

STRATEGIC POLICY

Councillors Acceptable Request Guidelines

| | |
|--|---|
| <p>Corporate Plan Reference:</p> | <p>8. Great Governance 8.1 Ethical, accountable and transparent decision making 8.1.2 Ensure legislative compliance and awareness 8.1.3 Councillors and employees are aware of the importance of ethical behaviour, compliance with codes of conduct and providing complete information and advice.</p> |
| <p>Endorsed by Council on:</p> | <p><Insert Ordinary Meeting Date></p> |
| <p>Policy Owner and Department:</p> | <p>Chief Executive Officer Contact: Executive Officer to the CEO</p> |

POLICY PURPOSE

This policy sets out the guidelines for requests for assistance, 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).

POLICY OUTCOME

Councillors are able to access assistance, advice or information from local government employees to assist them to carry out their responsibilities under the Act and be provided with information relating to the Sunshine Coast Regional Council.

POLICY SCOPE

The Act requires that council adopts 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.

In accordance with the Act, this policy provides guidance about –

The way in which a councillor may ask a local government employee for assistance to help the councillor carry out his or her responsibilities under the Act; and

Reasonable limits on requests that a councillor may make.

POLICY STATEMENT

Councillors may request assistance, advice or information to carry out his or her responsibilities under the Act from local government employees on matters that are within the employee's scope of responsibility or knowledge:

- Where the request is of the nature of a simple question that can be verbally responded to;
- Where the employee normally provides similar assistance, advice or information to either the public or more senior employees of the local government.

GUIDING PRINCIPLES

1. In requesting assistance, advice or information, councillors must not direct or pressure employees in relation to their work or seek to influence recommendations the employee should make.
2. Requests from councillors for assistance, advice or information must be made in a professional manner and with respect.
3. Employees must keep a record of assistance, advice or information provided to councillors as they would in advising a member of the public or other authority. This is to be recorded in Council's data management system/enterprise content management system.
4. Requests from councillors for assistance, advice or information will be responded to as soon as reasonably possible, or in a timeframe not exceeding five (5) working days of receipt of the request. If the request involves a complicated issue, requires significant time or resources to research, or necessitates a report to Council, the employee will respectfully inform the councillor and the relevant executive director of the process involved within five (5) working days of receipt of the request.
5. It is expected and entirely appropriate that any relevant employee can speak with/respond to a councillor's request for advice or information where such request is within the employee's normal activities/responsibilities; however, should a request for assistance, advice or information not fall within an employee's responsibilities or knowledge, the employee must ensure a relevant employee is contacted to assist the councillor.
6. To assist communications and ensure coordination, employees should ensure provision of assistance, advice or information to councillors is shared with the relevant manager/executive director.
7. If a councillor asks for assistance, advice or information outside of these guidelines, or attempts to direct an employee about the way in which his or her duties are to be performed, the employee must report this in a timely manner to their executive director or the chief executive officer (CEO).
8. Where a councillor repeatedly operates outside of these principles, the CEO retains the right to have all future requests for assistance, advice or information, by that councillor, to be made only to the CEO or relevant executive director.

ROLES AND RESPONSIBILITIES

This policy applies to the councillors and employees of the Sunshine Coast Regional Council.

With regard to the application of these guidelines to the Mayor, section 12(4)(d) of the Act is noted wherein the Mayor is given the extra responsibility of directing the chief executive officer and senior executive employees in accordance with the local government's policies.

In the context of this policy and to best assist councillors, requests for assistance to carry out their responsibilities under the Act, should in the first instance be directed to Chief Executive Officer, Executive Directors or branch managers.

DEFINITIONS

Councillor (of a local government) includes the mayor, noting section 12(4)(d) of the Act as above.

Officer/employee includes all employees of the Sunshine Coast Regional Council, regardless of their employment status or type, for example, permanent, maximum-term, casual, full/part time, contractors or agency casuals.

RELATED POLICIES AND LEGISLATION

Including but not limited to:

Sunshine Coast Regional Council - Councillor Code of Conduct
 Sunshine Coast Regional Council - Employee Code of Conduct

Local Government Act 2009

- s12 Responsibilities of councillors*
- s13 Responsibilities of local government employees*
- s170 Giving directions to local government staff*
- s170A Requests for assistance or information*
- s171 Use of information by councillors*
- s171A Prohibited conduct by councillor in possession of inside information*
- s200 Use of information by local government employees*

Chapter 6, Part 2, Division 6 – Conduct and performance of councillors

Version control:

| Version | Reason/ Trigger | Change (Y/N) | Endorsed/ Reviewed by | Date |
|---------|-----------------|--------------|--|--|
| 4.0 | Create New | Y | Office of the CEO – review/adoption by Council | <i>Drafting – 5 Feb 2013 Second circulation draft for Councillors consideration.</i> |
| | | | | |