



STATUTORY POLICY  
**MOUNT ISA CITY COUNCIL**  
**Councillor Acceptable Request Guidelines**

RESOLUTION NO. **OM18/10/20** VERSION **V4**

**APPLIES TO STATUTORY POLICIES ONLY**

This an official copy of the **Councillor Acceptable Request Guidelines**, made in accordance with the provisions of the *Local Government Act 2009, Local Government Regulations 2012*. Statutory Policies comply with a legislative requirement; the **Councillor Acceptable Request Guidelines** is approved by the Mount Isa City Council for the operations and procedures of Council.

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 Sharon Ibardolaza  
**Chief Executive Officer**

DOCUMENT VERSION CONTROL			
Governance/Policies/Statutory Doc ID# 8293		<b>POLICY TYPE</b>	Statutory (Council)
VERSION	DATE	RESOLUTION NO.	DETAILS
V1	25.05.2016	OM32/05/16	<b>Responsible Officer</b> - Chief Executive Officer
V2	30.05.2018	OM34/03/18	<b>Responsible Officer</b> - Chief Executive Officer
V3	29.01.2020	OM25/01/20	<b>Responsible Officer</b> - Chief Executive Officer
V4	14.10.2020	OM18/10/20	<b>Responsible Officer</b> - Chief Executive Officer
		<b>REVIEW DUE</b>	12.2021

DISTRIBUTION AND DISSEMINATION			
Internal email to all employees	<b>X</b>	Section meetings / Toolbox talks	<b>X</b>
Internal email to all councillors	<b>X</b>	Included in employee inductions	<b>X</b>
Employee noticeboards	<b>X</b>	Uploaded to Council website	<b>X</b>
Internal training to be provided		External training to be provided	
Registered in magiQ	<b>X</b>		



**1. PURPOSE**

Pursuant to the *Local Government Act 2009* (“LG Act”), section 170A, a local government is required to adopt by resolution, guidelines covering;

- 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 the LG Act; and
- b) reasonable limits on requests that a councillor may make.

**2. COMMENCEMENT**

This Policy will commence on and from 14 October 2020. It replaces all other policies or arrangements governing acceptable request guidelines (whether written or not).

**3. APPLICATION**

This policy applies to all councillors, including the mayor, of Mount Isa City Council (“Council”).

**4. GIVING DIRECTION TO LOCAL GOVERNMENT STAFF**

4.1 Section 170 of the LG Act prescribes:

- a) The mayor may give a direction to the chief executive officer (“CEO”)
- b) However, a direction under clause 4.1(a) must not be inconsistent with a resolution, or a document adopted by resolution, of the local government
- c) No councillor, including the mayor, may give a direction to any other local government employee

**5. COMMUNICATION BETWEEN COUNCILLORS AND COUNCIL EMPLOYEES**

5.1 Council encourages an information flow between councillors and employees and as such are encouraged to interact openly to share information with the intent to provide exceptional service to the community.

5.2 Councillors may request Council employees to provide advice to assist the councillor to carry out his or her responsibilities under the LG Act.

5.3 Councillors may request the CEO to provide information that the Council has access to, relating to the Council, subject to limits outlined in clause 6 of this policy.

5.3.1 The CEO must comply with these requests within 10 business days, where the CEO believes this is not practicable, the CEO must advise the councillor of the reason they will not meet this timeframe within 10 business days. The CEO must then comply with the councillor’s request within 20 business days of receiving the request.

5.3.2 Additionally, if the information requested of the CEO relates to a document, a copy of the document is required to be provided.

5.4 Requests by councillors for assistance or advice relating to policy or complex matters should be directed to the CEO, relevant director or manager.

5.5 Councillors should use their judgement in directing their request to the appropriate employee. Conversely, employees should use their judgement to advise councillors if it



would be more appropriate for the councillor's request to be dealt with an alternate employee.

- 5.6 Where a councillor is unsure about whom to approach, they should seek advice from the CEO.
- 5.7 Any conflicts arising between councillors and employees resulting from their interactions are to be brought to the attention of the CEO immediately.

## **6. LIMITS ON REQUESTS FOR INFORMATION**

- 6.1 Requests by councillors to the CEO for information are limited by the LG Act as follows;
  - a) any limit prescribed under a regulation (pursuant to s170A(2) of the LG Act, for example a regulation may prescribe the maximum cost to a local government of providing information to a councillor or
  - b) Where the information or document requested is a record relating to the conduct tribunal; or
  - c) that was a record of a former conduct review body (see Clause 11, Definitions) or
  - d) if disclosure of the information or document to the councillor would be contrary to an order of a court or tribunal or
  - e) that would be privileged from production in a legal proceeding on the ground of legal professional privilege

## **7. ADMINISTRATIVE SUPPORT**

- 7.1 The CEO nominates the Senior Executive Assistant, Executive Assistants and Executive Support Officer to provide day to day administrative support to the councillors relating to their official duties including:
  - a) Managing their calendars and appointments
  - b) Answering phone calls and emails
  - c) Drafting correspondence
  - d) Record keeping
  - e) Assistance in preparing for Council meetings
  - f) Travel arrangements
- 7.2 All requests for administrative support shall be made during ordinary business hours.
- 7.3 The employees providing administrative support will continue to report to and follow directions from their existing manager/director/CEO.
- 7.4 Any concerns regarding Council employee performance is to be raised by the Councillor directly with the CEO.

## **8. CONFIDENTIALITY**



- 8.1 Councillors are in a position of trust and the legislation is clear that this trust must not be abused by misusing information obtained as a councillor.
- 8.2 Councillors must ensure that information which is confidential to Council remains confidential. Any person who is, or has been, a councillor must not use information acquired as a councillor to directly or indirectly gain financial advantage for themselves or anyone else, or to harm the Council.

## **8. VARIATIONS**

- 8.1 Council reserves the right to vary, replace or terminate this policy from time to time.

## **9. BREACH OF POLICY**

- 9.1 An allegation of a breach of this policy by a councillor should be made to the CEO and will be dealt with in accordance with s176-s182 of the LG Act.
- 9.2 Contravention of clause 4.1(c) of this policy is misconduct that could result in disciplinary action being taken against the councillor in accordance with sections 150L(1)(c)(iv), 150AQ and 150AR of the LG Act.

## **10. COMMUNICATION AND DISTRIBUTION**

- 10.1 Council will make available to the public, the Councillor Acceptable Request Guidelines Policy on our website at [www.mountisa.qld.gov.au](http://www.mountisa.qld.gov.au).
- 10.2 Supervisors will ensure the policy is distributed as per the Distribution and Dissemination table on this policy.

## **11. DEFINITIONS**

- a) **Former Conduct Review body** – a regional conduct review panel or the Local Government Remuneration and Discipline Tribunal under the LG Act as in force before the commencement of the *Local Government (Councillor Complaints) and Other Legislation Act 2018*, section 18.

### **Associated Legislation and Policies**

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Local Government (Councillor Complaints) and Other Legislation Act 2018*