

Acceptable Request Guidelines Policy

1. PURPOSE

This policy sets out the guidelines for requests for advice or information by Councillors to local government employees to assist Councillors to carry out their responsibilities under the Local Government Act 2009 (the Act).

2. SCOPE

The Act (s170) requires that Councils adopt a Acceptable Request Guidelines about the way in which Councillors may ask local government employees for advice to help them carry out their responsibilities under the Act.

This policy is applicable to all Councillors and Council employees, including contractors and volunteers of Torres Strait Island Regional Council (Council).

This policy does not deal specifically with issues regarding attempts to influence Council employees. Under section 150EZ of the Act, it is an offence for a Councillor who has a prescribed or declarable interest in a matter, to direct, influence, attempt to influence, or discuss the matter with, another person who is participating in a decision of the local government relating to the matter.

This policy does not cover administrative support to the Mayor and Councillors. This is covered in the Administrative Support Guidelines.

3. LINK TO CORPORATE PLAN

People *Bisnis* – *Pipol*

4. POLICY STATEMENT

All Councillors have the right to seek advice from employees or information from the Chief Executive Officer (CEO) to help them carry out their official duties. Employees must respect the governance role of elected officials and provide them with advice and information in accordance with these guidelines.

4.1. Cultural Protocols to be observed

This policy recognises the unique nature of our region and its culture and history. It is important this unique history and culture is recognised and incorporated as part of Council's official protocol to facilitate better relationships between our communities, our Elected Members and Council employees.

There are certain Indigenous protocols that must be observed in Council communication:

- The practice of not mentioning the name of a deceased Torres Strait Islander person, or displaying photographic images of a deceased person unless agreed to by the relevant family;
- Sensitivity to knowledge that is specific to gender (commonly referred to as 'Women's Business' or 'Men's Business').
- Appropriate acknowledgement of guest artists that are either from or supported by the local community. In most cases, members of the community will advise staff of intrusive behaviour and/or if they are not permitted to discuss the protocol or ceremony with staff because of age, gender, status or because staff do not belong to their clan or tribal group. If staff are in doubt, assistance should be sought in the first instance from the Council's CEO.

4.2. Guidelines for Councillors

Pursuant to s170(1) of the *Local Government Act 2009*, the Mayor may give direction to the CEO. A direction must not be inconsistent with a Council resolution, or a document adopted by resolution, of the local government.

Pursuant to s170(3) of the *Local Government Act 2009*, no Councillor, including the Mayor, may give a direction to any other local government employee. Contravention of this is misconduct that could result in disciplinary action being taken against a Councillor as per s150L(1)(c)(iv), 150 AQ and 150 AR of the *Local Government Act 2009*.

Where a Councillor including the Mayor, attempts to give direction to an employee, the employee is not required to act on those directions and must inform the CEO of this direction, either directly or through the employee's manager.

In accordance with s170A (6) of the *Local Government Act 2009*, the Mayor is not required to comply with the acceptable requests guidelines when seeking advice from employees or information from the CEO.

4.2.1. Manner in which a Councillor can request information from a Council employee

A Councillor may only request information from a Council employee if all the following criteria are satisfied:

- a. the request is made to:
 - i. the CEO; or
 - ii. an employee acting in a position identified in column 1 in

the table in Appendix 1, if the request is made in relation to a subject area identified as appropriate for that position in column 2 of the table.

- b. the request is made in writing, unless:
 - i. the request involves information which is generally accessible to the public;
 - ii. in the case of a request made to the CEO or Executive Directors, the officer agrees that a verbal request is sufficient in the circumstances and the officer records the details of a request in a file note;
 - iii. in the case of any other employee identified in Column 1 in the table in Appendix 2, the Executive Director to whom that employee reports to agrees that a verbal request is sufficient in the circumstances and the employee records the details of a request in a file note; or
 - iv. in the case of an emergency; and
- c. the request is made in good faith; and
 - i. the request would not involve an unreasonable use of a Council employee's time having regard to the resources available to Council;
 - ii. be made in a professional manner with respect, in line with the Councillor's Code of Conduct;
 - iii. not direct or pressure Council employees in relation to their work or recommendations they should make.

A Councillor may not request information that is:

- not compliant with these guidelines;
- information which is a public interest disclosure under the *Public Interest Disclosure Act 2010 (Qld)*;
- personal information under the Information Privacy Act 2009 (Qld);
- the employment records of a Council employee;
- a record of the Office of the Independent Assessor or Councillor Conduct Tribunal to the extent it is not publicly available information;
- subject to legal professional privilege;
- Confidential information under the *Crime and Corruption Act 2001 (Qld)*.

4.3. Guidelines for Employees

- Communication by employees with Councillors must be conducted in a respectful, reasonable and professional manner, in accordance with the law and Local Government Principles, and in compliance with Council's Code of Conduct.
- Employees must reasonably ensure that any information that is provided is accurate and correct, and provided in a timely manner.
- If an employee is of the opinion that the information requested is unreasonably complex or onerous to fulfil and will significantly divert them from their regular duties, the employee shall seek advice from their Manager, Director and/or CEO as soon as possible.
- No employee, other than the CEO is entitled to distribute commercial in confidence information or data to a Councillor.
- Employees shall inform the CEO if they believe a Councillor has behaved in a manner contrary to this policy.

4.4. Other types of requests:

- 4.4.1. Access to or use of a council resource: Should a Councillor request access to or use of a council resource (not specifically covered by other policies) for the benefit of a community group, such must be authorised by resolution of Council or made as a request in writing to the relevant Director or the CEO.
- 4.4.2. Access to Council properties, administration buildings or facilities: Access to Council facilities where staff offices are located, and those properties that are not typically accessible to unauthorised employees or members of the public, such as depots, construction areas/sites, confined areas etc., access must be authorised by resolution of Council or via an approval from the CEO or relevant Director. In obtaining access, the Councillor will comply with all site specific worksite health and safety requirements, including but not limited to, the use of any necessary personal protective equipment, inductions and any lawful directions given.
- 4.4.3. Suppliers and contractors: Councillors do not have the authority to directly engage with suppliers or contractors to Council, including the incurring of expenditure.
- 4.4.4. Administrative assistance: Requests for administrative assistance must be in line with the Administrative Support Staff Guidelines.

4.5. Response times to requests for advice or information

The CEO must comply with a request made under s170A (1) & (2) of the Act:

- a) made within 10 business days after receiving the request; or
- b) if the CEO reasonably believes it is not practicable to comply with the request within 10 business days – within 20 business days after receiving the request.

4.6. Handling of information

A Councillor must only use information or advice obtained from a Council employee for a proper purpose and must not use the information or advice in contravention of section s171A of the Act.

4.7. Complaints and non-compliance

A complaint by an employee about a Councillor failing to comply with these guidelines should be referred to the Office of the Independent Assessor and dealt with in accordance with legislation.

A complaint by a Councillor about an officer/employee failing to comply with these guidelines should be referred to the person to whom the officer reports. The Councillor may also notify the Mayor.

Where a Councillor repeatedly operates outside of these guidelines, the CEO retains the right to require that all future requests for advice or information, by that Councillor be made in writing to the CEO or relevant Director.

5. REPORTING

No additional reporting required.

6. DEFINITIONS

Term	Meaning
CEO	The Chief Executive Officer of Council appointed pursuant to section 194 of the LGA.
Council	Torres Strait Island Regional Council
Councillor	An elected member of Council, including the Mayor.
Employee	An individual employed by Torres Strait Island Regional Council
Director	Executive Director of a Department
Policy	This document, which is Council's 'acceptable requests guidelines' under section 170A(7) of the LGA.
Publicly Available Information	Information in a register or other instrument required to be kept by Council under a relevant Act or Regulation, including under the LGA, the <i>Planning Act 2016</i> (Qld) or the Environmental Protection Act

Term	Meaning
	1994 (Qld), that is accessible by a member of the public either free of charge or on payment of a fee.
Requests	Request by a Councillor for advice or information.

7. RELATED DOCUMENTS AND REFERENCES

Local Government Act 2009

Public Sector Ethics Act 1994 (Qld)

Code of Conduct for Councillors in Queensland

Council's Code of Conduct

Administrative Support Staff Guidelines

Expenses Reimbursement and Support for Elected Representatives Policy

Privacy Policy

8. REVIEW

This policy is to be reviewed if legislation changes, or every three (3) years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

Policy type:	<input checked="" type="checkbox"/> Council <input type="checkbox"/> Administrative
Directorate:	Corporate Services
Responsible Officer	Manager, Administration and Communication
Authorised on:	24/07/2024
Effective date:	01/08/2024
Next review date:	June 2027
Review history:	2020, 2022, 2024

Appendix 1

Position name (column 1)	Subject area (column 2)
Office of the CEO	
Executive Assistant to the Mayor Executive Support Coordinator	Information regarding meetings, booking of flights to attend Council business
Financial Services	
Executive Director Financial Services	Any matters pertaining to Directorate
Head of Financial Services	Financial reporting and performance, budget, treasury, asset management, payroll, procurement and creditors.
Engineering Services	
Executive Director Engineering Services	Any matters pertaining to Directorate
Head of Engineering Services	Engineering operations, capital works, water and wastewater
Manager Engineering Operations	Engineering services, disaster management
Manager Water and Wastewater	Water and wastewater services
Manager Capital Works	Capital works projects, waste services, biosecurity
Building Services	
Executive Director Building Services	Any matters pertaining to Directorate
Community Services	
Executive Director Community Services	Any matters pertaining to Directorate
Head of Community Services	Health and wellbeing, housing, community events, environment and health
Regional Managers	Divisional customer service administration and communication between community, stakeholders, Council and the Executive Team of Council
Divisional Managers	Divisional customer service administration and communication between community, stakeholders, Council and the Executive Team of Council
Corporate Services	
Executive Director Corporate Services	Any matters pertaining to Directorate
Manager Information Technology Services	Technology services, records

Position name (column 1)	Subject area (column 2)
Manager Fuel and Fleet	Fuel and fleet services
Manager Administration and Communications	Media and communications, corporate planning, community grants, grants revenue, customer service
Manager People and Wellbeing	People and Wellbeing matters, noting confidentiality and privacy provisions
Manager Legal and Risk	All legal matters managed by legal services unit, noting confidentiality and privacy provisions