

# BARCOO SHIRE COUNCIL POLICY COUNCILLOR REQUEST GUIDELINES



Policy Number: EXG-022	Version: 1
Classification: Governance	Section: Administration
Date Adopted by Council: 25.10.2015	Resolution Number: 2017.10.17
Responsible Officer: Director Corporate Services	<p>Review: Note: This Policy is reviewed when any of the following occur:</p> <ol style="list-style-type: none"> <li>1. The related information is amended or replaced.</li> <li>2. Other circumstances as determined from time to time by the Chief Executive Officer.</li> </ol> <p>Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years.</p>
Legislation: <i>Local Government Act 2009 and Local Government Regulations 2012</i>	

## 1.0 POLICY BACKGROUND

Pursuant to section 170A of the *Local Government Act 2009 (the Act)*, a Local Government must adopt by resolution, guidelines 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; and
- Reasonable limits on requests that a Councillor may make.

## 2.0 COMMENCEMENT OF POLICY

This Policy will commence on adoption.

## 3.0 DEFINITIONS

To assist in interpretation, the following definitions shall apply:

Word / Term	Definition
Council	means Barcoo Shire Council.
CEO	means Chief Executive Officer

## 4.0 SCOPE

This Policy applies to Councillors and employees of Council.

Barcoo Shire Council encourages an open information flow between Councillors and Council employees.

Councillors and Council employees are encouraged to interact with each other openly and share ideas and information to enable Council to provide exceptional service to our community.

Whilst the legislative roles and responsibilities of the political arm (the Mayor and Councillors) and administrative arm (the Chief Executive Officer and Council employees) of Council differ, both arms are working together towards the same Council vision as set out in our Corporate Plan – “*Barcoo Shire: where people, lifestyle, business and the natural environment flourish*”.

Subject to the limits outlined below, a Councillor may request:

- Council employees to provide advice to assist the Councillor carry out his or her responsibilities.
- The CEO to provide information such as records and documents relating to Barcoo Shire Council.

## **5.0 POLICY STATEMENT**

### **LIMITS ON REQUESTS FOR INFORMATION OR ASSISTANCE MADE TO EMPLOYEES**

Requests by Councillors for assistance or advice relating to policy or complex matters should be directed to the CEO, relevant Director or Manager.

Councillors should use their judgement in directing their request to the appropriate level. Conversely, it is expected that staff should also use their judgement to advise Councillors if it would be more appropriate for the Councillor's request to be dealt with by another staff member including a more senior staff member (particularly where the request for advice or information does not fall within the employee's level of expertise or experience).

As a guide, the more complex the issue or where the Councillor request involves significant policy issues, then a Councillor should direct their request to a more senior staff member.

For matters other than requests regarding policy or complex matters (see above), in order to carry out their responsibilities a Councillor may request assistance, advice or information from the relevant Council employee on matters that are within that employee's scope of responsibility or knowledge provided that:

- The employee normally provides similar assistance, advice or information to either the public or other employees within Council.
- Any request for advice is made without any direction or pressure as to the conclusion or recommendation of the employee's advice. However, direction as to the layout or level of detail of the advice or information is acceptable.
- The timeframe for the delivery of the request is reasonable having regard to the complexity of the request and the workload of the employee at the time of the request.

Any Councillor who is unsure about how and when they may approach staff should seek advice from the CEO. Similarly, any staff member who is unsure about the appropriateness of a request from a Councillor should seek advice from their Director or the CEO.

Any conflicts arising between Councillors and staff resulting from their interactions are to be brought to the attention of the CEO.

### **LIMITS ON REQUESTS TO THE CEO FOR INFORMATION**

Requests by Councillors to the CEO for information relating to Council are limited by the Local Government Act as follows:

- Any limit prescribed under a Regulation (pursuant to section 170A (2) of the Act); and
- Pursuant to section 170A(3) of the Act, information:
  1. That is a record of the regional conduct review panel or tribunal; or
  2. If disclosure of the information to the Councillor would be contrary to an order of a Court or tribunal; or
  3. That would be privileged from production in a legal proceeding on the ground of legal professional privilege.

### **ROLES AND RESPONSIBILITIES - Direction**

The Local Government Act is quite specific about directions to staff under s170 of the Act:

- The Mayor may give a direction to the CEO or a senior executive employee. (A senior executive employee is an employee who reports directly to the CEO and whose position would ordinarily be considered to be a senior position in Council's corporate structure.) No other Councillor can give a direction to the CEO or a senior executive employee.
- No Councillor, including the Mayor, may give a direction to any other Council employee.

Employees are expected to complete all requests to the best of their ability and act at all times in accordance with Barcoo Shire Council's Employee Code of Conduct. Councillors will at all times treat staff politely and with due respect. Staff will treat Councillors similarly.

## **6.0 SPECIFIC AND STANDARD**

### **RELEVANT LEGISLATION**

*Local Government Act 2009*

Section 12 – Responsibilities of Councillors

Section 13 – Responsibilities of local government employees

Section 170 – Giving directions to local government staff

Section 170A – Requests for assistance or information

Section 171 – Use of information by Councillors

Section 171A – Prohibited conduct by Councillor in possession of inside information

Section 200 – Use of information by local government employees

Chapter 6, Part 2, Division 6 – Conduct and Performance of Councillors

*Local Government Regulation 2012*