councillor is appropriate, the council employee should seek advice from the CEO or relevant ELT member.
- 11.8 No council employee 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.
- 11.9 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. It is noted that the requirement to provide the response to all councillors does not apply to requests by the mayor under section 170(1) of the Act.
- 11.10 Where a councillor is dissatisfied with the response from the relevant council employee, 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.

12. Compliance

Failure to comply by Councillor

- 12.1 A councillor's failure to follow this Policy may be considered a conduct breach pursuant to the Act.
- 12.2 The Office of the Independent Assessor is the responsible agency for complaints about the conduct of a councillor in Queensland.
- 12.3 Pursuant to section 150R(2) of the Act, the CEO must give the Office of the Independent Assessor a notice of the conduct breach within the timeframes set out pursuant to section 150SB of the Act.

Failure to comply by council employee

- 12.4 Any suspected breach by council employees of this Policy may constitute a breach of council's Employee Code of Conduct and may be reported to People and Safety or through the CEO or relevant ELT member, for investigation and action as appropriate in line with council's Grievance Administrative Guideline CHRCAG:0043.

13. Updates to Attachment 1

- 13.1 The CEO is delegated power to update the list included at Attachment 1. The CEO is not required to seek approval from council.
- 13.2 Where the list included at Attachment 1 is updated, the CEO will notify councillors by email attaching the updated list. The updated list will apply from the date and time of the CEO email to councillors.

14. Compliance and Review Mechanism

- 14.1 This Policy will be reviewed when any of the following occur:
 - 14.1.1 The related legislation or governing documents are amended or replaced; or
 - 14.1.2 Other circumstances as determined by resolution of Council or the CEO.

Table of Amendments			
Document History	Date	Council Resolution No	Notes (including the prior policy number, precise of change/s, etc.)
Amendment 1	24/04/2024	2024/04/24/004	Full review of policy

Ross Higgins

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Ross Higgins
Acting CHIEF EXECUTIVE OFFICER

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	
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

Position	Nature of Information or Advice
	<ul style="list-style-type: none"> • 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	<p>Any matter relating to:</p> <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
Manager Planning and Land Management	Land use planning and development, ranger services (animal control, pest and stock route management), building certification, plumbing certification
Manager Resource Recovery and Environmental Health	Waste management and environmental services

Position	Nature of Information or Advice
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 Emergency 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 Safety	Human resources, payroll, training and development, recruitment and uniforms
Safety Manager	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