

Strategic policy

Councillors Acceptable Request Guidelines

Corporate Plan reference:	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.
Endorsed by Council on:	OM (18/204) 6 December 2018
Manager responsible for policy:	Chief Executive Officer Contact: Coordinator CEO Governance & Operations

Policy statement

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. A councillor may also, subject to any limits prescribed under a regulation, ask the CEO to provide information relating to the local government that it has access to¹.

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.

This policy provides guidance about:

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

¹ Section 170A *Local Government Act 2009*.

- reasonable limits on requests that a councillor may make;
- requests from councillors to use council resources (not specifically covered by other policies); and
- requests from councillors to access Council properties and worksites that are not typically accessible to unauthorised employees or members of the public, such as depots, construction areas/sites, confined areas etc; and
- giving directions to local government staff.

A councillor may not request a document that:

- is a record of the Councillor Conduct Tribunal or is a record of a former conduct review body, if disclosure of the information or document would be contrary to an order of a court or tribunal, or
- would be privileged from production in a legal proceeding on the ground of legal professional privilege.²

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; and
- the employee normally provides similar assistance, advice or information to either the public or more senior employees of the local government.

However, no councillor, including the Mayor, may give a direction to any local government employee, with the exception of the Mayor directing the Chief Executive Officer in discrete circumstances³.

The Mayor may give a direction to the Chief Executive Officer, however it must not be inconsistent with a resolution, or a document adopted by resolution, of the local government. Contravention of the provision could result in disciplinary action being taken against a councillor.

Councillors may request access to or use of council resources (not specifically covered by other policies) for the benefit of community groups by resolution of Council or where such is requested in writing to the relevant Branch Manager, Group Executive or the CEO.

Councillors may request access to Council properties and worksites that are not typically accessible to unauthorised employees or members of the public, such as depots, construction areas/sites, confined areas etc. by resolution of Council or where such is requested in writing to the relevant Group Executive or CEO.

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. 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

² Section 170A(4) *Local Government Act 2009*.

³ Section 170 *Local Government Act 2009*.

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 Branch Manager/Group Executive who will escalate the reason for the delay to the CEO.

If the CEO believes that is not practicable to respond to the councillor's request within 5 working days, they must advise of that belief and the reasons for the belief within 10 business days and then comply within 20 business days after receiving the request⁴.

4. 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.
5. To assist communications and ensure coordination, employees should ensure provision of assistance, advice or information to councillors is shared with the relevant Branch Manager/Group Executive.
6. If a Councillor asks for assistance, advice or information outside of these guidelines, or attempts to direct or influence 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 Group Executive or the Chief Executive Officer (CEO). It is important to note that a request has no effect if it does not comply with the local government's acceptable request guidelines, unless the request is made by a Mayor, or the chairperson of a committee makes a request that relates to their role as a chairperson⁵.
7. 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 Branch Manager, Group Executive or the CEO.
8. Should a Councillor require access to Council properties, administration buildings or depot facilities where staff offices are located and 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 relevant Group Executive or the CEO. 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 and any lawful directions given.
9. Employees must keep a record of assistance, advice, access or information provided to councillors as they would in advising or assisting a member of the public or another authority. This is to be recorded in Council's record management system.

Where a councillor repeatedly operates outside of these guidelines, the CEO retains the right to require that all future requests for assistance, advice or information, by that councillor be made in writing to employees, or be made in writing to the relevant Group Executive and/or CEO.

Should it be necessary for requests for assistance, advice or information to be put in writing to the Group Executive and/or CEO, the response timeframe will increase from 5 to 10 working days.

⁴ Section 170A(9) *Local Government Act 2009*

⁵ Section 170A(5) *Local Government Act 2009*

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) of the Act is noted wherein the Mayor is given extra local government responsibilities .

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, Group Executive or Branch Managers.

Consequences of non compliance

Section 150K of the Local Government Act 2009 (the Act) provides:

What is inappropriate conduct

- (1) the conduct of a councillor is inappropriate conduct if the conduct contravenes –
 - (a) a behavioural standard; or
 - (b) a policy, procedure or resolution of the local government.
- (2) Also, the conduct of a councillor is inappropriate conduct if –
 - (a) the conduct contravenes an order of the chairperson of a local government meeting for the councillor to leave and stay away from the place at which the meeting is being held; or
 - (b) it is part of a course of conduct at local government meetings leading to orders for the councillor's unsuitable meeting conduct being made on 3 occasions within a period of 1 year.
- (3) For subsection (2)(b), the conduct that led to the orders being made, taken together, is the inappropriate conduct.
- (4) However, inappropriate conduct does not include conduct that is –
 - (a) unsuitable meeting conduct, to the extent the conduct is not mentioned in subsection (2); or
 - (b) misconduct; or
 - (c) corrupt conduct.

A complaint about the failure to comply with these guidelines by a councillor may be considered inappropriate conduct per s150K of the Act and will be referred to the Assessor and dealt with in accordance with Chapter 5A Councillor Conduct, of the Act.

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, those with employment contracts or agency casuals.

CEO is the Chief Executive Officer of the Council as prescribed by the Local Government Act 2009.

Related legislation, policies and procedures

Including but not limited to:

- *Local Government Act 2009*
- Sunshine Coast Regional Council - Councillor Code of Conduct (November 2018)
- Sunshine Coast Regional Council - Employee Code of Conduct
- Sunshine Coast Regional Council – Investigations Policy

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create New		OM (18/204) 6 December 2018	6/12/2018
1.1	Non material changes update based on changes to the Local Government Act 2009. Authority delegated to CEO to make non-material changes OM19/197 12/12/2019		CEO	12/12/2019

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