

**WUJAL WUJAL ABORIGINAL SHIRE COUNCIL**  
**COUNCILLORS INTERACTION WITH STAFF POLICY**  
**(Acceptable Requests Guidelines)**

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## **Authority**

*Local Government Act 2009*  
*Local Government Regulation 2012*  
*Council's Code of Conduct*  
*Information Privacy Regulation 2009*  
*Information Privacy Act 2009*

## **Policy Statement**

The *Local Government Act 2009*, Chapter 6 Administration, Part 2 Councillors, Section 170A Requests for assistance or information, outlines the requirements associated with Councillors seeking advice from employees to assist in carrying out their responsibilities.

Requests for advice must be in accordance with the *Acceptable Requests Guidelines*, which are guidelines adopted by resolution of the Local Government, 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.

The Act allows the preparation of **Policy Guidelines** for Councillors' seeking advice, assistance or information from Council employees.

The guidelines do not apply to the Mayor or the Chairperson of a Committee of Council if the request relates to the role of the Chairperson.

The following provisions of the Act are most relevant:

### ***"170 (LGA 2009) Giving directions to Local Government staff***

- (1) *The Mayor may give a direction to the Chief Executive Officer or Senior Executive employees.*
- (2) *No Councillor, including the Mayor, may give a direction to any other Local Government employee.*

### ***s 170A (LGA2009) Requests for assistance or information***

- (1) A Councillor may ask a Local Government employee to provide advice to assist the Councillor carry out his or her responsibilities under this Act.

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- (2) A Councillor may, subject to any limits prescribed under a regulation, ask the Chief Executive Officer to provide information, that the Local Government has access to, relating to the Local Government.

*Example of a limit prescribed under a regulation:*

A regulation may prescribe the maximum cost to a Local Government of providing information to a Councillor.

- (3) Subsection (2) does not apply to information:
- a) that is a record of the Regional Conduct Review Panel or the Tribunal; or
  - b) if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal; or
  - c) that would be privileged from production in a legal proceeding on the grounds of legal professional privilege.
- (4) A request of a Councillor under subsection (1) or (2) is of no effect if the request does not comply with the Acceptable Requests Guidelines.
- (5) Subsection (4) does not apply to:
- a) the Mayor or
  - b) the Chairperson of a Committee of the Council if the request relates to the role of the Chairperson.

## **Principles**

To provide guidelines for the interaction between Councillors and staff in relation to providing help, advice and to assist communication and information flow between Councillors and staff.

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.

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Therefore, the purpose of these Policy Guidelines is to support good corporate governance in accordance with the Local Government principles by providing clear guidelines for Councillors and employees to assist them in complying with *the Act* and serving the needs of our community.

### **Scope**

This policy and guidelines applies to Councillors and employees and relates specifically to requests by Councillors for assistance or information in accordance with the *Local Government Act 2009*.

### **Definitions**

**Council** – means Wujal Wujal Aboriginal Shire Council

**CEO** – shall mean the person appointed to the position of Chief Executive Officer under the *Act* and anyone acting in that position.

**Director** – shall mean the director of a department of council and persons acting in such positions.

**Councillors** – shall mean all elected members of council excluding the Mayor.

**Local Government Employee** - includes a person prescribed under a regulation.

**The Act** – shall mean the *Local Government Act 2009 (as amended 2012)*.

### **Policy Guidelines**

#### **1. Councillors' Responsibilities**

- a) Communications by Councillors with employees must be conducted in a respectful, reasonable and professional manner.
- b) Communications by Councillors with employees must:
  - be conducted in accordance with the principles prescribed in Section 4(2) of *the Act*;
  - comply with the law, Council policies, guidelines and procedures; and
  - be conducted in good faith.
- c) Councillors may request, from any employee, assistance or information of a similar nature and in similar manner to that which the employee would ordinarily give to the public.
- d) Councillors may request, from any employee, assistance or information relating to minor/routine matters. Such requests may be either oral or in writing at the discretion of the Councillor. A minor/routine matter includes procedural-type issues, eg. "When will those

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minutes be distributed?", or following up on an issue previously realised, or any other matter that the Chief Executive Officer, Director or Manager has specifically referred to another employee for attention and a Councillor wishes to enquire on the status of the matter.

- e) For anything other than minor/routine matters, wherever reasonably possible, Councillors shall direct requests for assistance or information to the CEO, the relevant Director or the relevant Manager, whichever is the most appropriate given the nature of the request.
- f) Where it is appropriate to do so, for example on a significant policy matter or a matter of high importance, Councillor requests for assistance or information shall be made in writing.
- g) Wherever possible, Councillor requests for assistance or information outside of normal business hours shall be made only to the CEO, Director or the relevant Manager. Councillors are encouraged to only seek assistance or information out-of-hours for matters of significant concern that should not be left to the next business day to resolve, eg. imminent risk to community safety; an operational issue that immediately and significantly impacts on residents amenity or capacity to access services; or significant immediate risk to Council's reputation. Where out-of-hours matters involve more operational issues, such as dog complaints or nuisance complaints, Councillors are to use the After Hours Service to report such matters and/or deal with the appropriate on-call officer.
- h) When referring requests for action from constituents and/or interest groups, Councillors should use the Customer Request System rather than directly referring requests to any employee individually.
- i) Councillors shall consider the likely cost implications in making requests for assistance or information, and shall not make requests where costs cannot be justified.
- j) Councillors may request the attendance of an employee at a meeting with a member(s) of the public where technical input, relevant background knowledge of the matter, etc. is necessary. Such requests shall be accompanied by reasonable lead time and adequate supporting information so that the employee can attend the meeting with a solid understanding of the issue at hand.
- k) Councillors shall be mindful of operational workloads and priorities and will work collaboratively with employees to ensure that assistance and information requests do not significantly impact on such workloads and priorities.
- l) Other than in accordance with these Guidelines, Councillors shall not direct, or attempt to direct any employee to do anything. The only exception to this is for the Mayor, who is entitled to direct the Chief Executive Officer or Senior Executive employees (Directors) in accordance with Section 170 of the Act.

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## **2. Employees' Responsibilities**

- a. Communications by employees with Councillors must be conducted in a respectful, reasonable and professional manner.
- b. Communications by employees with Councillors must:
  - Be conducted in accordance with the principles prescribed in Section 4(2) of *the Act*
  - Be conducted in accordance with the Employee Code of Conduct;
  - Comply with the law, Council Policies, guidelines and Procedures; and
  - Be conducted in good faith.
- c. If an employee is not competent to respond with adequate knowledge and experience, and/or without functional responsibility for the matter, the employee will refer the request to his//her supervisor and refrain from responding other than to advise that the request has been referred.
- d. The CEO will publish and maintain a register of Designated Employees (Directors and Managers), each employee included in the Register will be informed of their designation in writing (which may include by email).
- e. Employees will consider the likely resource implications in responding to Councillors' requests for assistance or information, and where the employee has concerns relating to the costs or other use of resources, he/she will refer the request to the relevant Director or CEO.
- f. The CEO or Director may authorise provision of the requested assistance or information to all other Councillors if it is considered that such provision would be in the best interests of the Council and/or the community or if the request relates to a matter currently under consideration by Council. In doing so the CEO or Director will advise the relevant Councillor of their intention to provide the information to all Councillors.
- g. Employees will make every effort to assist Councillors where a request is received to attend a meeting with the Councillor and a member(s) of the public. Wherever practical to do so, the employee will ensure they have been provided with adequate background information on the matter so they have a solid understanding of the issue at hand, and where appropriate, have discussed the matter with the Councillor before attending the meeting. If the employee feels they are unqualified to attend the meeting, they will advise their Manager who will consider the matter, liaise with the relevant Councillor and ensure appropriate alternative arrangements are made to support the Councillor.

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**3. Response Times to Requests for Assistance or Information**

- a. Wherever possible, for routine requests where the information the Councillor is seeking is known to an employee or is readily available from a Council document management system, the response will be provided immediately, eg. over the phone or directly by email on the day.
- b. All other requests will be responded to within three business days unless the matter is of a complex nature.
- c. Where the matter is complex, eg. it requires research and analysis or it requires input from several areas, the employee concerned will provide an estimate of how long the request is likely to take and if that period of time elapses and the information still isn't available, the employee will contact the Councillor or Mayor and advise of the delay and the revised timeframe for provision of the information.
- d. At the sole discretion of the Mayor, he or she may from time to time determine that a matter is urgent. Where the Mayor classifies a matter as urgent, every endeavour will be made to provide the assistance or information to the Mayor in the shortest timeframe possible. For urgent matters that cannot be resolved inside three business days, the employee will ensure that the relevant Director is made aware of the reasons for delay so they can be communicated to the Mayor and Councillors.
- e. Where a Councillor requires an urgent response on a matter, he/she will go through the Mayor with the request. If the Mayor agrees that the matter is urgent, the Mayor can make a request for urgent assistance or information on behalf of the Councillor and the request will be dealt with as if it was an urgent request from the Mayor.
- f. Employees will always place a level of priority on requests for assistance or information from Councillors. Where it is practical to do so, and will not result in service delivery issues for the community, employees will endeavour to meet or exceed these timeframes. Where there are genuine operational or resourcing reasons for delays, employees will always be open and communicative with Councillors, and/or the Mayor and will provide alternative estimated timeframes so that expectations can properly be managed.

Eileen Deemal-Hall  
**Chief Executive Officer**

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| <b>DATE OF ADOPTION:</b>      | 25 July 2019 |
| <b>TIME PERIOD OF REVIEW:</b> | 2 Years      |
| <b>DATE OF NEXT REVIEW:</b>   | June 2021    |