

## ACCEPTABLE REQUESTS GUIDELINES – REQUESTS BY COUNCILLORS FOR INFORMATION

### *Local Government Act 2009*

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#### **Introduction**

Pursuant to section 170A (1) of the *Local Government Act 2009* (the “Act”), a councillor may ask a local government employee to provide information to assist the councillor carry out his or her responsibilities under the Act.

The request must comply with these acceptable requests guidelines adopted by resolution of the local government pursuant to subsection 170A (6) of the Act.

#### **Purpose**

The purpose of these guidelines is to set out the way in which a councillor may ask a local government employee for information to help the councillor carry out his or her responsibilities under the Act.

#### **Guidelines**

1. The principles that underpin these guidelines are the local government principles set out in the Act; namely—
  - a. transparent and effective processes, and decision-making in the public interest; and
  - b. sustainable development and management of assets and infrastructure, and delivery of effective services; and
  - c. democratic representation, social inclusion and meaningful community engagement; and
  - d. good governance of, and by, local government; and
  - e. ethical and legal behaviour of councillors and local government employees.
2. A further principle valued by Council is open communication and the development positive relationships between councillors and employees. All requests and responses should reflect this principle.
3. A councillor may approach certain employees directly to ask for information to help the councillor carry out his or her responsibilities under the Act. No personal information, or information protected under privacy legislation or other laws, will be provided.
4. No councillor may give a direction or instruction to the chief executive officer or an employee. Councillors must be careful to ensure that any requests cannot be misconstrued as a direction or instruction.

5. The Mayor may give a direction or instruction to the Chief Executive Officer or a Director, but not to any other staff member. Directions and instructions must be lawful and in accordance with Council's policies.
6. To ensure accurate information is provided, requests for information may be made to the following employees (refer to specific list in paragraph 15):
  - a. chief executive officer; and
  - b. directors; and
  - c. managers.

*Note—the aim of this limitation is to ensure Councillors receive up-to-date and accurate information or advice from those employees who are most likely to be able to assist councillors.*

7. If a councillor asks for information from an employee other than under these guidelines, the employee must inform the chief executive officer about the request. Councillors must adhere to these guidelines as breaches may amount to inappropriate conduct or misconduct under the *Local Government Act 2009*.

*Example—the chief executive officer must be informed when a councillor asks anyone below the level of manager for advice or information.*

8. This guideline does not aim to prevent informal or social interactions between councillors and employees.

*Examples—*

- i. A councillor stops in the street and compliments a work gang on their good work;*
- ii. A councillor stops and says to a crew "How's everything going?" as a social exchange rather than a formal request for information.*

9. Employees must offer all reasonable assistance to a councillor who asks for information under these guidelines.
10. If an employee is able to provide the information immediately, the employee will do so.
11. If an employee needs to check files or undertake research to respond to the request, the employee should endeavour to provide a response within 72 hours.
12. If an employee is busy with urgent matters or cannot otherwise attend to the request immediately or within a reasonable time frame, the request must be referred to the chief executive officer, so that the request can be attended to without undue delay.
13. Employees will keep councillors informed of their progress on a regular basis if an immediate or short term response is not possible.
14. The following types of matters must be referred to the chief executive officer who will co-ordinate the response to the request—

- a. controversial;
- b. complicated;
- c. confidential;
- d. politically-sensitive;
- e. where the employee is uncertain of the issue or response;
- f. frivolous or vexatious.

15. The following list specifies the positions of whom requests for information may be made. The power to amend this list is delegated to the Chief Executive Officer as required due to staffing or corporate structure changes.

<b>POSITION</b>
Chief Executive Officer
Director Corporate Services
Director of Engineering
Manager Human Resources
Manager Economic and Community Development
Works Coordinator
Manager Workshop and Fleet
Manager Water and Wastewater