

## ELECTED MEMBER ACCEPTABLE REQUEST GUIDELINES

### ***INTENT***

To provide guidelines for the interaction between Councillors and staff and in particular requests from Councillors relating to the provision of information, advice and assistance to assist Councillors in carrying out their responsibilities under the *Local Government Act 2009*.

### ***SCOPE***

This policy applies to all Councillors and staff of Cook Shire Council.

### ***DEFINITIONS***

TERM	DEFINITION
<b>Acceptable Request Guidelines</b>	The guidelines, adopted by resolution of the local government, about: <ol style="list-style-type: none"> <li>a) the way in which a Councillor may ask a Council staff member for information or advice to help the Councillor carry out his or her responsibilities under the <i>Local Government Act 2009</i>; and</li> <li>b) reasonable limits on requests that a Councillor may make.</li> </ol>
<b>Advice</b>	The act of offering a professional opinion to assist a Councillor to carry out his or her responsibilities under the <i>Act</i> and may include the provision of documents or access to documents in Council's possession.
<b>Councillors</b>	Mayor and Councillors.
<b>Information</b>	Documents or records held by Council in printed or electronic form, that the Council has access to, which relate to the business of Council.
Document Number:	D22/4544
Authorised By:	Council Resolution 2022/103
Original Issue Date:	December 2012
Last Modified:	24 May 22
Review Date:	May 2025
Current Version:	5.0
<p><b>CONTROLLED DOCUMENT</b></p> <p>This electronic document is guaranteed as the most current. <b>DO NOT COPY.</b></p> <p>Unauthorised hard copies of this document are prohibited.</p>	
Page 1 of 5	

TERM	DEFINITION
<b>Reasonable Requests</b>	Requests which in the opinion of the Chief Executive Officer will not require excessive or un-warranted use of Council resources, including staff time.
<b>Staff</b>	Any person who has been an employee of Council (permanent, part-time and/or casual), volunteers, work experience, contractors or consultants either current or past.

## ***POLICY STATEMENT***

---

In accordance with section 170A of the *Local Government Act 2009*, a Councillor may request the Chief Executive Officer to provide information that the local government has access to, relating to the local government. The legislation does contain exceptions to information a Councillor can request access to and these exceptions applies to information:

- a) that is a record of the conduct tribunal; or
- b) if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal; or
- c) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.

To enable effective and efficient responses to Councillor requests for information, an acceptable requests guidelines framework has been included as an attachment to this policy.

These guidelines have been established to provide equity in the distribution of information, as well as accountability and transparency in the responses. Contained within these guidelines is the provision to discuss a refinement/amendment to a request for information, should the initial request place an unreasonable demand on staff resources or time.

All requests for information are to be made in accordance with attached guidelines. With the exception of the Mayor, acting in accordance with the *Local Government Act 2009*, Councillors are not to approach individual officers for information except in the case of an emergency.

In the normal course of their duties, Councillors will receive requests for advice or information from community members. This policy should not be used as an alternate procedure for dealing with customer enquiries and in the first instance, Councillors should encourage community members to contact Council's Customer Experience Team.

When in receipt of information sought, a Councillor must not release information that the Councillor knows, or should reasonably know, that is information confidential to Council. If in doubt, Councillors should refer to Council's Confidential Information Policy.

The Mayor may give direction to the Chief Executive Officer in accordance with Section 170 of the *Local Government Act 2009*, however, no Councillor, including the mayor, may give a

Document Number:	D22/4544	<p><b><u>CONTROLLED DOCUMENT</u></b>            This electronic document is guaranteed            as the most current.  <b>DO NOT COPY.</b>            Unauthorised hard copies of this document are prohibited.</p>	Page 2 of 5
Authorised By:	Council Resolution 2022/103		
Original Issue Date:	December 2012		
Last Modified:	24 May 22		
Review Date:	May 2025		
Current Version:	5.0		

direction to any other local government employee, except in accordance with guidelines made under Section 170AA of the *Local Government Act 2009*.

## **KEY RESPONSIBILITIES**

<b>RESPONSIBLE OFFICER</b>	<b>RESPONSIBILITY</b>
<b>Mayor and Councillors</b>	To ensure they are familiar with legislative and policy obligations when requesting advice and/or information from Council staff to assist Councillors in fulfilling their responsibilities under the <i>Local Government Act 2009</i> .
<b>Chief Executive Officer</b>	Must make all reasonable endeavours to comply with Councillors requests for advice and/or information pursuant to section 170A of the <i>Local Government Act 2009</i> .
<b>Council Staff</b>	To ensure they are familiar with legislative and policy obligations when responding to all reasonable requests for information and/or advice from Councillors.

## **REFERENCES, LEGISLATION AND GUIDELINES**

*Local Government Act 2009*

*Local Government Regulation 2012*

*Public Sector Ethics Act 1994*

## **RELATED DOCUMENTS**

Code of Conduct for Councillors in Queensland

Cook Shire Council Code of Conduct (Staff)

Cook Shire Council Confidential Information Policy

## **IMPLEMENTATION/COMMUNICATION**

- Sent to all Councillors and staff upon adoption by Council.
- As part of the Councillor Induction Program
- Published on the Council website.

## **APPROVED BY**

Document Number:	D22/4544	<b>CONTROLLED DOCUMENT</b> This electronic document is guaranteed as the most current. <b>DO NOT COPY.</b> Unauthorised hard copies of this document are prohibited.	Page 3 of 5
Authorised By:	Council Resolution 2022/103		
Original Issue Date:	December 2012		
Last Modified:	24 May 22		
Review Date:	May 2025		
Current Version:	5.0		

**REVIEW**

<b>SPONSOR:</b>	Director Organisational Business Services
<b>OFFICER RESPONSIBLE FOR REVIEW:</b>	Governance Coordinator
<b>ADOPTION DATE:</b>	24 May 2022
<b>REVIEW DATE:</b>	May 2025

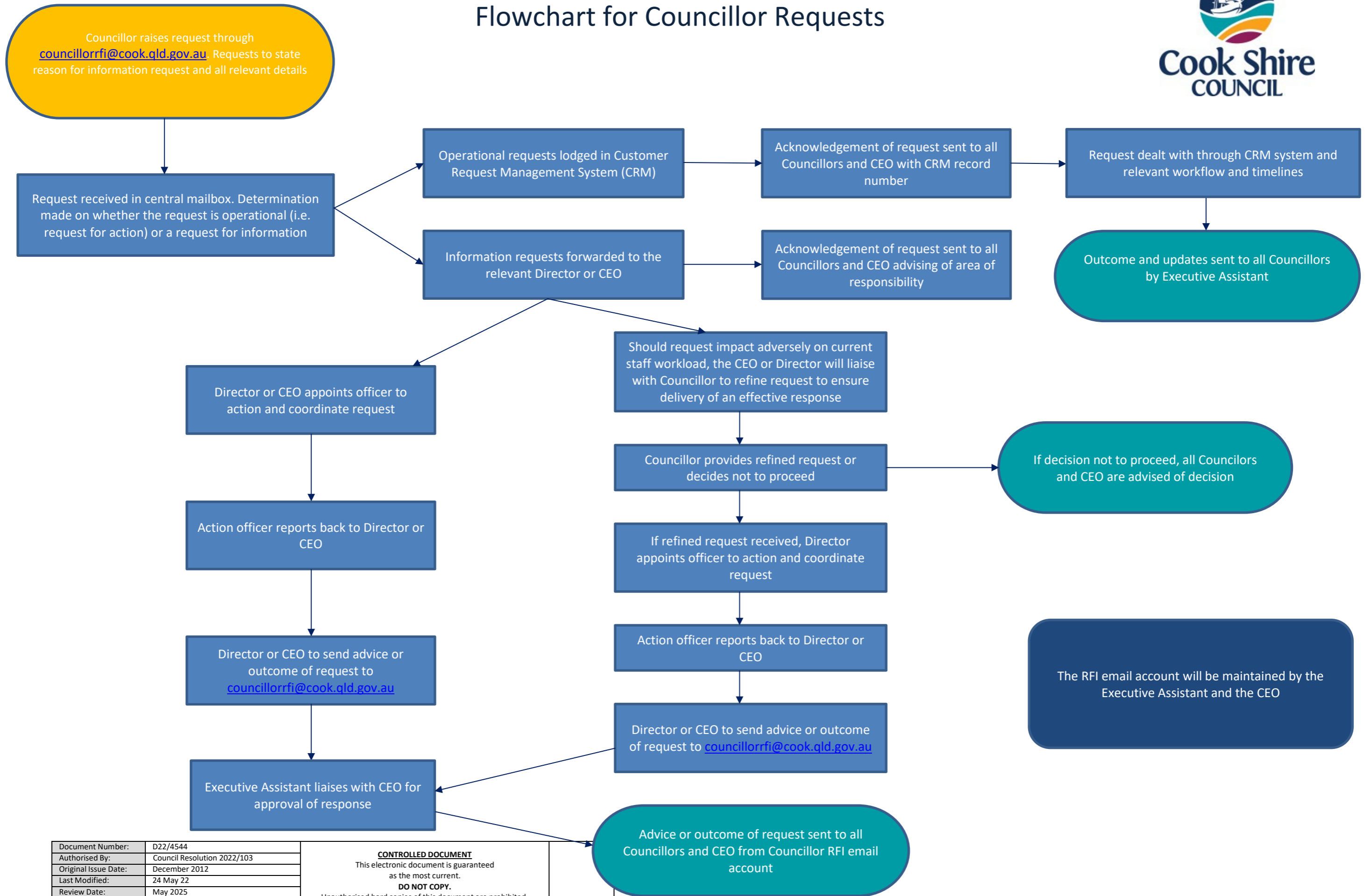
***THIS POLICY IS TO REMAIN IN FORCE UNTIL OTHERWISE DETERMINED BY COUNCIL***

**AMENDMENT HISTORY**

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
1.0	New Policy – “Acceptable Request Guidelines”	December 2012	Council Resolution 30435
2.0	Amendment	21 June 2016	Council Resolution 2016/24
3.0	Amendment – “Councillor/Staff Interaction Protocol”	12 December 2017	Council Resolution 2017/232
4.0	Amendment – “Councillor/Staff Interaction Policy”	23 October 2019	Council Resolution 2019/198
5.0	Amendment – “Elected Member Acceptable Request Guidelines”	24 May 2022	Council Resolution 2022/103

Document Number:	D22/4544	<p><b>CONTROLLED DOCUMENT</b></p> <p>This electronic document is guaranteed as the most current.</p> <p><b>DO NOT COPY.</b></p> <p>Unauthorised hard copies of this document are prohibited.</p>	<p>Page 4 of 5</p>
Authorised By:	Council Resolution 2022/103		
Original Issue Date:	December 2012		
Last Modified:	24 May 22		
Review Date:	May 2025		
Current Version:	5.0		

# Flowchart for Councillor Requests



Document Number:	D22/4544
Authorised By:	Council Resolution 2022/103
Original Issue Date:	December 2012
Last Modified:	24 May 22
Review Date:	May 2025
Current Version:	5.0