



# Acceptable Request Guidelines - Councillors

*Local Government Act 2009*



# 1. POLICY STATEMENT

These Acceptable Request Guidelines are adopted by resolution of the Council as required by Section 170A(7) of the *Local Government Act 2009* to establish the way in which Councillors may make requests for information and advice from Council employees. Councillors must comply with these guidelines.

## 2. PURPOSE AND PRINCIPLES

These guidelines record the way in which councillors may:

- ask a Council employee for advice to assist the councillor to carry out his or her responsibilities under the *Local Government Act 2009 (the Act)*.
- ask a Council employee for information related to the Council.

When creating these guidelines the Council has sought to strike a balance between:

- providing Councillors with access to advice and information required for councillors to discharge their responsibilities under the Act;
- minimising the use of community resources for political purposes; and
- responding to councillors' requests in a timely way while minimising resource demands and the negative impact that those demands have upon service delivery.

Councillors' requests for advice or information must comply with the principles which guide decision making by Councillors and Council staff stated in section 4 of the Act as:

- transparent and effective processes, and decision-making in the public interest; and
- sustainable development and management of assets and infrastructure, and delivery of effective services; and
- democratic representation, social inclusion and meaningful community engagement; and
- good governance of, and by, local government; and
- ethical and legal behaviour of Councillors and local government employees.

## 3. SCOPE

This policy applies to all Councillors and Council employees.

## 4. DIRECTIONS TO STAFF

Section 170 of the Act states:

- 1) *The Mayor may give a direction to the Chief Executive Officer.*
- 2) *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.*

Councillors must ensure that when making a request for advice that the manner and wording of their request is not capable of being construed as an unlawful direction to the staff member.

## 5. DEFINITIONS

**Advice** – means the provision of knowledge or opinion by a Council employee to assist a Councillor to carry out their duties under the Act. For example, a Councillor may ask a Council employee to advise the Councillor on a process to

**ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Legal Services

Version No. 8

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24

be followed for an application made by a ratepayer to council.

**Councillor Support** – means dedicated administrative support and dedicated email set up exclusively for Councillors to submit requests for information and advice.

**Declarable Conflict of Interest** – has the same meaning as in the *Local Government Act 2009*.

**Information** – means information contained in existing records or documents (in printed or electronic form) relating to Council and to which the Council has access. For example, a Councillor may ask the Chief Executive Officer for a copy of an application that was submitted by a ratepayer.

**Manager** – includes persons appointed to positions including with the title, Team Manager, General Manager, Director and Chief.

**Other approved staff** – means for the purposes of these guidelines any staff member nominated in writing by the Chief Executive Officer or a Director as approved to receive requests for advice directly from Councillors. Attachment 1 to this Guideline is a list of the other approved staff. The Chief Executive Officer is authorised to amend that list as necessary without re-submitting this Guideline to the council for adoption. For clarity, this authority enables the Chief Executive Officer to require a Councillor or Councillors to direct all requests:

- to a staff member that the Chief Executive Officer nominates;
- about a particular subject to a staff member that the Chief Executive Officer nominates;
- to a particular email address.

When those requirements do not apply to all Councillors or are stipulated as applying only to a nominated date, it is not necessary that the Chief Executive Officer formally amends this Guideline in order for the requirements to take effect.

**Prescribed Conflict of Interest** – has the same meaning as in the *Local Government Act 2009*.

**Request** means a request by a councillor for information or advice.

**Senior executive** – means the Chief Executive Officer and all Council Directors.

**Staff members** – includes employees, contractors, volunteers and all others who perform work on behalf of Council.

## 6. GUIDELINES

### 6.1. MAYOR AND CHAIRPERSONS

Section 170A (5) of the Act provides that these guidelines do not bind the Mayor, or the chairperson of a committee who makes a request for advice about his or her role as chairperson of the committee. To facilitate efficient provision of service by staff members the Mayor and chairpersons are encouraged to comply with these guidelines in all cases.

### 6.2. GENERAL REQUIREMENTS FOR REQUESTS

Service requests made by residents or by Councillors on behalf of residents are not considered as requests for advice or information.

When sending a service request to Councillor Support, Councillors should include sufficient information on the approved template, where possible, to enable staff to respond, for example, the name and contact details of a resident if staff are required to contact the resident / requestor.

**ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Legal Services

Version No. 8

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24

Councillors do request advice when they request an update of the status or a service request or the process to be followed for the actioning of a service request. Those requests for advice must be made in a way that complies with these guidelines

Councillors are reminded that:

- any request for information or advice they make and the response/s provided may be subject to disclosure if an application for access is made under the *Right to Information Act 2009*; and
- contravention of these guidelines is misconduct, pursuant to section 150L(1)(c)(ii) of the Act.

When requesting information or advice Councillors must:

- act in accordance with the local government principles prescribed in section 4(2) of the Act;
- comply with all laws that apply to the local government, as well as Council policies, procedures and guidelines;
- act in accordance with the Code of Conduct for Councillors in Queensland (Copy attached to these guidelines);
- act in accordance with all of the obligations set out in Chapter 6, Division 6 of the Act;
- not direct, or attempt to direct any council employee to do anything;
- not behave toward Council employees in an overbearing or threatening manner;
- not coerce or entice, or attempt to coerce or entice any Council employee to do anything that does not comply with these Guidelines;
- not unreasonably disrupt a Council employee in the undertaking of that Council employee's routine employment obligations;
- not place, or attempt to place any Council employee in a position that would create a conflict of interest for that Council employee, or that would compromise the integrity and honest performance of that Council employee; and
- not make a request for information when provision of that information would breach any obligations of confidentiality under the law - for example, the *Information Privacy Act 2009*, *Crime and Corruption Act 2001*, *Public Interest Disclosure Act 2010*, *Workers' Compensation and Rehabilitation Act 2003*;
- during the caretaker period, not request information or advice that involves or relates to major policy decisions of Council or which will result in or be likely to result in any inappropriate political gain or advantage for the councillors (as per section 90A – 90D of the Act);
- act in good faith; and
- be respectful, reasonable and professional.

**ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Legal Services

Version No. 8

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24

## 6.3 STAFF ATTENDANCE AT MEETINGS

Any Councillor may request the Chief Executive Officer or relevant Director to arrange for a staff member to attend a meeting involving the Councillor and a member of the public.

Such a request is not a request for advice under section 170A of the Act. The Chief Executive Officer or Relevant Director is authorised to approve or refuse the Councillor's request. Reasons must be provided to the Councillor when a request is refused.

If a request for staff to attend a meeting is approved on the understanding that the Councillor will attend the meeting in person, if the Councillor will no longer attend that meeting in person the Councillor must give notice of the Councillor's changed plans to the Chief Executive Officer or relevant Director and (if the Councillor knows the identity of the staff member/s nominated to attend the meeting) the nominated staff member/s. That notice must be given not less than two hours before the scheduled start of the meeting unless there are exceptional circumstances that prevent the Councillor providing that period of notice.

## 6.4. INTERACTION BETWEEN COUNCILLORS AND STAFF MEMBERS

In the case of a genuine emergency, contact should be made by telephone with the Chief Executive Officer or Director of the relevant area of responsibility to determine the appropriate approach and timelines.

Attachment 2 provides a list of approved communication channels for Councillors.

In some instances, a Director or the Chief Executive Officer will direct individual staff members to contact Councillors to provide specific information or clarification relating to a specific matter.

Councillors must ensure that:

- any interaction they have with staff members is at all times carried out in a respectful, reasonable and professional manner;
- the Councillor contacts only specifically approved staff solely in relation to matters specific to that officer's area of individual responsibility, and that all other requests are directed through Councillor Support unless otherwise directed in writing by the Chief Executive Officer; and
- the Councillor does not attempt to use Councillor Support staff in a way that might circumvent an access restriction under these guidelines.

## 6.5. PROCESS FOR MAKING A REQUEST FOR INFORMATION OR ADVICE

A Councillor may request advice to assist in carrying out the Councillor's responsibility under the Act, or information about the Council, from:

- The Chief Executive Officer
- An approved staff member when the request is specific to that staff member's area of responsibility;
- by lodging the request to the Councillor Support email; or
- direct to a Councillor Support administrative officer via telephone or in person

The Chief Executive Officer may require:

- all of the Councillor's requests, or requests about a particular matter, be made to or be responded to by a nominated staff member;
- a request be made in writing.

When making a written request for information or advice to any approved staff member a Councillor must ensure that a copy of the request is provided to the relevant Director and copied to Councillor Support. See Attachment 2 for the approved communication channels for Councillors.

**ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Legal Services

Version No. 8

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24

All Councillor requests to Councillor Support are to be acknowledged within 1 business day. The Act requires responses to be provided within 10 business days, except when responding to the request is complex and requires more time. Those requests must be responded to by an interim response provided within 10 business days and then a final response within 20 business days of the request date. The Council acknowledges that on some occasions provision of a comprehensive response can take more than 20 business days.

When responding to a Councillor's request is anticipated to require the allocation of resources in excess of 2 hours of staff time, or the expenditure of funds, the Councillor will be asked to consider making the request through a Notice of Motion to a Council meeting, via Committee.

## 6.6. PROVISION OF REQUESTED DOCUMENTS OR INFORMATION

The entitlement for Councillors to have access to information is solely for the purpose of exercising the roles and responsibilities of a Councillors. The power to request advice and information must not be used for political purposes and does not create the right to disclose information obtained by a Councillor to another person unless the information is already in the public domain.

Councillors must inform themselves about their responsibilities under the Act regarding the sharing or further distribution of Council information or advice. Councillors must not publish, share, or distribute information or contents of advice unless the Councillor has first determined that it is permissible for the Councillor to do so.

While not every document is considered 'Confidential', Councillors must be mindful that information provided may contain confidential material and must be handled appropriately to ensure that Council maintains its reputation and good standing with the community and meets its obligations at law.

Staff will endeavour to inform Councillors if a response contains confidential information and it is not in the public interest to circulate the information to others, but Councillors are solely responsible for ensuring that they deal with information appropriately.

Councillors must not conclude that because some general topic is known to the public, Councillors are free to disclose details provided in a workshop about that topic.

Before releasing any information Councillors must be mindful that:

- S. 200 (4) of the *Local Government Act 2009* makes it offence punishable by up to 2 years imprisonment to  
*... release information that the person knows, or should reasonably know, is information that—*  
*(a) is confidential to the local government; and*  
*(b) the local government wishes to keep confidential.*

and

- Councillors have an obligation under the Code of Conduct for Councillors to:  
*At all times strive to maintain and strengthen the public's trust and confidence in the integrity of Council and avoid any action which may diminish its standing, authority or dignity.*

Councillor Support's responses are provided for the information of Councillors only. Councillor Support emails must not be copied or forwarded to residents. If a Councillor wishes to provide a resident with information contained in an email from Councillor Support, then – provided that the information is not confidential - the Councillor may extract the information and place it into a new email from the Councillor to the resident. The Councillor Support email address is not to be revealed to members of the public.

Any simple requests that are not sent via Councillor Support will be forwarded or redirected to Councillor Support by staff. This may impact upon the time taken to respond.

Procedures relating to the conduct of Councillor Support are an operational matter to be determined by the Chief Executive Officer, however, Councillors will be consulted about any proposed changes.

### ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.

Document No. – 2022  
Authorised By – Chief Executive Officer  
Document Maintained by – Legal Services

Version No. 8  
Initial Date of Adoption (Version 1) – 12.11.10  
Current Version Reviewed – 28.09.22  
Next Review Date – 28.09.24

## 6.7. REASONABLE LIMITS ON REQUESTS FOR ADVICE OR INFORMATION

These guidelines set reasonable limits on requests made by Councillors.

Councillors must not request information:

- that is a record of the conduct tribunal;
- if disclosure of the information to the Councillor would be contrary to an order of the court or tribunal;
- that would be privileged from production in a legal proceeding on the grounds of legal professional privilege;
- that would disclose personal information, other than when the information is solely required to assist the person about whom the request is made;
- which relates to a public interest disclosure under the *Public Interest Disclosure Act 2010*;
- that is confidential information under the *Crime and Corruption Act 2001*;
- that is about matters relating to the conduct of any councillor pursuant to Part 3, chapter 5A of the Act;
- that is a record in relation to an employee's recruitment, performance, or remuneration;
- when responding to the request will place an unreasonable demand on Council's resources. The Chief Executive Officer is to advise the Councillor when the Chief Executive Officer considers that a request contravenes this requirement. As a guide to the Chief Executive Officer, the Council records that any response that will require more than two hours of staff time to prepare is likely to place an unreasonable demand on Council's resources and should be referred to Council, via Committee, so that Council can decide whether a response to the request is to be provided.

## 6.8 REQUESTS FOR ADVICE OR INFORMATION

### 6.8.1 REQUESTS TO BE MADE IN WRITING AND RESPONSES PROVIDED TO MAXIMISE INFORMATION PROVISION TO COUNCILLORS

Councillors must make all requests in writing.

To minimise resources dedicated to the provision of advice and information, and to facilitate discussion between Councillors about the advice or information provided, the Council directs the Chief Executive Officer to exercise a preference to providing the information or advice to all Councillors at the same time, preferably in a Councillor workshop.

As a guide, the Council records that information is likely to be of use, interest or value to more than a single Councillor in all cases other than when the information is relevant only to one resident/family.

### 6.8.2 REQUESTS MADE DURING MEETINGS

Confusion has been created when a Councillor asks a question during discussion of a matter at a meeting, and the answer cannot be provided during the meeting. In that case it is not clear whether the Councillor remains interested in having the question answered.

To provide clarity in the processing of Councillor requests made during meetings, any question or request that cannot be answered during the meeting will only be answered after the meeting if:

- the majority of Councillors present at the meeting resolve that the request be made, in which case an answer will be prepared and provided to all Councillors either as soon as practicable, or during a future meeting or workshop as the Chief Executive Officer decides; or
- the majority of Councillors present at the meeting do not resolve that the request be made, if subsequent to the meeting a Councillor makes a written request for the information or advice in the manner provided for in these Acceptable Request Guidelines.

**ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Legal Services

Version No. 8

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24



### 6.8.3 REQUESTS FOR INFORMATION RELATING TO A MATTER IN RESPECT OF WHICH THE COUNCILLOR HAS A PRESCRIBED OR DECLARABLE CONFLICT OF INTEREST

Councillors have an obligation to ensure that they deal transparently with matters in which they have a conflict of interest.

A Councillor must not make a request in respect of a matter in which the Councillor may have a Prescribed or Declarable Conflict of Interest:

- without the Council first resolving that the Councillor may make the request; or
- except to the extent necessary to enable the Councillor to determine whether he or she has a conflict of interest in the matter,

unless:

- (a) the matter is an Ordinary Business Matter as defined in Section 150EF of the Act applies; or
- (b) a Council meeting has resolved pursuant to Section 150ES of the Act that the Councillor may participate in a decision about the matter; or
- (c) the Councillor:
  - first applies to the Council for approval to make the request;
  - gives reasons as to why it is necessary that the Councillor make the request;
  - sets out how the Councillor proposes to manage the Councillors conflict of Interest in the matter, or why that Conflict should not preclude the Councillor making the request;
  - the Council resolves to approve the Councillor making the request.

When the Chief Executive Officer believes that a Councillor has made a request in respect of a matter in which the Councillor may have a Prescribed or Declarable Conflict of Interest:

- (d) The Chief Executive Officer must in writing advise the Councillor about that belief, explaining the basis upon which the belief was formed;
- (e) The Councillor must either:
  - withdraw the request, or
  - in writing inform the Chief Executive Officer that the advice or information is requested to enable the Council to determine whether the Councillor has a Prescribed or Declarable Conflict of Interest; or
  - in writing certify to the Chief Executive Officer that the Councillor does not have a Prescribed or Declarable Conflict of Interest in the matter.
- (f) If the Councillor advises that the advice or information is requested to enable the Councillor to determine whether the Councillor has a Prescribed or Declarable Conflict of Interest, the Chief Executive Officer must restrict the advice or information provided to the Councillor to the minimum necessary to fulfill that purpose.
- (g) The time period set out in section 170A of the Act for the Chief Executive to provide information or advice in response to the request does not commence until the Chief Executive Officer receives the Councillor's written response provided pursuant to clause 6.8.3(e).

### 6.8.4 REQUESTS FOR CONFIDENTIAL DRAFT AND DELIBERATIVE PROCESS DOCUMENTS

The operational arm of the Council frequently creates, receives and develops deliberative process documents that contain confidential information, and information that if released prematurely would enable a recipient to obtain a commercial advantage or to prejudice negotiations between the Council and affected persons and companies. There is a potential for the Council to become liable for loss suffered by others through the early release of such information.

**ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Legal Services

Version No. 8

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24



Temporarily limiting Councillors' access to that draft information does not impact upon Councillor decision making because Councillors will be provided with reports and information to inform their decision making about the matter at the time the relevant Committee or Council as a whole is asked to make decisions about the matter to which the information relates.

Council wishes to minimise the potential for inappropriate or inadvertent release of deliberative process documents, and to minimise the opportunity for allegations to be made that a Councillor has intentionally or inadvertently released information contained in those documents.

The Council adopts the following reasonable limits upon a Councillor's ability to request and obtain deliberative process information before the deliberation to which the information relates is finalised.

If a Councillor requests advice, information or documents that are confidential and:

- are still in development by Council's administrative arm, including, but not limited to, documents that are the subject of internal consultation within Council's administrative arm, or require further consideration and deliberation at an administrative level before being presented to Council (including to a Committee of Council) for consideration or a decision; or
- will be the subject of a future report to be brought before a Committee or the full Council, and the relevant staff member forms the view that it is advisable or expedient to present the advice, information or documents as part of a report to a Committee or the full Council,

(together the **Draft Information**), the staff member who receives the request is not required to provide the Draft Information to the Councillor.

If a Councillor is informed that the Draft Information that the Councillor has requested will not be provided in response to the request, the Councillor may write to the Chief Executive Officer asking for a review of that decision. The review request need not be considered unless it includes an explanation about why the Councillor immediately requires the Draft Information to discharge his or her responsibilities as a Councillor. If a review request relates to a decision made by the Chief Executive Officer, then upon receipt of the review request the Chief Executive Officer must refer the request to the Mayor for decision.

## 6.8.5 PROVISION OF INFORMATION BY ALLOWING COUNCILLOR TO 'VIEW ONLY'

Where 'view only' access to information is the preferred option available, Councillor Support officers will organise a suitable time and location. Appropriate reasons to allow 'view only' access to a Councillor are when:

- the information requested relates to a tender, quotation or contractual arrangement;
- the copying or scanning information would unreasonably divert resources of the relevant department from its other operations; or
- where there is an agreement or understanding by Council that documents will not copy or reproduce the information; or
- where the contents of the document are considered by the Chief Executive Officer to be of such a confidential nature that a risk could arise in the provision of the document in hardcopy or electronic format.

When Chief Executive Officer reasonably believes that a response to a request involves providing a Councillor with access to information that has commercial sensitivity, the Chief Executive Officer has discretion to make the information available to the Councillor solely by the provision of access to view the documents, and without providing copies of the documents.

When a Councillor request is responded to by the provision of viewing access only, the Councillor must not photograph, transcribe or otherwise record any part of the information.

If a Councillor is informed that their request will be responded to by the provision of viewing access only, the Councillor may write to the Mayor asking for a review of that decision. The review request need not be considered unless it includes an explanation about why the Councillor requires copies of the documents to discharge his or her responsibilities as a Councillor.

### ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Legal Services

Version No. 8

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24

## 6.8.6 REQUESTS FOR INFORMATION OR ADVICE PROVIDED PREVIOUSLY

Councillors are under obligations to carry out their responsibilities conscientiously and in the best interests of the Council and the community and have proper regard for the obligations of council employees.

To discharge those obligations, it is necessary that before making a request Councillors first seek to determine whether the information or advice has been provided to them previously or is readily available to them by simple search of those parts of the Council's information system that are available to Councillors or the information is available in the public domain.

When a Councillor requests information or advice that has been provided previously, or is available in the public domain the staff member who receives the request:

- (a) is not required to again provide the information to the Councillor; and
- (b) must advise the Councillor about how to search for the information or where the information is available publicly.

## 6.8.7 DUTY TO STRIVE TO MAINTAIN AND STRENGTHEN THE PUBLIC'S TRUST AND CONFIDENCE IN THE INTEGRITY OF COUNCIL AND AVOID ANY ACTION WHICH MAY DIMINISH COUNCIL'S STANDING, AUTHORITY OR DIGNITY

Councillors have a duty to strive to maintain and strengthen the public's trust and confidence in the integrity of Council and avoid any action which may diminish Council's standing, authority or dignity.

Councillors are encouraged to seek advice that will assist Councillors to discharge their responsibilities under the Act, and to seek information that will facilitate improving Council's governance and provision of services.

Under the Councillor Code of Conduct, Councillors must not use staff resources for political purposes that may diminish the Council's standing, authority or dignity.

Public discussion about a Council decision is likely to diminish the Council's standing, authority or dignity if that discussion does not include a presentation of the majority view and the reasons for the decision.

Councillors must not make requests under these guidelines for advice or information when a dominant purpose of the request is to assist the Councillor to publicly criticise a Council decision in a way that may diminishes the Council's standing, authority or dignity. Such requests are only properly made in a Council meeting by a Notice of Motion, which facilitates debate about the request before Council resources are dedicated to responding to the request. The Council reserves to itself the decision-making authority in respect of those requests.

The Chief Executive Officer is to have regard to the public activities of all councillors before responding to requests for advice or information. When Councillor's actions have given the Chief Executive Officer a reasonable belief that a dominant purpose of a request is to facilitate criticism of a council decision in a way that may diminish the Council's standing, authority or dignity, the Chief Executive Officer is directed to refer the request to the next Council meeting without providing a response to the requesting Councillor.

**ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Legal Services

Version No. 8

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24

## 6.9. RESIDENT TELEPHONE CALLS

Council's Customer Service Centre on 13 48 10 is open between 8am and 5pm Monday to Friday. All calls outside these hours to council are directed to council's after-hours service on 13 48 10.

It is not appropriate for Councillors to provide residents with a staff member's direct contact details. Similarly, staff will not provide residents with Councillors' contact details, other than the details which Councillors have designated for public use.

## 6.10. OTHER APPROVED STAFF

Other approved staff responding to a Councillor's request for advice must ensure that their Director is informed of the making of, and response to, all significant Councillor requests.

If a staff member believes that the cost of actioning a Councillor request will be high and/or outside approved budget, the request must be brought to the attention of the Chief Executive Officer prior to being actioned.

If a staff member is concerned or unsure whether a request made by a Councillor is outside the scope of these guidelines or may not comply with these guidelines, the staff member must seek to resolve those concerns or clarify the matter with the Councillor in the first instance. If the Councillor maintains the request is to be met, the staff member must not act upon the request and must immediately obtain guidance from their Director or the Chief Executive Officer.

## 6.11. OBLIGATION TO REPORT NON-COMPLIANCE

Councillors are reminded that when a request by a Councillor to a staff member does not comply with these guidelines, the Chief Executive Officer must report the matter to the relevant department or agency under applicable legislation.

## 7. LEGAL PARAMETERS

*Local Government Act 2009*

*Local Government Regulation 2012*

## 8. ASSOCIATED DOCUMENTS

Code of Conduct for Employees

Councillor facilities policy

Media relations administrative directive

Preparation of speeches for Councillors administrative directive

Customer service standards

## 9. DOCUMENT HISTORY

Date	Version	Amendment	Reviewer	Approved

**ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Legal Services

Version No. 8

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24



# ATTACHMENT 1 – OTHER APPROVED STAFF

## **EXECUTIVE OFFICE**

- Chief Financial Officer
- Chief Planning and Development Officer
- Executive Officer to the CEO
- Executive Support Officers

## **MAYOR'S OFFICE**

- Executive Officer to the Mayor
- Councillor Advisors
- Executive Assistant to Mayor
- Mayor/Deputy Mayor Support Officer
- Councillor Support Officers

## **INFRASTRUCTURE AND OPERATIONS**

- General Manager Water and Resource Recovery
- General Manager Infrastructure Property and Fleet
- General Manager Construction Maintenance and Operations
- General Manager Engineering and Asset Infrastructure Planning

## **COMMUNITY, ENVIRONMENT & LIFESTYLE**

- General Manager Community Engagement
- General Manager Community & Lifestyle
- General Manager Environmental Health and Regulation
- Chief Sustainability Officer

## **ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Executive

Version No. 7

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24

## **BUSINESS SERVICES**

- General Manager People and Culture
- General Manager Health Safety and Training
- Chief Digital & Information Officer
- Chief Customer Experience Officer
- Chief Procurement Officer
- Chief Legal Officer

**ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Executive

Version No. 7

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24

## ATTACHMENT 2 – APPROVED COMMUNICATION CHANNEL FOR COUNCILLORS

	• Approved communication channel for Councillors							
Topic	Mayor's office	CEO's office	Relevant Director	Relevant General Manager / Principal	Relevant Team Manager/ Coordinator	Executive Officer to the Mayor	Councillor Support Officers	IT Help Desk
Council plan, strategy and policy	✓	✓	✓			✓		
Operational issues, service delivery		✓	✓	✓	✓	✓	✓	
Media and communications	✓			✓		✓		
Civic and ceremonial	✓	✓		✓		✓		
IT help								✓
Committee matters	✓	✓	✓	✓		✓		
Councillor questions						✓	✓	
Planning matters			✓	✓		✓	✓	
Regulatory matters				✓		✓	✓	
Code of conduct		✓						

**ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Executive

Version No. 7

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24



## TOPICS

### **Council plan, strategy and policy**

Issues relating to policy direction, forward scheduling, budget proposals or priority timetables.

### **Operational issues, service delivery**

Information on day-to-day service including service levels, scheduling, or service-related advice to a member of the public

### **Media and communications**

Confirmation of media content or more complex issues including service complaints

### **Civic and ceremonial**

Invitations, protocol and events

### **IT Help**

Day to day service matters associated with computer and/or mobile devices

### **Committee matters**

Matters relating to the business or service-related content of a committee

### **Councillor questions**

All requests for information or assistance of a general nature

### **Planning matters**

Information on development applications, planning approvals, guidelines and tools, contentious projects

### **Regulatory matters**

Inappropriate involvement by Councillors in all stages of matters of investigation and enforcement must not occur. Councillors may request only general information regarding such matters

### **Code of conduct**

Part 5A of the Act imposes upon Councillors the obligation to comply with the Code of Conduct for Councillors in Queensland (the Code). Under the Code Councillors must:

*Carry out RESPONSIBILITIES conscientiously and in the best interests of the Council and the community*

*For example, Councillors will, at a minimum, have the following responsibilities:*

### **ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Executive

Version No. 7

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24

1.1 *Attend and participate meaningfully in all Council meetings, committee meetings, informal meetings, briefings, relevant workshops and training opportunities to assist them in fulfilling their roles other than in exceptional circumstances and/or where prior leave is given*

1.2 *Respect and comply with all policies, procedures and resolutions of Council.*

*Treat people in a reasonable, just, RESPECTFUL and non-discriminatory way.*

*For example, Councillors will, at a minimum, act in the following ways:*

2.1 *Treat fellow Councillors, Council employees and members of the public with courtesy, honesty and fairness*

2.2 *Not use abusive, obscene or threatening language (either oral or written) or behaviour towards other Councillors, Council employees or members of the public*

2.3 *Have proper regard for other people's rights, obligations, cultural differences, safety, health and welfare.*

*Ensure conduct does not reflect adversely on the REPUTATION of Council*

*For example, Councillors will, at a minimum, conduct themselves in the following manner:*

3.1 *When expressing an opinion dissenting with the majority decision of Council, respect the democratic process by acknowledging that the Council decision represents the majority view of the Council*

3.2 *When making public comment, clearly state whether they are speaking on behalf of Council or expressing their personal views*

3.3 *At all times strive to maintain and strengthen the public's trust and confidence in the integrity of Council and avoid any action which may diminish its standing, authority or dignity*

A Councillor request for information is not acceptable and is not properly made unless in making the request the Councillor has fully complied with the *Code of Conduct for Councillors in Queensland*.

## **GUIDANCE NOTE/DISCLAIMER FOR COUNCILLOR POLICIES**

### **IMPORTANT GUIDANCE NOTE/DISCLAIMER**

The attached policy/guidelines need to be interpreted by Councillors and Officers having regard to legislative reforms introduced by the Queensland Government in response to the Crime and Corruption Commission (CCC) Operation Belcarra report. These changes are now live and introduce new obligations for Councillors regarding how they manage personal interests in any Council matters that may arise (including before a matter is considered at a formal Council meeting).

#### **ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Executive

Version No. 7

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24

It is an offence for a Councillor who has a Prescribed conflict of interest or a Declarable conflict of interest in 'a matter' – other than an ordinary business matter – to seek to influence or attempt to influence a Council officer, employee or contractor in relation to their decision on or how they deal with a Council matter. This 'no influence' provision is very broadly drafted. A similar 'no influence' provision exists in relation to Councillors seeking to influence the other Councillors that could vote on a matter.

As these new 'no influence' offence provisions are very broad and relate to personal interests an individual Councillor may have at a given point in time, it is not possible in this note to provide specific guidance on all the issues that a Councillor needs to consider when interpreting or complying with the attached policy/guideline.

However, if a Councillor has a personal interest in a matter the Council is looking into, the Councillor needs to very carefully consider any requests for advice or information the Councillor may wish to make to officers relating to that matter and the Councillor is very strongly encouraged to have regard to the Councillor's own personal interests in the matter. For example, if a Councillor has received any gifts, benefits or electoral donations from outside parties that may be involved in the matter, or if family members of the Councillor are involved, it is likely that the Councillor could have a personal interest or conflict in the matter as a result and may be caught under the 'no influence' provisions in terms of how they manage the matter inside Council. Examples of this could include awarding tenders, deciding on composition of supplier panels, asking for information about tender evaluations, considering town planning applications (including where a donor is an applicant or a submitter) etc.

Likewise, if a Councillor has a personal interest in a matter, the Councillor also needs to very carefully consider how best to manage any potential conflicts and whether he/she should attend any meetings regarding the matter at which Council officers or others, such as developers, submitters, lobbyists or previous donors, may be present.

A quick reference guide on managing conflicts of interest is available at [https://www.statedevelopment.qld.gov.au/\\_\\_data/assets/pdf\\_file/0017/44522/easy-guide-to-managing-interests-in-meetings.pdf](https://www.statedevelopment.qld.gov.au/__data/assets/pdf_file/0017/44522/easy-guide-to-managing-interests-in-meetings.pdf)

**ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Executive

Version No. 7

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24

---

**EXECUTIVE**





### Contact us

👤 103 Walker Street, Townsville City  
✉ PO Box 1268, Townsville QLD 4810  
📞 13 48 10  
📧 [enquiries@townsville.qld.gov.au](mailto:enquiries@townsville.qld.gov.au)  
💻 [townsville.qld.gov.au](http://townsville.qld.gov.au)

**ELECTRONIC VERSION CURRENT UNCONTROLLED COPY VALID ONLY AT TIME OF PRINTING.**

Document No. – 2022

Authorised By – Chief Executive Officer

Document Maintained by – Executive

Version No. 7

Initial Date of Adoption (Version 1) – 12.11.10

Current Version Reviewed – 28.09.22

Next Review Date – 28.09.24