

COUNCILLOR ACCEPTABLE REQUESTS GUIDELINES POLICY

(STATUTORY POLICY)

1. Scope

The Councillor Acceptable Requests Guidelines Policy (this 'Policy') applies to the Mayor and Councillors of Livingstone Shire Council.

2. Purpose

The purpose of this Policy is to provide the Acceptable Requests Guidelines as prescribed by s. 170A of the *Local Government Act 2009*.

3. References (legislation/related documents)

Legislative reference

Local Government Act 2009

Local Government Regulations 2012

4. Definitions

To assist in interpretation, the following definitions shall apply:

Act	<i>Local Government Act 2009.</i>
CEO	Chief Executive Officer
Council	Livingstone Shire Council.
Councillor/s	The Mayor and Councillors of Livingstone Shire Council, within the meaning of the <i>Local Government Act 2009</i> .
Portfolio Councillor / Portfolio Holder	A Councillor who has been allocated portfolio responsibility for a Council function(s).
Regulation	<i>Local Government Regulation 2012.</i>
Senior Executive Staff	An employee of the local government who reports directly to the Chief Executive Officer and whose position would ordinarily be considered to be a senior position in the local government's corporate structure. Senior executive staff are known as General Managers (the Executive Leadership Team) in accordance with the Livingstone Shire Council organisational structure.

5. Policy Statement

5.1 Introduction and Purpose

This Policy constitutes 'acceptable requests guidelines' for the purposes of section 170A of the Act. The section prescribes the process for Councillors to request assistance from local government employees in order to carry out their responsibilities under the Act and sets reasonable limits on such requests.

5.2 The Role of the CEO as the Custodian of Council Documents

The CEO has the statutory responsibility under section 13(3)(e) of the Act for the safe custody of:

- (a) All records about the proceedings, accounts or transactions of the local government or its committees; and
- (b) All documents owned or held by the local government.

The CEO also has the statutory responsibility under section 13(3)(f) of the Act to comply with the following reasonable requests from Councillors:

- (a) For advice, to assist the Councillor in carrying out their role as a Councillor; or
- (b) For information relating to the local government that the local government has access to.

5.3 Where General Requests for Advice or Information are to be Directed

- Councillors should use their judgement in directing their request to the appropriate level of the organisation.
- Conversely, it is expected that Council employees 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).
- Councillors may request assistance, advice or information to carry out their responsibilities under the Act from local government employees on matters that are within the scope of responsibility or knowledge where:
 - o The request is of the nature of a simple question that can be verbally responded to; and
 - o The employee normally provides similar assistance, advice or information to either the public or more senior staff 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 CEO.
 - o The Mayor may give a direction to the CEO, 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 the Mayor.
 - o Councillors may, subject to any limits prescribed under a regulation, ask the CEO to provide information that the local government has access to, relating to the local government.
- Requests by Councillors for assistance or advice relating to policy or complex matters should be directed to the CEO, relevant General Manager or Manager.
- For matters other than requests regarding policy or complex matters, advice or information sought from a Council employee should be within the employee's scope of responsibility or knowledge and be made without any direction or

pressure as to the conclusion or recommendation of the employee's advice.

- Councillors may use their discretion in how they make requests (i.e. verbally or in writing) and indicate their preference for how an employee responds to their request (i.e. a return phone call, discussion or in writing).
- The timeframe for the delivery of the request should be reasonable having regard to the complexity of the request and the workload of the employee at the time of the request.
- Requests by Councillors will be responded to as soon as reasonably possible, or in a timeframe not exceeding 10 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 General Manager and Manager who will escalate the reason for the delay to the CEO. If the CEO believes that is not practicable to comply with the Councillor's request within 10 working days - within 20 working days after receiving the request, the CEO must advise the Councillor of that belief and the reasons for the belief within 10 business days of the CEO receiving the request (S170A (9)(10)).
- Any Councillor who is unsure about how and when they may approach a Council employee should seek advice from the CEO. Similarly, any Council employee who is unsure about the appropriateness of a request from a Councillor should seek advice from their General Manager, Manager or the CEO.
- Any conflicts arising between Councillors and Council employees resulting from their interactions are to be brought to the attention of the CEO.
- To assist communications and ensure coordination, employees should ensure provision of assistance, advice or information to Councillors is shared with the relevant General Manager and Manager.
- 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 General Manager, Manager 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 chairperson (S170A (6)).
- Employees should keep a record of assistance, advice or information provided to Councillors as they would in advising or assisting a member of the public or another authority and should be recorded in Council's record management system.
- A Councillor may not request information or a document that:
 - o Is a record of the Councillor Conduct Tribunal; or that was a record of a former conduct review body; or
 - o If disclosure of the information or document to the Councillor would be contrary to an order of a court or tribunal; or
 - o Would be privileged from production in a legal proceeding on the ground of legal professional privilege.

5.4 Requests for Service

- The most efficient system for logging requests for service is via the corporate Customer Request System.
- Councillors should encourage residents and ratepayers to self-serve by logging their requests directly with Council using one of the various contact points (ie. counter, telephone, email, on-line etc.) Councillors should refrain from taking on the request on behalf of the customer to avoid adding an unnecessary layer in the service chain.
- Councillors have access to all of the same request logging mechanisms as public customers, but can also request for Executive Support staff to log requests on their behalf.
- Councillor requests requiring a reallocation of resources or budget amendment to achieve will be referred to officers with appropriate delegations or to Council for determination.

6. Changes to this Policy

This Policy is to remain in force until otherwise amended/replaced by resolution of the Council.

7. Repeals/Amendments

This Policy repeals the Livingstone Shire Council Policy titled 'Councillor Acceptable Requests Guidelines Policy (v1.0)'.

Version	Date	Action
1.0	21/09/2021	Policy Adopted - pre-existing policy repealed and new Policy adopted
1.1	01/11/2025	Administrative Amendments made – Definition table and Senior Executive Staff job titles updated

CALE DENDLE
CHIEF EXECUTIVE OFFICER