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## Acceptable request guidelines Policy

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**CONTROL:**

Policy Type:	Governance
Authorised by:	Council
Head of Power:	Local Government Act 2009 – Section 170A
Responsible Officer:	Chief Executive Officer
Adopted / Approved:	November 20 2017;Minute No. 2017.11.20-OM-15
Last Reviewed:	November 2017
Review:	November 2019
Version	2

### 1. INTRODUCTION

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**1.1 PURPOSE:**

These guidelines enable the efficient delivery of advice to Councillors by establishing rules for Councillor requests for advice.

**1.2 POLICY OBJECTIVES:**

To provide clear guidelines to Councillors and staff in instances when Councillors need to make requests for assistance or advice.

**1.3 COMMENCEMENT OF POLICY:**

This Policy will commence on adoption.

**1.4 SCOPE:**

These guidelines are made pursuant to the relevant legislation and apply to all Councillors including the Mayor.

## **2. POLICY**

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### **2.1 CONTEXT:**

It is impractical for all Councillor requests for advice to be directed to the Chief Executive Officer. The *Local Government Act 2009* enables the Council to adopt guidelines about the way in which a Councillor may ask a Council employee for advice or information to help the Councillor carry out his or her responsibilities and the reasonable limits on requests that a Councillor may make.

In the context of this policy the term “employee” includes contractors see clause 4.1 Definitions.

### **2.2 POLICY STATEMENT:**

When seeking advice or information from Council staff, Councillors are required to abide by the reasonable request guidelines.

## **3. STANDARDS AND PROCEDURES**

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### **3.1 KEY PRINCIPLES**

All Councillors have the right to seek advice or information from employees to help them carry out their official duties.

Employees must respect the governance role of elected officials and provide them with information and advice in accordance with these guidelines.

### **3.2 COUNCILLORS GIVING DIRECTIONS TO EMPLOYEES**

- Only the Mayor may give directions to the Chief Executive Officer or Senior Executive staff, in accordance with Council’s policies. No other Councillor may give any directions to the Chief Executive Officer or Senior Executive staff.
- Councillors wishing for directions to be given to the Chief Executive Officer should discuss the matter with the Mayor in the first instance and if unsatisfied, seek a resolution of Council to give the direction.
- Neither the Mayor nor any other Councillor may give directions to any other employees or contractors.
- Where a Councillor attempts to give directions to an employee or contractor, the employee or contractor is not required to act on those directions, and must inform the Chief Executive Officer of this direction, either directly or through the employee’s or contractor’s Manager.

### **3.3 COUNCILLORS SEEKING ADVICE OR INFORMATION FROM**

Councillor requests for advice from Council employees must comply with the following requirements:

- a) Requests for advice must be made in a professional manner and with respect.
- b) In requesting advice Councillors must not direct or pressure Council employees in relation to their work or recommendations they should make.
- c) In requesting advice Councillors must not behave towards employees in an overbearing or threatening manner.
- d) Requests for advice must be directed as follows:

- Councillors may request from a Council Department, help or advice of a nature given to the public, and under the same conditions.
- Councillors will direct all other requests for advice to the Chief Executive Officer or the relevant Manager.
- Councillors' requests for advice must be made in writing, including email, unless determined otherwise by the Chief Executive Officer in consultation with the Councillor.

**3.4 EMPLOYEES RESPONSIBILITIES**

- a) Copies of any formal written advice provided to one Councillor should be provided, where practical and relevant, to all Councillors and the Chief Executive Officer.
- b) Employees must keep records of advice given to Councillors as they would do when advising a member of the public.
- c) If a Councillor makes a request to a Council employee other than under these guidelines, the employee must inform the Chief Executive Officer about the request as soon as is practicable.
- d) If the Mayor or a Councillor directs or attempts to direct a Council employee about the way in which the employee's duties are to be performed, the employee must report this to the Chief Executive Officer.
- e) Council employees should inform the Chief Executive Officer if they believe a Councillor has behaved inappropriately and/or not in accordance with these guidelines.

**4. REFERENCE AND SUPPORTING INFORMATION**

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**4.1 DEFINITIONS:**

To assist in interpretation, the following definitions shall apply:

Word / Term	Definition
Council	Means Diamantina Shire Council.
Employee	In this Policy employee includes all contractors as well as staff directly employed by Council

**4.2 RELATED POLICIES, LEGISLATION AND DOCUMENTS:**

Links to supporting documentation
Local Government Act 2009
Code of Conduct

**4.3 VERSION CONTROL:**

Previous Version Number	Adopted/Approved Date
Version 1 (Original)	May 9 2016; Minute No. 2016.05.09-OM-15