



# ACCEPTABLE REQUEST GUIDELINES POLICY

## 1. SCOPE

These Guidelines apply to the Mayor and all Councillors and employees of McKinlay Shire Council and relate specifically to requests by Councillors for assistance or information in accordance with the *Local Government Act 2009*.

## 2. POLICY PURPOSE

The Mayor and Councillors of McKinlay Shire Council will all from time to time require assistance or information from the employees of the Council to enable them to effectively carry out their duties and represent the interests of the community.

Section 170A(7) of the *Local Government Act 2009* (the Act) provides that Council is required to adopt acceptable requests guidelines about –

- (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 this Act; and*
- (b) reasonable limits on requests that a councillor may make.*

Accordingly, these Guidelines outline the standards for the provision of assistance or information to Councillors and are to be followed by the Mayor, all Councillors and all employees.

The underpinning principles and Councillors' responsibilities under the Act are set out in Sections 4 and 12 respectively. The provisions of these Sections require Councillors to act in the interests of the residents of the local government area, to ensure effective service delivery and to be accountable to the community for the performance of the local government.

Section 13 of the Act sets out the responsibilities of local government employees including efficient and effective management of public resources, excellence in service delivery and provision of sound and impartial advice.

Through these provisions, the Act recognises that Councillors need to have access to current and relevant information about the local government to enable them to carry out their responsibilities.

Employees recognise this need and understand that the provision of prompt, accurate information to Councillors will enhance Council's reputation in the community as an efficient, customer focused organisation.

Therefore the purpose of these Guidelines is to support good corporate governance in accordance with the local government principles by providing clear guidance for Councillors and employees to assist them in complying with the Act and serving the needs of our community.

### 3. Definitions

**CEO** – The Chief Executive Officer of McKinlay Shire Council and includes any officer acting in that position from time to time.

**Councillor or Councillors** – Person or persons elected or appointed to the local government under the *Local Government Act 2009* or the *Local Government Electoral Act 2011*. Councillor or Councillors include the Mayor.

**Director** – A senior Executive Employee of Council in charge of a Department of Council and includes any officer acting in those positions from time to time.

**Employee** – Any permanent, part-time and casual employee of Council and any person or consultant who contracts with the Council to provide services to it, such as engineers, lawyers, planners or plant operators.

Employee includes a person prescribed as a local government employee under a State Government regulation.

**Information and Advice** – Information and advice includes details of what Council Councillors and Employees are doing; any administrative, legal, financial, technical or statistical information held by Council and options available to achieve a particular thing.

### 4. POLICY

The following protocol guides all day-to-day communication between Councillors and Employees of McKinlay Shire.

#### 4.1 COUNCILLOR/EMPLOYEE INTERACTION

Every reasonable assistance will be provided to Councillors in the exercise of their role and the performance of their duties.

Employees must not approach Councillors to discuss any matter relating to the terms and conditions of their employment with the Council.

Councillors must not discuss, with Employees, any matter relating to the terms and conditions of their employment with Council except as necessary for conducting the

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performance appraisal of the Chief Executive Officer, in accordance with section 12 (4) (c) of the *Local Government Act 2009*.

Councillors are to consult the Schedule of Employees to determine which employee may be contacted on specific issues. If in doubt, the CEO or the relevant Director should be contacted to ascertain the appropriate employee referral.

Councillors and employee interaction shall, at all times, be carried out in a professional manner with due regard to each other's respective position.

## **4.2 DIRECTIONS TO EMPLOYEES**

### **Mayor**

The Mayor has a responsibility to direct the Chief Executive Officer in accordance with Council's policies. (Section 12 (4) of the *Local Government Act 2009*)

### **Councillors (including Mayor)**

Councillors, may not direct, and must not attempt to direct any employee about the way in which the employee's duties are to be performed except as allowed in the above clause.

### **Employees**

If an attempt is made by a Councillor to direct an employee, the employee must report this matter to the CEO directly or through the employee's Director so that the matter can be addressed with the Councillor concerned.

## **4.3 INFORMATION OR ADVICE**

### **Councillors**

Councillors may request a Director for information or advice on any matter relating to the administration or management of the department managed by the Director in question.

Councillors may request the CEO for information or advice on any matter relating to the administration or management of any aspect of Council's affairs.

A request for information or advice must identify the proposed decision that the Councillor needs information or advice on.

Councillors attending an ordinary or committee meeting may request information or advice from an officer other than the CEO or a Director where such officer is attending the meeting for the purpose of providing professional advice or as a delegate/representative of the Chief Executive Officer or a Director.

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Councillors may approach any employee for information where the employee in question normally provides information to the general public, providing that the information given is not more or less than that which would be given if the Councillor were an ordinary member of the general public and providing that the same conditions of access apply.

Councillors may request the CEO to allow any employee to provide information or advice in any particular instance.

The Chief Executive Officer

- (a) May apply conditions to any such communication
- (b) Will inform the relevant Director of any such approved communication and the conditions (if any) relating thereto.

A Councillor seeking information or advice from the CEO, Director, Manager or other specified employee must advise the employee if he/she has made a similar request for the same information or advice from any other employee.

A Councillors' request for advice must not take the form of an attempt to direct or pressure a Director or employee to prepare a response in a certain manner.

A Councillor is to inform the CEO if they believe the Director or employee has not appropriately responded to a request for information or advice.

### **Employees**

Employees must not comply with request for information or advice from Councillors which are contrary to these guidelines. Where such requests are received, a report must be made either direct to the CEO or to the CEO through the employee's Director so that the matter can be addressed with the Councillor concerned.

Where they are residents within McKinlay Shire, employees have the constituents normal rights of access to Councillors providing that such rights are exercised out of working hours.

Except in circumstances mentioned in the above clause, employees must not, without first informing the CEO, approach Councillors to discuss any matter relating to the administration or management of any aspect of the Council's affairs.

Where an employee contacts a Councillor in an emergency situation, the Councillor should immediately (or as soon as practicable) inform the CEO accordingly.

It is important that each member of staff is aware of the names of each of the Councillors and their relevant portfolio in order that an appropriate level of service can be provided.

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Any response to a Councillor must have due regard to the provisions of relevant legislation including the *Local Government Act 2009*, *Local Government Regulation 2012*, other Acts and Regulations, Council's Local Laws, policies, Corporate Plan, Operational Plan, Annual Budget, and the nature of the environment in which work is performed.

Employees must ensure, at all times, that requests for assistance which involve the expenditure of funds or the use of resources not specifically provided for in the budget, are referred to the relevant Director for approval. This could involve obtaining a Council resolution or budget amendment to authorize the work.

## **5. SCHEDULE OF EMPLOYEES**

A schedule of employee is attached: See Appendix 1a

*Note this appendix does not contain personal detail. This appendix may be posted on Council's web site. A similar document, Appendix 1b, is available to all Councillors with names and telephone numbers included by contacting the Chief Executive Officer.*

## **6. SCHEDULE OF COUNCILLORS AND PORTFOLIOS**

A schedule of Councillors and portfolios is attached. See Appendix 2 and 3.

## **7. PROCEDURE**

The CEO shall issue updated Appendix 1 and Appendix 2 from time to time to ensure that these documents are current.

## **8. REFERENCE DOCUMENTS**

- *Local Government Act 2009*
- *Local Government Regulation 2012*

## **9. DOCUMENT CONTROL**

Amendments to the Acceptable Requests Guidelines, other than minor administrative amendments that do not alter the intent of the Guideline, can only be made by a resolution of Council. All requests for minor administrative amendments must be directed through the relevant Director who will authorise the change if appropriate to do so and advise the Chief Executive Officer and Mayor and Councillors if necessary.

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**APPENDIX 1a**  
**SCHEDULE OF EMPLOYEES**  
**WHO MAY BE CONTACTED UNDER THE COUNCILLOR REQUEST GUIDELINES**

<b>Engineering Services</b>				
Department	Position	Name	Phone	Mobile
	Director Engineering, Environment & Regulatory Services			
<b>Environment &amp; Regulatory Services</b>				
Department	Position	Name	Phone	Mobile
	Director Engineering, Environment & Regulatory Services			
<b>Corporate Services</b>				
Department	Position	Name	Phone	Mobile
	Director Corporate & Community Services			
	Corporate Services Team Leader			
<b>Community Services</b>				
Department	Position	Name	Phone	Mobile
	Director Corporate & Community Services			
	Community Services Team Leader			
<b>Governance &amp; Executive Services</b>				
Department	Position	Name	Phone	Mobile
	Chief Executive			

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	Officer	
	Executive Assistant	

**APPENDIX 1b**  
**SCHEDULE OF EMPLOYEES**  
**WHO MAY BE CONTACTED UNDER THE COUNCILLOR REQUEST GUIDELINES**

Engineering Services				
Department	Position	Name	Phone	Mobile
	Director Engineering, Environment & Regulatory Services	Mursaleen Shah	07 4746 4213	0427 470 009
Environment & Regulatory Services				
Department	Position	Name	Phone	Mobile
	Director Engineering, Environment & Regulatory Services	Mursaleen Shah	07 4746 4213	0427 470 009
Corporate Services				
Department	Position	Name	Phone	Mobile
	Director Corporate & Community Services	Tenneil Cody	07 4746 4202	0428 467 064
	Corporate Services Team Leader	Aimie Athorn	07 4746 4222	
Community Services				
Department	Position	Name	Phone	Mobile
	Director Corporate & Community Services	Tenneil Cody	07 4746 4202	0428 467 064
	Community Services Team Leader	Kalan Lococo	07 4746 4203	
Governance & Executive Services				
Department	Position	Name	Phone	Mobile
	Chief Executive	Edwina Marks	07 4746 4201	0427 467 166

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	Officer			
	Executive Assistant	Katie Woods	07 4746 4218	0418 837 575

## APPENDIX 2

### SCHEDULE OF COUNCILLORS

<b>Cr Philip Curr</b>	Mayor
<b>Cr Janene Fegan</b>	Deputy Mayor
<b>Cr Shauna Royes</b>	Councillor
<b>Cr Tim Pratt</b>	Councillor
<b>Cr John Lynch</b>	Councillor

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## APPENDIX 3 COUNCILLORS PORTFOLIOS

**Chief Executive Officer**

Executive Services  
Governance  
Community  
Engagement/Consultation  
  
**Mayor**

**Director Engineering,  
Environment & Regulatory**

Water Supply &  
Sewerage  
Plant  
Roads/Streets/Drainage  
Flood Damage  
Airports  
Parks & Gardens  
  
**Mayor & Cr Pratt**

Planning  
Building Certification  
Plumbing Certification  
Animal Control  
Washdown Facilities  
Compliance/Enforcement  
Pest & Weed Management  
Reserves  
Waste Services  
Land Tenure/Leases  
Cemeteries/Funerals  
  
**Cr Lynch**

**Director Corporate &  
Community Services**

**Corporate**  
Finance  
Purchasing  
Rates  
Customer Service  
Records Management  
**Mayor**  
**Economic Development/  
Tourism - Cr Fegan & Cr  
Royes**

**Community**  
Library  
CHSP  
Sport & Recreation  
Education  
Arts & Culture  
**Cr Royes**  
**Health – Cr Fegan**