

Acceptable Requests Policy and Guidelines

Policy type	Council
Function	Councillors
Policy Owner	Office of CEO
Effect date	25 March 2010

1. Objective

This Policy establishes the Acceptable Requests Guidelines (the Guidelines), which are required by section 170A of the *Local Government Act 2009* (the Act) and designed to ensure that Councillors have appropriate access to advice and information to carry out their responsibilities under the Act.

The objective of the policy is that Councillor requests are effectively and efficiently managed, Councillor requests for advice or information that are made to the CEO or the appropriate responsible employee, are actioned within the statutory timeframes. Further, that Councillors have access to advice or information to assist them carry out their responsibilities under the LGA and within relevant statutory timeframes.

2. Background

Section 170A of the Act specifies circumstances in which a Councillor may request assistance or information, and that the Chief Executive Officer must comply with a request made:-

- a) within 10 business days after receiving the request; or
- b) if the Chief Executive Officer reasonably believes it is not practicable to comply with the request within 10 business – within 20 business days after receiving the request. If this applies, the Councillor must be given notice and reasons as to why the request cannot be met within 10 business and this notice must be given within 10 business days after receiving the request.


3. Scope

The Policy and Guidelines are mandatory and apply to:

- all Councillors
- all local government employees.

Generally, a request by a Councillor for advice or information is of no effect if the request does not comply with these Guidelines. However, a request does not need to strictly comply with the Guidelines if it is made by:

- the Mayor,
- Deputy Mayor (if the request relates to the role of Deputy Mayor, including undertaking Mayoral duties to support the Mayor),
- a Chairperson of a local government committee (if the request relates to the role of the Chairperson).



Contractors are not permitted to provide advice or information to Councillors under this Policy and Guidelines, unless they are included on the Responsible Employee Contact List or expressly authorised by the CEO or a Director to respond to a request.

The Policy and Guidelines do not apply to the following advice and information Councillors may reasonably access:

- information provided to the Councillors in briefing sessions or workshops coordinated by the local government to support Councillors to fulfil their duties
- interactions between local government employees and Councillors during Council meetings
- information that is publicly and readily available.

3.1 Exemptions

Councillors may request information that the local government has access to, relating to the local government, however some information may be unable to be provided.

The Act provides that requests for information and advice do not apply to the following documents and information (exempt advice and information):

- records of the Councillor Conduct Tribunal
- records of a former conduct review body
- information, where the disclosure of that information would be contrary to an order of a court or tribunal
- information or advice that would be privileged from production in a legal proceeding on the ground of legal professional privilege.

4. Definitions

Advice: the provision of knowledge, or a professional opinion held by the appropriate responsible employee, including the CEO, examples may include:-

- seeking the status of applications;
- advice on internal processes;
- budget information;
- advice on a Council asset or activity;
- policy interpretation/development;
- project development (future years);
- project updates (current year).

After-hours incident: an incident that occurs outside standard business hours that is not an emergency, but is a matter that a Councillor believes requires prompt action by Council. Actioned via Council's after-hours service provider.

Customer request: is a request made by a Customer (including a Councillor) to Council for the provision of a service or product, or a request by a Customer for Council to take action.

Emergency: likely to meet activation of Council's Emergency Operations Response Procedures.

Information: information the local government has access to, including reports, data, records, historical documents, statistics etc in any medium that is not publicly available.

Minor administrative requests: a matter that the appropriate responsible employee can provide advice on at the point of contact (eg verbally) such as dates and times of meetings, the status of a previously made request or clarification on a simple matter related to an adopted Council policy.

Service: a service is a group of activities provided to the community, eg waste collection.

Urgent request: a request that the Councillor reasonably believes requires prompt response because any delay in receiving advice or information may hamper the Councillor from carrying out their responsibilities under the Act, eg media enquiries or time sensitive external requests.

5. Principles

5.1 Councillors

Councillors are to ensure that communications with local government employees are conducted in a manner that is consistent with the values and standards of behaviour set out in the Act and Code of Conduct for Councillors in Queensland. This includes the following specific requirements:

- Comply with the relevant legislation, policies, procedures and other documents when making requests.
- Ensure requests are only made to assist Councillors carry out their responsibilities under the Act and the information or advice is only to be used for the purpose it was obtained.
- Clearly detail the nature of the request and manage any related conflicts of interest.
- Comply with any reasonable request of a local government employee, including the Chief Executive Officer, to assist in processing the Councillor's request (e.g. to clarify the purpose of a request).

5.2 Local Government Employees

All local government employees are to ensure that communications with Councillors, when receiving or responding to a request, are conducted in a manner that is consistent with the responsibilities outlined in the Act and the Code of Conduct for Employees.

6. Policy and Guidelines

6.1 Requests under these Guidelines

The following request types are considered to be 'acceptable requests' which may be made under these Guidelines to assist a Councillor to undertake their responsibilities under the Act:

- minor administrative requests
- requests for advice
- requests for information
- requests for advice and information
- urgent requests for advice or information
- urgent requests for advice or information made after-hours.

These requests must be made and managed in accordance with the processes outlined in Attachment A.

6.2 Other interactions

Councillors may have other interactions with local government employees to assist a Councillor to undertake their duties that do not form part of these Guidelines, including:

- after-hours incidents
- emergencies
- service requests (Customer Requests)
- access to Council sites
- complaints.

These request types are to be actioned in accordance with other relevant policies or operating procedures.

Related forms, policies and procedures	Councillor Code of Conduct Code of Conduct for Council Employees
Relevant legislation	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i> <i>Information Privacy Act 2009</i> <i>Public Sector Ethics Act 1994</i>
Reference and resources	LGAQ Department of State Development, Infrastructure, Local Government and Planning Integrity Commissioner

Policy Number	CCRC006		
Note: Previously titled Councillor's Interaction with Staff: Requests by Councillors for Assistance or Information			
Approved by	Council Resolution 0922	Approval date	25 March 2010
Approved by	Council Resolution 1299	Approval date	14 February 2011
Approved by	Council Resolution 0363	Approval date	23 May 2013
Approved by	Council Resolution GE0034	Approval date	11 October 2018
Approved by	Council Resolution GE0059	Approval date	8 August 2019
Approved by	Council Resolution LG1436	Approval date	23 February 2023
Review date	February 2026		

Acceptable Requests Guidelines

1. RESPONSIBILITIES

1.1 Councillors

Councillors are to ensure that communications with local government employees are conducted in a manner that is consistent with the values and standards of behaviour set out in the Act and Code of Conduct for Councillors in Queensland. This includes the following specific requirements:

- Comply with the relevant legislation, policies, procedures and other documents when making requests.
- Ensure requests are only made to assist Councillors carry out their responsibilities under the Act and the information or advice is only to be used for the purpose it was obtained.
- Clearly detail the nature of the request and manage any related conflicts of interest.
- Comply with any reasonable request of a local government employee, including the Chief Executive Officer, to assist in processing the Councillor's request (e.g. to clarify the purpose of a request).

Requests must not be put forward in a manner, or take the form of "giving a direction to an officer" (section 170 of the Act).

"giving a direction to an officer" includes attempting, implying, suggesting, coercing, enticing, pressuring, expressing a view, or debating, in a manner so as to create the impression or perception, that the officer has been given a direction by the Councillor to make a decision, allocate resources, make a recommendation or take actions that will result in a specified outcome; or could be perceived as doing so.


For clarity, the following are examples that are considered as "giving a direction to an officer":

- i. I believe we should ...
- ii. I would hope that council is planning ...
- iii. Please can you consider ...
- iv. Can you please provide me with a plan of action ...
- v. I request that ...
- vi. In relation to the advice you provided, (see b.(i)-(v) above)
- vii. I have a meeting with Mr Smith on Monday, he needs your approval conditions before then.

For further clarity "giving a direction to an officer" also includes making a request for information on a matter where there is no agreed Council or operational direction.

The following are examples that are considered as "giving a direction to an officer":

- i. Could you please advise when the report will be presented to Council? (When neither Council has requested the report, nor have officers proposed to submit a report on the matter)
- ii. Can you please advise when Smith Road will be graded next?

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- iii. (when Smith Road is not maintained by Council)
 - iv. Please can you advise as to the status of XXX? (when XXX is not an agreed Council or operational direction)
 - v. Please advise when you intend to YYY.....? (when YYY is not an agreed Council or operational direction)

1.2 Local Government Employees

All local government employees are to ensure that communications with Councillors, when receiving or responding to a request, are conducted in a manner that is consistent with the responsibilities outlined in the Act and Code of Conduct for Employees Policy.

2. REQUEST TYPES

2.1 Requests under these Guidelines

The following request types are considered to be 'acceptable requests' which may be made under these Guidelines to assist a Councillor to undertake their responsibilities under the Act:

- minor administrative requests
- requests for advice
- requests for information
- requests for advice and information
- urgent requests for advice or information
- urgent requests for advice or information made after-hours.

These requests must be made and managed in accordance with the processes outlined in Attachment B.

2.2 Other interactions

Councillors may have other interactions with local government employees to assist a Councillor to undertake their duties that do not form part of these Guidelines, including:

- after-hours incidents
- emergencies
- service requests (Customer Requests)
- access to Council sites
- complaints.


These request types are to be actioned in accordance with other relevant policies, procedures or business standards.

3. ACTIONING REQUESTS

3.1 Process

Requests are to be consistent with the reasonable limits set out in these Guidelines and must pertain to the Councillor's responsibilities.

Requests under these Guidelines are to be processed in accordance with the requirements outlined in Attachment A.



Generally, requests are required to be:

- submitted to the Councillor Administration Support Staff
- acknowledged, and
- accepted, or
- referred, or
- declined.

3.2 Referring and declining requests

Request referrals

A responsible employee (for advice or information) may refer a request to another appropriately qualified responsible employee (for advice or information) where:

- referral is to the subject matter expert, or
- the responsible employee (for advice) is referring the component of a request that is a request for information to the appropriate responsible employee (for information), senior executive employee or CEO.

Declining a request

Responsible employees (for advice or information), including senior executive employees and the CEO, must, as soon as practicable, advise the Councillor of their intention to decline a request where it is considered that complying with the request is an unreasonable diversion of Council resources.

If advised of an intention to decline, the Councillor will be provided an opportunity to revise the scope of the request. The matter will subsequently be declined where the Councillor fails to provide a revised scope, or the revised scope remains unreasonable.

Where a request is considered to be an unreasonable diversion of resources, but the request is to assist a Councillor in fulfilling their responsibilities, the responsible employee will work with the Councillor to produce the advice or information in an appropriate timeframe (outside of these Guidelines).

Requests may also be declined in the following instances:

- The information is publicly available (Note: responsible employee to decline the request under this Guidelines and provide information, or advise how to access the information).
- The information is not under the control of Council.
- The matter is considered reasonably outside of the duties of a responsible employee (for advice or information).
- For urgent requests, the matter is not considered by the responsible employee (for advice or information) to be urgent, or otherwise requiring prompt response by Council (Note: the Councillor is to be advised, and the matter is to be processed in accordance with standard timeframe requests).

Review of decision

A Councillor or Councillor Advisor may request the CEO review a decision to decline request.

3.3 Access and use of information

Information or advice provided to a Councillor must only be used for the purpose it was obtained. Councillor must not release any information that they know, or should reasonably know, is confidential information.

To avoid misunderstanding, local government employees are to provide non confidential responses (unless confidential information is specifically requested). Should confidential information be available on the requested matter, the Councillor will be advised prior to, or at the time of the response.

4. DISCLOSURE OF INFORMATION REQUESTS

Information or advice provided to a Councillor as a result of a request, may be disclosed in the following ways:

- To another Councillor where the information relates to their division, at the discretion of the CEO or relevant senior executive employee.
- To all Councillors, where the CEO or relevant senior executive employee considers the disclosure appropriate.

5. SAVING REQUESTS AND REPORTING

The Office of the CEO will maintain a register of and be available to the Councillor for review.

For reporting purposes, the spreadsheet will be able to identify:

- Requests where a notice of extension has been issued.
- Requests that have been declined.
- Requests where the timeframes have not been achieved.

This information will also be used to assess the use and impact of the Policy and Guidelines.

Acceptable Requests Matrix

Request type	Format of request	Request made to	Timeframes	Administrative matters
Requests for advice (minor administrative requests)	Informally, at the point of contact (eg verbally, text message, teams)	Appropriate responsible employee as per attached schedule	At the point of contact	
Request for advice	Email (Recommended subject heading: Request for advice)	Councillor Administration Support Staff (CASS)	Within 10 business days or Acknowledgement and notice of extension – within 10 business days; and Response within 20 business days of receipt of request	Employee responding to request to: <ul style="list-style-type: none">• send response to CASS with copy relevant Director or CEO into the response; and• save copy of the response to ECM• CASS to update request spreadsheet in teams
Request for information	Email (Recommended subject heading: Request for information)	Councillor Administration Support Staff	Within 10 business days or Acknowledgement and notice of extension – within 10 business days; and Response within 20 business days of receipt of request	Employee responding to request to: <ul style="list-style-type: none">• send response to CASS with copy relevant Director or CEO into the response; and• save copy of the response to ECM• CASS to update request spreadsheet in teams
Request for advice and information	Email (Recommended subject heading: Request for advice and information)	Councillor Administration Support Staff	Within 10 business days or Acknowledgement and notice of extension – within 10 business days; and	Employee responding to request to: <ul style="list-style-type: none">• send response to CASS with copy relevant Director or CEO into the response; and• save copy of the response to ECM

			Response within 20 business days of receipt of request	<ul style="list-style-type: none"> • CASS to update request spreadsheet in teams
Urgent requests for advice or information	<p>Point of contact (minor administrative requests)</p> <p>or</p> <p>Via the most convenient channel (including verbal) where the responsible senior executive or CEO deems the request to be urgent.</p> <p>Request to be documented in to the spreadsheet by responsible senior executive employee or CEO within 5 business days after being actioned.</p>	<p>Councillor Administration Support Staff</p> <p>CC: CEO</p>	Where it is agreed that the request is urgent, the matter will be responded to within an agreed timeframe	<p>Employee responding to request to:</p> <ul style="list-style-type: none"> • send response to CASS with copy relevant Director or CEO into the response; and • save copy of the response to ECM • CASS to update request spreadsheet in teams
Urgent requests made after-hours	Request to be documented in to the spreadsheet by responsible senior executive employee or CEO within 5 business days after being actioned.	<p>After hours call service</p> <p>CC: CEO</p>	Where it is agreed that the request is urgent, the matter will be responded to within an agreed timeframe	<p>Employee responding to request to:</p> <ul style="list-style-type: none"> • send response to CASS with copy relevant Director or CEO into the response; and • save copy of the response to ECM • CASS to update request spreadsheet in teams

Schedule of Responsible Officers by function for minor requests:-

(Minor administrative requests: a matter that the appropriate responsible employee can provide advice on at the point of contact (eg verbally) such as dates and times of meetings, the status of a previously made request or clarification on a simple matter related to an adopted Council policy.)

Function	Responsible Officer	Function	Responsible Officer
Airports	<i>Assets Engineer</i>	Aquatic Facilities	<i>Facilities Asset Manager</i>
Asset Management	<i>Assets Engineer</i>	Bridges	<i>Manager Asset Maintenance</i>
Caravan Parks	<i>Facilities Asset Manager</i>	Cemeteries	<i>Manager Asset Maintenance</i>
Communications	<i>Manager Engagement & Customer Experience</i>	Community Services	<i>Manager Community Relations & Services</i>
Community Housing	<i>Facilities Asset Manager</i>	Corporate buildings	<i>Facilities Asset Manager</i>
Councillor services	<i>Governance Lead</i>	Customer Experience	<i>Manager Engagement & Customer Experience</i>
Disaster Management	<i>Disaster Coordinator</i>	Drainage	<i>Manager Asset Maintenance</i>
Economic Development	<i>Director Delivery Services</i>	Tourism	<i>Coordinator Tourism</i>
Events	<i>Manager Community Relations & Services</i>	External Works	<i>Manager Asset Maintenance</i>
Finance	<i>Director Corporate Services</i>	Fleet	<i>Manager Fleet</i>
Governance	<i>Governance Lead</i>	Halls and Facilities	<i>Facilities Asset Manager</i>
IT Management	<i>Manager Information Communications & Technology</i>	Library	<i>Manager Community Relations & Services</i>
Marine and Boating	<i>Facilities Asset Manager</i>	Open Space	<i>Manager Asset Maintenance</i>
Parks and Sportsfields	<i>Manager Asset Maintenance</i>	Pathways	<i>Manager Asset Maintenance</i>
People & Culture	<i>Chief People & Culture Officer</i>	Planning & Building	<i>Manager Planning Services</i>
Procurement & Stores	<i>Manager Procurement</i>	Public Amenities	<i>Facilities Asset Manager</i>
Regulatory Services	<i>Manager Regulatory Services</i>	Roads	<i>Manager Asset Maintenance</i>
Sewerage	<i>Manager Water</i>	Showgrounds	<i>Facilities Asset Manager</i>
Town Centres	<i>Manager Asset Maintenance</i>	Waste	<i>Manager Regulatory Services</i>
Water	<i>Manager Water</i>		