



STATUTORY POLICY
MOUNT ISA CITY COUNCIL
Councillor Acceptable Request Guidelines

RESOLUTION NO. OM09/08/23 VERSION V6

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 Regulation 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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Tim Rose
Acting Chief Executive Officer

DOCUMENT VERSION CONTROL

Governance/Policies/Statutory Doc ID# 8293			POLICY TYPE	Statutory (Council)
VERSION	DATE	RESOLUTION NO.	DETAILS	
V1	25.05.2016	OM32/05/16	Responsible Officer - Chief Executive Officer	
V2	30.05.2018	OM34/03/18	Responsible Officer - Chief Executive Officer	
V3	29.01.2020	OM25/01/20	Responsible Officer - Chief Executive Officer	
V4	14.10.2020	OM18/10/20	Responsible Officer - Chief Executive Officer	
V5	15.12.2021	OM06/12/21	Responsible Officer - Chief Executive Officer	
V6	23.08.2023	OM09/08/23	Responsible Officer – Interim Chief Executive Officer	
			REVIEW DUE	07.2025

DISTRIBUTION AND DISSEMINATION

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

1. PURPOSE

Pursuant to the *Local Government Act 2009* ("LG Act"), section 170A(7), 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 23 August 2023. 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 EMPLOYEES

4.1 Section 170 of the LG Act prescribes the mayor may give a direction to the chief executive officer ("CEO") However, a direction must not be given if-

- a) inconsistent with a resolution, or a document adopted by resolution, of the local government or
- b) it relates to the appointment of a local government employee under s196(3) of the LG Act or
- c) it relates to disciplinary action by the CEO in relation to a local government employee under s197 of the LG Act or
- d) it would result in the CEO contravening a provision of an Act.

4.2 No councillor, including the mayor, may give a direction to any other local government employee, except in accordance with clause 7 of this policy.

5. COMMUNICATION BETWEEN COUNCILLORS AND COUNCIL EMPLOYEES

5.1 Councillors may request Council employees to provide advice to assist the councillor to carry out his or her responsibilities under the LG Act. All requests for advice must be directed to the relevant director or the Senior Executive Assistant only.

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

5.3 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.

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

5.5 Where a councillor is unsure about whom to approach, they should seek advice from the CEO.

5.6 Any conflicts arising between councillors and local government 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 and Executive Assistants 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 a local government employee's 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 cause detriment to the Council.

9. VARIATIONS

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

10. BREACH OF POLICY

10.1 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.

- 10.2 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.

11. COMMUNICATION AND DISTRIBUTION

- 11.1 Council will make available to the public, the Councillor Acceptable Request Guidelines Policy on our website at www.mountisa.qld.gov.au.
- 11.2 Supervisors will ensure the policy is distributed as per the Distribution and Dissemination table on this policy.

12. 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.
- b) **Local government employee** – includes employees, volunteers, contractors and sub-contractors, work experience placements, apprentices, trainees and labour hire placements.
- c) **Ordinary business hours** – 8:45am to 5pm, Monday to Friday excluding public holidays and office closures.

Associated Legislation and Policies

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