



Woorabinda Aboriginal Shire Council

STATUTORY POLICY

NUMBER: S008 – OM5 2025-37
POLICY TITLE: ACCEPTABLE COUNCILLOR REQUEST GUIDELINES POLICY
ACT: *Local Government Act 2009*

1. PURPOSE OF THE POLICY

- 1.1. The Mayor and Councillors of Woorabinda Aboriginal Shire Council (Council) will all from time to time require assistance or information from the employees of the Council to enable them to effectively carry out their duties and represent the interests of the community.
- 1.2. Under the provisions of Section 170A (6) of the Local Government Act 2009 Council is required to adopt acceptable requests guidelines about:
 - a) 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 this Act; and
 - b) reasonable limits on requests that a councillor may make.
- 1.3. Accordingly, these Guidelines outline the standards for the provision of assistance or information to Councillors and are to be followed by the Mayor, all Councillors and all employees.

2. COMMENCEMENT OF POLICY

- 2.1. This Policy will commence from the date of adoption by the Council from time to time. They replace all other policies or guidelines of Woorabinda Aboriginal Shire Council relating to Councillor Requests (whether written or not).

3. APPLICATION OF THIS POLICY

- 3.1. This Policy applies to the Mayor and all Councillors and employees and relate specifically to requests by Councillors for assistance or information in accordance with the *Local Government Act 2009*.

4. PRINCIPLES

- 4.1. This Policy is intended to assist communication and information flow between councillors and staff on the occasions of a councillor request for information or assistance.



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- 4.2. The local government principles underpinning the *Local Government Act 2009* and councillors' responsibilities are set out in Section 4 and Section 12 of the *Local Government Act 2009*, respectively.
- 4.3. Under the provisions of these sections, councillors are required to act in the interests of the residents of their local government area, to ensure effective service delivery and to be accountable to their community for the performance of the councils they comprise.
- 4.4. Section 13 of the *Local Government Act 2009* sets out the responsibilities of local government employees, including efficient and effective management of public resources, excellence in service delivery and provision of sound and impartial advice.
- 4.5. Through these provisions, the *Local Government Act 2009* accommodates councillors' need for current and relevant information about their local government to enable them to carry out their responsibilities.
- 4.6. Employees recognise this need and understand that the provision of prompt, accurate information to councillors will enhance council's reputation in the community as an efficient, customer-focused organisation.
- 4.7. In the Woorabinda Aboriginal Shire, this Policy supports good corporate governance in accordance with the local government principles by assisting councillors and employees to comply with the Local Government Act 2009 and to serve the needs of the community.

5. DEFINITIONS

- 5.1. The following terms apply throughout this document:
 - **Council** - means Woorabinda Aboriginal Shire Council
 - **CEO** - means the person appointed to the position of Chief Executive Officer under the Local Government Act 2009 and anyone acting in that position.
 - **Manager** - means a member of the Woorabinda Aboriginal Shire Council management team, and persons acting in these positions.
 - **Councillors** - means all elected members of council excluding the Mayor.
 - **Local Government Employee** - includes a person prescribed under a regulation.
 - **Act** - means Local Government Act 2009



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6. STATEMENT OF GUIDELINES AND POLICY

6.1. Councillors' Responsibilities and Rights

6.1.1. Communications by councillors with employees and the CEO must be conducted in a respectful, reasonable and professional manner.

6.1.2. Communications by councillors with employees must:

- be conducted in accordance with the local government principles prescribed in Section 4(2) of the Act; and
- be conducted in accordance with the Department of Infrastructure, Local Government and Planning document "Councillor responsibilities under the Local Government Act 2009"
- comply with legislation, Council policies, guidelines and procedures; and
- be conducted in good faith.

6.1.3. Councillors may request, from any employee, assistance or information of a similar nature and in similar manner to that which the employee would ordinarily give to the public.

6.1.4. Councillors may request, from any employee, assistance or information relating to minor/routine matters. Such requests may be either oral or in writing at the discretion of the councillor. A minor/routine matter includes:

- procedural-type issues, e.g. asking when certain meeting minutes will be distributed, or
- following up on an issue previously identified, or
- any other matter that the CEO or Manager has specifically referred to an employee for attention.

6.1.5. For anything other than minor/routine matters, wherever reasonably possible, councillors shall direct requests for assistance or information to the CEO or Manager, whichever is the most appropriate for the request concerned.

6.1.6. Where it is appropriate to do so, for example on a significant policy matter or a matter of high importance, councillor requests for assistance or information shall be made in writing.

6.1.7. Wherever possible, councillor requests for assistance or information outside of normal business hours shall be made only to the CEO or Manager.

6.1.8. Councillors are encouraged to only seek assistance or information out-of-hours for matters of significant concern that should not be left to the next business day to resolve, e.g. matters relating to an imminent risk to community safety; an



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operational issue that immediately and significantly impacts on residents amenity or capacity to access services; or significant immediate risk to Council's reputation.

- 6.1.9. Where out-of-hours matters involve more operational issues, such as animal control complaints, councillors are to use Council's after hours contact to report such matters and/or deal with the appropriate on-call officer.
- 6.1.10. When referring requests for action from constituents and/or interest groups, councillors should use the normal customer request procedures rather than directly referring requests to any employee individually.
- 6.1.11. Councillors shall consider the likely cost implications in making requests for assistance or information and shall not make requests where costs cannot be justified.
- 6.1.12. Where technical input or relevant background knowledge is necessary, Councillors may request the attendance of an employee at a meeting he or she is having with a member or members of the public. Such requests shall be made:
- with a reasonable lead time and adequate supporting information so that the employee can attend the relevant meeting with a solid understanding of the issue at hand.
 - in a way which is mindful of operational workloads and priorities.
 - through the CEO.
- 6.1.13. Councillors will work collaboratively with employees to ensure that assistance and information requests do not significantly impact on operational workloads and priorities.
- 6.1.14. Other than in accordance with these Guidelines, councillors shall not direct or attempt to direct any employee to do anything. The only exception to this is for the Mayor, who may direct the CEO and senior executive employees (those senior employees who report directly to the CEO) in accordance with Section 170 of the Act. The only senior executive employees at Council are the Community Services Manager, Corporate Services Manager, and Works Manager.
- 6.1.15. A Councillors' request for advice must not take the form of an attempt to direct or pressure a Manager or employee to prepare a response in a certain manner.
- 6.2. **Employees' Responsibilities and Rights**
- 6.2.1. Communications by employees with councillors must be conducted in a respectful, reasonable and professional manner.
- 6.2.2. Communications by employees with councillors must:



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- be conducted in accordance with the local government principles prescribed in Section 4(2) of the Act; and
- be conducted in accordance with the Employee Code of Conduct; and
- Comply with the law, Council policies, guidelines and procedures; and
- be conducted in good faith.

6.2.3. If an employee receives a request for information or advice from a councillor but does not have adequate knowledge or experience to reasonably respond and/or does not have functional responsibility for the matter, the employee will refer the request to his or her supervisor and refrain from responding other than to advise that the request has been referred.

6.2.4. Employees will consider the likely resource implications in responding to councillors' requests for assistance or information, and where the employee has concerns relating to the costs or other use of resources, he or she will refer the request to the relevant Manager or to the CEO.

6.2.5. In preparing a response to a councillor request, the CEO or Manager may authorise provision of the requested assistance or information to all councillors if it is considered that such provision would be in the best interests of the Council and/or the community or if the request relates to a matter currently under consideration by Council. In doing so the CEO or director or manager will advise the relevant councillor of his or her intention to provide the information to all councillors.

6.2.6. Employees will make every effort to assist where a request is received to attend a meeting between a councillor and a member or members of the public.

6.2.7. Wherever practical to do so, an employee in receipt of a request to attend a meeting between a councillor and a member or members of the public, will ensure that he or she is in possession of adequate background information on the matter to be discussed to allow a solid understanding. Where appropriate, the employee should discuss the matter with the councillor before attending the meeting. If the employee feels they are unqualified to attend the meeting, he or she will advise his or her Manager who will liaise with the relevant councillor and ensure appropriate alternative arrangements are made to support the councillor.

6.3. **Response Times to Requests for Assistance or Information**

6.3.1. Wherever possible for routine councillor requests for information, response will be provided immediately or by same-day email. Routine requests are those for which relevant information is known by an employee or is readily available from a Council document.

6.3.2. All other requests will be responded to within five business days unless the matter



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is of a complex nature.

- 6.3.3. Where the matter is complex (requiring, for example, research and analysis or input from several areas), the employee receiving a request from a councillor will provide the councillor with an estimate of the time until a response will be provided. If the estimated period of time elapses and a response has not been provided, the employee will contact the councillor to advise of the delay and the revised timeframe for provision of the information.
- 6.3.4. At the sole discretion of the Mayor, he or she may from time to time determine that a matter is urgent. Where the Mayor classifies a matter as urgent, every endeavour will be made to provide the assistance or information to the Mayor in the shortest timeframe possible.
- 6.3.5. For urgent matters that cannot be resolved inside three business days, the employee concerned will ensure that the relevant director or manager is made aware of the reasons for delay so they can be communicated to the Mayor and/or councillors as appropriate.
- 6.3.6. Where a councillor requires an urgent response on a matter, he or she will make the necessary request for assistance through the Mayor. If the Mayor agrees that the matter is urgent, the Mayor can make a request for urgent assistance or information on behalf of the councillor and the request will be dealt with as if it was an urgent request from the Mayor.
- 6.3.7. Employees will always place a level of priority on requests for assistance or information from councillors. Where it is practical to do so, and without creating service delivery issues for the community, employees will endeavour to meet or exceed the timeframes indicated above.
- 6.3.8. Where there are genuine operational or resourcing reasons for delays, employees will always be open and communicative with councillors, and/or the Mayor and will provide alternative estimated timeframes so that expectations can be managed.
- 6.3.9. Where they are residents within Woorabinda, employees have the constituents' normal rights of access to Councillors providing that such rights are exercised out of working hours.

7. COUNCILLOR/EMPLOYEE INTERACTION

- 7.1. Every reasonable assistance will be provided to Councillors in the exercise of their role and the performance of their duties.
- 7.2. Employees must not approach Councillors to discuss any matter relating to the



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terms and conditions of their employment with the Council.

- 7.3. Councillors must not discuss with employees, any matter relating to the terms and conditions of their employment with Council except as necessary for conducting the performance appraisal of the Chief Executive Officer, in accordance with section 12 (4) (c) of the *Local Government Act 2009*.
- 7.4. Councillors and employee interaction shall, at all times, be carried out in a professional manner with due regard to each other's respective position.

8. DIRECTIONS TO EMPLOYEES

8.1. Mayor

- 8.1.1. The Mayor has a responsibility to direct the Chief Executive Officer and senior executive employees in accordance with a resolution or a document adopted by resolution, of the local government.

8.2. Councillors (including Mayor)

- 8.2.1. As specified in section 170 of the *Local Government Act 2009*, Councillors, may not direct, and must not attempt to direct any employee about the way in which the employee's duties are to be performed except as allowed in paragraph 8.1.1 above.

"170 Giving directions to local government staff

(1) The mayor may give a direction to the chief executive officer or senior executive employees.

(2) No councillor, including the mayor, may give a direction to any other local government employee."

8.3. Employees

- 8.3.1. If an attempt is made by a Councillor to direct an employee, the employee must report this matter to the Chief Executive Officer directly or through the employee's Manager so that the matter can be addressed with the Councillor concerned.

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Policy Review

The policy is to be reviewed whenever legislation changes, OR every two years if no changes have been required to be enacted, OR at the direction of the Chief Executive Officer

Variations

Woorabinda Aboriginal Shire Council reserves the right to vary, replace, or terminate this policy from time to time.

Associated Documents

- Local Government Act 2009
- Local Government Regulation 2012

POLICY VERSION AND REVISION INFORMATION

Policy Authorised by: Phil Stone
Title: Interim Chief Executive Officer

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Policy Maintained by: Human Resources Manager

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CEO Signature: