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**1. STATEMENT**

This policy establishes the way in which Councillors are expected to interact with Council employees. This Policy also incorporates the acceptable requests guidelines as required by Section 170A(7) of the *Local Government Act 2009* (the Act).

It is necessary that Councillors and Council employees are able to interact so informed decisions that deliver positive outcomes for the community are achieved. It is important that we achieve the right balance to ensure onerous constraints do not impede the flow of information while still ensuring that the principles of good governance are achieved and appropriate controls are in place to protect both employees and Councillors alike.

**2. PURPOSE AND PRINCIPLES**

- Provide for the way in which a Councillor may ask a Council employee for advice or information to help the Councillor carry out his/her responsibilities under the *Local Government Act 2009*;
- Set reasonable limits on requests made by Councillors;
- Provide clarity on Councillors access to council staff and buildings; and
- Assist Councillors in carrying out their responsibilities as elected representatives in an open and transparent manner.

**3 STRATEGIC PLAN LINKS**

This policy aligns with the following iFuture 2021-2026 Corporate Plan theme:

- A Trusted and Leading Organisation

**4. REGULATORY AUTHORITY**

<i>Local Government Act 2009</i>	Local Government Regulation 2012
<i>Right to Information Act 2009</i>	<i>Information Privacy Act 2009</i>
<i>Public Sector Ethics Act 2004</i>	

**5. RELATED DOCUMENTS**

- Councillor Administrative Support Guidelines
- Councillor Briefing Sessions and Workshops Policy
- Councillor Expenses Reimbursement and Administrative Support Policy
- Code of Conduct for Councillors in Queensland
- Employee Code of Conduct
- Complaints Management Policy
- Council Meetings Policy
- Good Governance Policy

**6. HUMAN RIGHTS COMMITMENT**

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

## 7. SCOPE

This policy is applicable to all Councillors and Council employees.

## 8. ROLES AND RESPONSIBILITIES

All Councillors and Council employees are bound by the provisions of this Policy in addition to all other obligations under legislation, regulations and Council documents including those listed in Clauses 4 and 5 above.

Where a Councillor is appointed to a specific role under an act or regulation, the requirements of that act or regulation will take precedence where they are undertaking the specific responsibilities as defined in the relevant act or regulation in accordance with that role.

## 9. ACCEPTABLE REQUESTS GUIDELINES

### 9.1 Acceptable Requests Guidelines outline

Section 170A of the Act prescribes ‘acceptable request guidelines’, adopted by resolution of Council, as the way in which Councillors may ask Council employees for advice or information to help a Councillor carry out their responsibilities under the Act. This policy constitutes and incorporates the ‘acceptable requests guidelines’ as required by the Act and provides the way in which a Councillor may ask a Council employee for advice, or to provide information, in order to assist the Councillor to carry out his or her responsibilities under the Act.

These Guidelines are about:

- The way in which a Councillor may ask a Council employee for advice to help the Councillor carry out his or her responsibilities under the Act; and
- The way in which a Councillor may ask the Chief Executive Officer for information relating to the local government; and
- The reasonable limits on requests that a Councillor may make.

These Guidelines do not override an individual Councillor’s statutory obligations under the Act, including in respect to the use of information under s171 and s171A of the Act.

Unless otherwise expressed, terms used in these Guidelines will have the same meaning given to those terms under the Act.

### 9.2 General requirements for requests

When asking for advice or information Councillors must:

- act in accordance with the local government principles prescribed in section 4(2) of the Act;
- act in accordance with the Code of Conduct for Councillors in Queensland;
- act in accordance with all of the obligations set out in Chapter 6, Division 5 of the Act;
- not direct, or attempt to direct any Council employee to do anything
- not behave towards Council employees in an overbearing or threatening manner;
- not coerce or entice, or attempt to coerce or entice any Council employee to do anything that does not comply with these Guidelines;

- not unduly disrupt a Council employee in the undertaking of that Council employee's routine employment obligations;
- not place, or attempt to place any Council employee in a position that would create a conflict of interest for that Council employee, or that would compromise the integrity and honest performance of that Council employee; and
- comply with all laws that apply to the local government, as well as Council policies, procedures and guidelines;
- not breach any confidentiality obligations under legislation whereby information is not to be disclosed by Councillors (for example, the Information Privacy Act 2009, Crime and Corruption Act 2001, Public Interest Disclosure Act 2010, Workers' Compensation and Rehabilitation Act 2003);
- during the caretaker period not request information or advice 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 Councillor (as per sections 90A – 90D of the Act);
- act in good faith;
- be respectful, reasonable and professional.

Councillors should be aware that any request for advice or information and response provided may be subject to disclosure if an application for access is made under the Right to Information Act 2009.

Councillors may request advice or information with assistance from an allocated Support Officer in accordance with the Councillor Administrative Support Guidelines. However, when doing so, the Support Officer must not be utilised in a way to deliberately circumvent the requirements of this policy.

### 9.3 Distinction between 'Advice' and 'Information'

'Advice' means the provision of knowledge or opinion by a Council employee to assist a Councillor to carry out their duties under the Act. For example, a Councillor may ask a Council employee to advise the Councillor on the status, and process to be followed for consideration, of an application made by a ratepayer to council.

'Information' means information relating to Council that the local government has access to. It includes records and documents (in printed and electronic form) that Council possesses or can access. For example, a Councillor may ask the Chief Executive Officer for a copy of an application that was submitted by a ratepayer to council.

### 9.4 How a Councillor can make a request for Advice or Information

#### 9.4.1 Requests for Advice

A Councillor may ask for advice to assist in carrying out their responsibilities under the Act directly from:

- a. The Chief Executive Officer
- b. General Manger
- c. Branch Manager
- d. Nominated Section Managers (as determined by the relevant General Manager)

by lodging the request either:

- a. Via the Councillor portal
- b. via a councillor administrative support officer
- c. by email
- d. via telephone, or
- e. in person.

The Manager may require that the request be made in writing to ensure that the request meets the intended requirements.

#### 9.4.2 Requests for Information

A Councillor may ask for information to assist in carrying out their responsibilities under the Act from:

- a. The Chief Executive Officer

by lodging the request either:

- a. Via the Councillor portal
- b. via a councillor administrative support officer
- c. by email
- d. via telephone, or
- e. in person.

The Chief Executive Officer may require that the request be made in writing and, may delegate the request to a General Manager where appropriate.

#### 9.4.3 Process for Requests

Requests for advice will be managed by assigned administrative support staff and sent to the most appropriate Council Officer for response. For information requests, it will be sent to the Chief Executive Officer or delegated General Manager for response.

Requests will be acknowledged within 1 business day and best efforts should be made to provide the information as soon as practical. In accordance with the provisions of the Act, responses must be provided within 10 business days, except where the request is of a complex nature or requires substantial research. Requests of a complex nature must be responded to within 20 business days with an interim response provided within 10 days.

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

Service requests made by residents or by Councillors on behalf of residents are not considered as requests for advice or information. Where the Councillor has made a request on the status, and/or the process to be followed for the actioning of a service request, this is considered a request for advice.

### 9.5 Reasonable limits on requests for advice or information

A Councillor may not ask for information:

- a. that is capricious or which will place an unreasonable burden on Council's resources;
- b. that is a record of the conduct tribunal;

- c. if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal;
- d. that would be privileged from production in a legal proceeding on the grounds of legal professional privilege;
- e. that would disclose personal information, including employees' bank accounts details, child support deductions or tax file number;
- f. which relates to a public interest disclosure under the Public Interest Disclosure Act 2010;
- g. that is confidential information under the Crime and Corruption Act 2001;
- h. that is about matters relating to the conduct of any councillor pursuant to Part 3, Chapter 5A of the Act;
- i. 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.

#### 9.6 Provision of documents or information in response to requests

In line with Council's commitment to the environment and a reduction in paper usage, access to electronic copies of documents only will be provided wherever possible.

Councillors are to be aware of their responsibilities under the Act regarding the sharing or further distribution of this advice or information. The right of Councillors to have access to information is for the purpose of exercising the roles and responsibilities of a Councillor. It does not carry with it the right to disclose any information obtained by a Councillor to another person, unless the information is already in the public domain.

While not every document will be considered 'Confidential', Councillors should be aware that information provided may contain confidential material and must be handled appropriately to ensure that Council maintains its reputation and good standing within the community.

Providing details of discussions held with Council employees regarding Council projects, internal policy considerations or technical opinion with third parties would be considered a breach of this Policy.

Councillors must not cause the by-passing of the provisions of the Right to Information Act 2009 by providing to a member of the public with information made available to a Councillor as an elected representative that is not already within the public domain.

Councillors must ensure that hardcopy documents provided by Council are securely destroyed when the documents are no longer required.

#### 9.7 'View only' access to documents

Where 'view only' access to documents is the preferred option available for requested documents, officers of the Administrative Support team will organise a suitable time in a meeting room.

Appropriate reasons to only allow 'view access' to a Councillor are when:

- a. A document is of historical significance and could be damaged if copied or scanned;
- b. If copying or scanning a document would unreasonably divert the resources of the relevant department from its other operations;

- c. If an act or agreement signed by Council states that the document is not to be copied or reproduced.
- d. The contents of the document are considered by the Chief Executive Officer to be of such a confidential nature, that a risk could arise in the provision of the document in hardcopy or electronic format.

#### 9.8 Refusal to Provide Advice or Information

Should a request for advice or information be raised that is considered to be outside of the scope of a Councillor's official duties or a request for advice or information be received which, upon consideration, will take a significant amount of resources to satisfy or cause an undue impact on employees' 'business as usual' responsibilities, the matter is to be escalated to the General Manager and then the Chief Executive Officer.

- The General Manager is to make a decision as to whether it is considered that the fulfilment of the request is required to allow the Councillor to perform their duties.
- If the General Manager confirms that the advice or information requested is not deemed to be required for the Councillor to carry out their official duties the Councillor can ask for the Chief Executive Officer to review and if still withheld, the Councillor has the opportunity to apply for access to the documents via Council's Right to Information process.
- The Right to Information application form is available on Council's website at [www.ipswich.qld.gov.au](http://www.ipswich.qld.gov.au). The Councillor will be required to pay the processing fee as if he/she were a member of the public making an application. This fee is not eligible for Council reimbursement.

#### 9.9 Request a review

If a Councillor is not satisfied with a response to their request for advice or information, the Councillor may request the Chief Executive Officer to have the matter reviewed. That review shall be undertaken by the Chief Executive Officer's nominee under Council's Complaints Management Policy.

Councillors are not permitted to directly contact a Council employee regarding a complaint about a request for advice or information. All enquiries must be directed to the Chief Executive Officer.

### 10. CUSTOMER SERVICE REQUESTS AND SERVICE STANDARDS

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.



### 10.1 Customer requests

Where the community member/customer is unwilling or unable to contact Council directly, a Councillor may submit the relevant information on their behalf via Councillor Support staff, for actioning by the organisation.

Community members/customers will not receive preferential treatment by lodging service requests via Councillors. Any requests raised through this channel will be processed in accordance with agreed service level standards.

### 10.2 Raising a General Operational Matter with Council

If a Councillor has identified or become personally aware of an ordinary operational matter, (e.g. reporting a pothole, missed bin service or submitting an application) that requires attention, the Councillor may raise this request via any existing channels available to external customers and also via the allocated councillor administrative support.

In these instances the Councillor is considered to be the customer. The same service level standards that apply to external community members/customers will be applicable for these issues.

### 10.3 Constituent Complaints Regarding Operational Performance

Feedback from the community/residents regarding operational performance is an important aspect of a Councillors legislated role of monitoring the performance of the local government.

If a community member/resident raises an issue where they are not satisfied with the performance or service provided by Council, the Councillor should in the first instance raise the concern with the Chief Executive Officer or relevant General Manager.

Councillors are to be mindful of adopted service response standards when monitoring service requests. Under no circumstances is it acceptable for a Councillor to directly contact a Council employee regarding a complaint about operational performance.

Where the complaint is about a decision or action taken by the council administration, the resident should be directed to make a complaint under Council's Complaints Management Policy.

### 10.4 Emergency and after hours service

Councillors must use the after-hours emergency service process if they become aware of an issue after-hours that is an emergency. This will ensure the effective operation of the after-hours service as well as duty of care for on call officers and other staff.

When an issue arises after-hours that is not an emergency as prescribed in the after-hours procedure, but is of such urgency that to delay contact would bring harm to Council or damage the reputation of Council, Councillors may contact the Chief Executive Officer or relevant General Manager.

## 11. GENERAL COUNCILLOR INTERACTION WITH COUNCIL EMPLOYEES

Local Government has two (2) distinct areas of expertise:

- The operational arm headed by Chief Executive Officer and encompassing the employees of Ipswich City Council;
- The strategic arm headed by the Mayor and encompassing all Councillors.

The Mayor and Councillors, as the strategic arm, set the long term direction of the City and the means for achieving the required outcomes. The Chief Executive Officer and staff provide expert support to the Mayor and Councillors in this role.

The Chief Executive Officer is responsible for the management of the operational requirements of Council in the provision of services to the community and the implementation of Council's objectives with the support of all Council employees.

In achieving this, Councillors and staff are equally responsible to act courteously and respectfully towards each other and in a manner consistent with the relevant codes of conduct.

### 11.1 Interaction with Council Officers/Employees

Councillors may interact with the Chief Executive Officer, General Managers, Branch Managers and Section Managers (where nominated by a General Manager) to discuss specific projects or services that they are directly responsible for.

- Where required, appointments will be co-ordinated by Councillors Administrative Support in accordance with the Administrative Support Guidelines.
- Where the discussion entails the performance of a program of council or relates to a request for Advice or Information, minutes should be taken to ensure that any conflicts of interest that arise during the discussion are appropriately recorded and dealt with in accordance with legislative provisions.
- Councillors must not make direct contact with any other staff not listed above or in Section 8 of this Policy unless the General Manager has determined that a specific subject matter expert is better placed to provide the information or commentary to the Councillor. In these circumstances, the officer will initiate the contact with the Councillor.
- Where direct contact approval is granted by the General Manager, it shall be limited to a specific program or project. The suitability of any ongoing direct contact should be reviewed on a regular basis as determined by the relevant General Manager.
- The protocol for general interaction between councillors and staff during a meeting of council is outlined in Council's Meetings Procedures Policy and Council's Briefing Sessions and Workshops Policy.

### 11.2 Non Work Related Interactions between Councillors and Council Employees

It is recognised that Councillors and Council employees often live in the same community; interact as members of community/sporting/volunteer organisations as individuals and may form friendships as a consequence of these associations. The requirements of this policy do not in any way impact on the ability of community members (including Councillors and Council employees) to interact from a community/social perspective.

However, it must also be recognised that the abovementioned interactions should not be used as a forum to discuss Council related matters.

If during the course of general conversation a Council related matter is raised by either party, it is appropriate to terminate that topic of discussion and advise the Councillor or Council Officer to raise the matter through the appropriate Council channels.

Should this behaviour become repetitive, these matters need to be raised through the appropriate channels as outlined in section 12 of this Policy.

### 11.3 Council Offices and Building Access

As elected representatives of Council, Councillors are entitled to have access to:

- Council Chambers;
- Dedicated spaces for meetings, briefings and official functions;
- Nominated Councillor office space, work areas and Councillors' Administrative Support areas;
- All publicly accessible areas in Council buildings.

Councillors are not entitled to enter any work areas of Council. Meetings with officers are to be coordinated by the Councillor Support staff in accordance with any requirements outlined in the Councillor Administrative Support Guidelines.

Should an occasion arise that a Councillor is required to enter a staff area for a meeting, they shall be accompanied by an attendee of the meeting both to and from the meeting room.

## 12. SUSPECTED BREACHES OF POLICY

Any suspected breach of this Policy is to be communicated immediately, in writing, as follows:

### 12.1 Employee Breach

Any suspected breach by employees may constitute a breach of the Employee Code of Conduct and is reported to the relevant General Manager who is to handle the complaint in accordance with adopted Council process.

### 12.2 Councillor Breach

Any suspected breach of this policy by a Councillor may constitute a breach of the Code of Conduct for Councillors in Queensland. The Office of the Independent Assessor is the responsible agency for complaints about the performance or conduct of a councillor in Queensland.

## 13. SUMMARY TABLE

The table below summarises the process for the handling of Councillor Requests as set out in this Policy.

TYPE OF REQUEST	FORM OF REQUEST	PROCESS
Public requests for service (e.g. repairs to footpath, mowing of park)	Utilising existing customer service channels of Council or via administrative support resources.	<ul style="list-style-type: none"> <li>• Request will be dealt with under Council's customer service system in the usual manner</li> <li>• Council's usual service level standards will apply</li> <li>• All Councillors representing that Division will receive an acknowledgement email to ensure that multiple requests are not raised for the same issue.</li> </ul>
Access to Council documents for a purpose related to your role as a Councillor.	<ol style="list-style-type: none"> <li>a. via the Councillor portal</li> <li>b. via a councillor administrative support officer</li> <li>c. by email</li> <li>d. via telephone, or</li> <li>e. in person.</li> </ol>	<ul style="list-style-type: none"> <li>• Request will be responded to by relevant manager</li> <li>• Information may be provided electronically or viewed</li> </ul>
Access to documents for a private purpose.	Application to be made via Council's Right to Information process.	Applications forms available at <a href="http://www.ipswich.qld.gov.au">www.ipswich.qld.gov.au</a>
Access to a Council work area to participate in a meeting.	Coordinated by Administrative Support Staff.	<ul style="list-style-type: none"> <li>• Meeting organiser will arrange appropriate access</li> </ul>

Advice (e.g. technical advice, current status of development application, request for allocation of capital budgets)	a. via the Councillor portal b. via a councillor administrative support officer c. by email d. via telephone, or e. in person.	<ul style="list-style-type: none"> <li>Meeting minutes will be taken and kept in Council's records management system.</li> </ul>
Administrative Support (e.g. stationery, office supplies, stenographic or clerical service)	Coordinated by Administrative Support Staff	<ul style="list-style-type: none"> <li>Arranged in accordance with Councillors Administrative Support Guidelines</li> </ul>
Discussion of Council services or projects.	Coordinated by Administrative Support Staff	<ul style="list-style-type: none"> <li>Meeting minutes will be taken and kept in Council's records management system.</li> </ul>

#### 14. MONITORING AND EVALUATION

Effectiveness of this policy will be clearly demonstrated by the strategic arm of Council, as represented by the Councillors, forming a professional relationship with the operational arm of Council, as represented by the Chief Executive Officer and staff. This relationship will encompass the four ethics principles identified in the *Public Sector Ethics Act 1994*:

- Integrity and impartiality;
- Promoting the public good;
- Commitment to the system of government; and
- Accountability and transparency.

The true measure of success will be that Ipswich City Council is proudly demonstrating, through its actions and interactions with the community, that it is embracing the five local government principles as follows:

1. Transparent and effective processes, and decision-making in the public interest; and
2. Sustainable development and management of assets and infrastructure, and delivery of effective services; and
3. Democratic representation, social inclusion and meaningful community engagement; and
4. Good governance of, and by, local government; and
5. Ethical and legal behaviour of Councillors and local government employees.

#### 15. DEFINITIONS

**Councillors** – All elected representatives including the Mayor.

**Guidelines** – A term used in legislation that broadly translates to a policy or procedure of Council.

**Administrative Support Staff** – Support staff allocated to Councillors as defined in the Councillor Administrative Support Guidelines.

**Senior Executive Employee** – Chief Executive Officer, General Managers.

**Council Employee** – Any person employed directly by Ipswich City Council, regardless of their employment status (full time, part time, casual, volunteer) and contractors, undertaking duties on behalf of Council.

#### 16. POLICY OWNER

The General Manager, Coordination and Performance Department is the policy owner. The Manager, Executive Services is responsible for authoring and reviewing this policy.