

## 1. ACCEPTABLE REQUEST GUIDELINES

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### Purpose

This policy establishes the Acceptable Requests Guidelines (the Guidelines), in accordance with section 170A of the *Local Government Act 2009* (the Act) to ensure that Councillors have appropriate access to advice and information to carry out their responsibilities under the Act.

### Commencement

This Policy will commence on adoption by Council. It replaces all other policies (whether written or not). Council may amend this policy by resolution.

### Scope

This policy applies to all Councillors and Council employees, including contractors and volunteers of Douglas Shire Council and provides guidelines that enable the efficient delivery of advice and information to Councillors.

### Objective

This policy outlines how an acceptable request can be made in the context of s 170A of the Act to assist the Councillor carry out their role as Councillor:

- (a) for advice; or
- (b) for information, that Council has access to, relating to Council.

These Guidelines do not override an individual Councillor's statutory obligations under the *Local Government Act 2009* (the Act), including in respect to the use of information under s 171 of the Act.

For the purposes of these Guidelines:

- “Advice” means knowledge or a professional opinion held by a Council employee to assist a Councillor to carry out their duties, but does not include the provision of documents or access to documents in Council’s possession. Examples of advice include, but are not limited to:
  - seeking the status of applications (e.g. development applications, concession applications, etc.)
  - advice on internal procedures or processes
  - budget information
  - advice on a Council asset or activity.
- “Information” means information contained in existing records or documents (in printed or electronic form) relating to Council and to which the Council has access.

## General requirements for requests

The method of communication between Councillors and Council Administration is via a Request for Information (RFI). This ensures that the request is assigned within Council's records management system to the relevant department manager/officer for actioning.

The email address for all RFIs is: [councillorrfi@douglas.qld.gov.au](mailto:councillorrfi@douglas.qld.gov.au).

When seeking advice or information from Council staff, Councillors are required to abide by the Acceptable Request Guidelines (these guidelines). A request by a Councillor is of no effect if the request does not comply with the Acceptable Request Guidelines.

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

- made in writing or email through the RFI email box
- urgent requests for advice are to be directed to the Chief Executive Officer or the General Manager/Chief Engineer and confirmed in writing for records purposes
- requests for advice must be made in a professional manner, and
- requests for advice or information must not direct or pressure Council employees in relation to their work or recommendations they should make.

In the case of a genuine emergency, contact should be made by telephone with the Chief Executive Officer or General Manager/Chief Engineer to determine the appropriate approach and timelines.

In accordance with s 170A (6) of the Act, the Mayor is not required to comply with the acceptable requests guidelines when seeking advice or information from the Chief Executive Officer.

In accordance with s 170 of the Act, the Mayor may give a direction to the Chief Executive Officer, but no Councillor, including the Mayor, may give a direction to any other Council employee. Councillors must ensure that when making a request for advice or information that the manner and wording of their request is not capable of being construed as an unlawful direction to a Council employee.

Information provided in relation to a request may be confidential and Councillors are required to adhere to Council's Management of Confidential Information Policy, the *Local Government Act 2009*, the *Information Privacy Act 2009* and relevant Acts and Regulations relating to privacy when in receipt of information that may affect individuals, organisations, Council or provides an unfair advantage.

The table below summarises the process for requests for advice or information:

REQUEST TYPE	COUNCILLOR PROCESS	TIMEFRAME FOR RESPONSE
Customer requests to Councillor	Encourage customer to: <ul style="list-style-type: none"><li>• Call Customer Service Centre</li><li>• Visit Customer Service Centre</li><li>• Email Council</li></ul>	Standard response time
General operational matters observed by or raised with Councillor (e.g. reporting a pothole, missed bin service)	<ul style="list-style-type: none"><li>• Councillor to contact Customer Service centre – raised as a CRM</li></ul>	Standard response time
Requests for advice (e.g. technical advice, current status of development application, request for allocation of capital budgets etc)	<ul style="list-style-type: none"><li>• Made through Councillor RFI email</li><li>• Allocated to relevant General Manager/Chief Engineer</li><li>• GM/Chief Engineer responds through RFI process</li></ul>	10 days Or 20 days
Requests for information or access to Council documents for a purpose related to Councillor role	<ul style="list-style-type: none"><li>• Made through Councillor RFI email</li><li>• Allocated to relevant General Manager/Chief Engineer</li><li>• GM/Chief Engineer responds to CEO</li><li>• CEO provides information to Councillor through RFI process</li></ul>	10 days Or 20 days

Councillors are reminded that:

- any request for information or advice they make and the response/s provided may be subject to disclosure if an application for access is made under the *Right to Information Act 2009*, and
- contravention of these guidelines is misconduct, pursuant to s 150L(1)(c)(ii) of the Act.

## Reasonable limits on requests for advice or information

Before making a request, a councillor should consider the likely cost to council in complying with the request (including administrative and resourcing costs). The councillor should not make the request if the costs of complying with the request cannot be justified having regard to the public interest.

In such cases, the need for the information or advice should be discussed with the CEO or General Manager.

A Councillor may not ask for advice or information:

- that is a record of the conduct tribunal
- if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal
- that would be privileged from production in a legal proceeding on the grounds of legal professional privilege

- that would disclose personal information, including employees' bank accounts details, child support deductions or tax file number
- that would breach any obligations of confidentiality under the law - for example, the *Information Privacy Act 2009*, *Crime and Corruption Act 2001*, *Public Interest Disclosure Act 2010*, *Workers' Compensation and Rehabilitation Act 2003*
- that is about matters relating to the conduct of any councillor pursuant to Part 3, Chapter 5A of the *Local Government Act 2009*
- that is a record in relation to an employee's recruitment and performance with the exception of the recruitment and performance of the Chief Executive Officer
- during the caretaker period, for advice or information that involves or relates to major policy decisions of Council or which will result in or be likely to result in any inappropriate political gain or advantage for the councillors (as per section 90A – 90D of the Act).

## Responsibilities of CEO and Council employees

The Chief Executive Officer must comply with a request made under s170A of the Act:

- a) made within 10 business days after receiving the request; or
- b) if the CEO reasonably believes it is not practicable to comply with the request within 10 business days – within 20 business days after receiving the request.

Employees must reasonably ensure that any information provided is accurate and correct, and provided in a timely manner.

If an employee is of the opinion that the information requested is unreasonably complex or onerous to fulfil and will significantly divert them from their regular duties, the request may constitute a request for advice and the employee shall seek advice from their Manager, General Manager or the Chief Executive Officer as soon as possible.

## Handling of Information

Councillors and employees will acknowledge that the data, records and inferences based on advice and information provided in relation to a request may be sensitive, personal and/or confidential and that they must adhere to the *Local Government Act 2009*, the *Information Privacy Act 2009* and relevant Acts and Regulations relating to privacy when they are in receipt of information that may affect individuals, organisations, Council or provides an unfair advantage.

If a manager has concerns about a request in relation to confidentiality or sensitivity of the information, the officer must report the circumstance to the Chief Executive Officer. The Chief Executive Officer will review and determine an outcome for the request and will advise the Manager, General Manager and Councillors.

## Customer service requests

Members of the community are encouraged to raise any matter they determine of importance with a Councillor. Community members/customers should be mindful however that where the matter is a simple operational request, (e.g. reporting a pothole, missed bin service or submitting an application) they may receive more prompt attention by lodging a request via the Customer Service Centre in the first instance.

For these routine matters, direct engagement between the community member/customer and Council will reduce delays and enable the most appropriate support or advice to be provided directly to the customer.

If a community member has a specific enquiry, it is preferred the details be emailed to [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au) or telephone 4099 9444.

This method of communication is the most effective and ensures all enquiries are efficiently captured in our records management system, a Customer Request Management (CRM) be raised and assigned to the appropriate department Manager/Team Leader/Officer for investigation and response.

## Related Legislation

*Local Government Act 2009*

*Information Privacy Act 2009*

*Right to Information Act 2009*

*Public Records Act 2002*

*Crime and Corruption Act 2001*

*Local Government Regulation 2012*

## Related Documents

Employee Code of Conduct

Councillor Code of Conduct

Caretaker Period Policy

## Policy Review

This policy is to be reviewed whenever legislation changes, or every 2 years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

## Policy Details

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