

ACCEPTABLE REQUEST GUIDELINES FOR COUNCILLOR REQUESTS FOR ASSISTANCE OR INFORMATION

(Local Government Act 2009 (Act) section 170A "Acceptable Request Guidelines")

1.0 PURPOSE AND SCOPE

This procedure has been developed to establish a process for Councillors to request advice from employees or information from the Chief Executive Officer (CEO).

A Councillor's request for advice or access to Council information that would not normally be made available to the general public shall be considered a "Councillor Request for Information".

The provisions of this procedure apply to all Gympie Regional Council Councillors (excluding the Mayor as per s170A(6) of the Act), Gympie Regional Council employees and covers all forms of communication between Councillors and employees.

2.0 DEFINITIONS

Advice:- the application of an employee's knowledge and recommendation on a particular topic or matter to assist the Councillor carry out his or her responsibilities under the Act.

Information:- includes access to or copies of information held by Council, not normally accessible to the public or required by legislation to be restricted.

Council Employee:- as defined under the Act section 199(2), which also includes contractors (e.g. a consultant engineer, town planner or solicitor).

3.0 ACTIONS

3.1 Councillor requests for advice

- 3.1.1 All requests by Councillors for advice from employees, except as outlined in paragraph 3.1.5, are to be made to the CEO.
- 3.1.2 To ensure good administrative practice, Councillor requests for detailed or complex advice should be submitted on the Councillor Request for Information form CGF018 either by the Councillor themselves or by the employee taking the request.
- 3.1.3 If, following instruction from the CEO, the response is sourced by another council employee, the communication of advice and assistance should only be conveyed through the original contact i.e. the CEO.
- 3.1.4 Noting the maximum timeframe to respond to requests imposed by section 170A(9) of the Act i.e., within 20 business days after receiving the request, the CEO may seek to negotiate appropriate timelines and scope for the provision of any help or advice by any employee. This is particularly relevant where the CEO considers the matter to be complex, or where it may substantially and unreasonably divert the resources of Council from their use in the performance of its functions.
- 3.1.5 Notwithstanding 3.1.1 above, Councillors are requested to seek help or advice from other Council employees:-
 - (a) where the employee normally provides similar information to members of the public; or

- (b) in the event of an emergency, to alert an employee to the emergency so that Council can take steps to deal with the emergency.

3.1.6 Employees who receive a request outside of these guidelines must advise the CEO as soon as practicable following the request being made.

3.1.7 Employees may communicate directly with Councillors on any issue affecting them as a private citizen.

3.2 Councillor requests for information

3.2.1 A Councillor 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.

3.2.2 To ensure good administrative practice, Councillor requests for detailed or complex information should be submitted on the Councillor Request for Information Form CGF018 either by the Councillor themselves or by the employee taking the request.

3.2.3 If the request covers a complicated issue, or has an overly broad scope or timeframe, the Councillor may be requested by the CEO to raise the issue at a Council Meeting seeking Council's approval to commit the resources necessary to pursue the issue.

3.2.4 Councillor requests about information regarding another Councillor are to be made to the CEO in writing.

3.2.5 Portfolio Councillors may seek advice and assistance from the CEO, relevant Director(s) and/or Manager(s) to assist in undertaking their role as a Portfolio Councillor. Such requests are to be limited to the areas directly relating to their respective portfolios and in line with the Councillor Portfolio Policy. Where any requests for staff advice or assistance from Portfolio Councillors is considered beyond what is appropriate under the Councillor Portfolio Policy, staff are to refer the respective Councillors to the CEO to seek such advice or assistance.

4.0 REASONABLE LIMITS ON REQUESTS

4.1 Use of Information

4.1.1 In relation to requests for advice or information, under section 171 of the Act, a Councillor must not release information that the Councillor knows, or should reasonably know, is information that is confidential to the local government. Furthermore, a Councillor must not use information that was acquired as a Councillor to -
a) gain, directly or indirectly, a financial advantage for the person or someone else; or
b) cause detriment to the local government.

4.1.2 Any information obtained by or made available to Councillors needs to be considered in accordance with the Councillor Confidentiality Procedure.

4.2 Exemptions

4.2.1 As per section 170A (4) of the Act, a Councillor may not ask the CEO to provide information relating to the local government: -
a) that is a record of the conduct tribunal or of a former conduct review body; or
b) if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal; or

- c) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.
- 4.2.2 Restrictions may also apply, including under the *Information Privacy Act 2009*, to a document to the extent that it contains personal information -
- a) Arising out of a complaint or investigation of corrupt conduct, under the *Crime and Corruption Act 2001*
 - b) Contained in a Public Interest Disclosure under the *Public Interest Disclosure Act 2010*
 - c) Arising out of a covert undertaking of an operation, investigation or function of a law enforcement agency (including Council)
 - d) About a person who is included in a witness protection program under the *Witness Protection Act 2000*
- 4.2.3 Other restrictions may apply to information collected:
- a) Under the *Worker's Compensation and Rehabilitation Act 2003*
 - b) Regarding payroll information e.g. bank account details, Child Support Agency deductions, tax file numbers etc
 - c) Any other legislation that restricts access to information
- 4.2.4 Requests for information to the CEO that relate to an individual's personal employment details, including documents containing confidentiality clauses, will be refused.

5.0 RELATED LEGISLATION

Crime and Corruption Act 2001
Information Privacy Act 2009
Local Government Act 2009
Local Government Regulation 2012
Public Interest Disclosure Act 2010
Witness Protection Act 2000
Worker's Compensation and Rehabilitation Act 2003

6.0 RELATED DOCUMENTS

Councillor Request for Information Form (CSF018)
Councillor Confidentiality Procedure (OCP018)