



ELECTED MEMBER REQUEST & ASSISTANCE POLICY

28 NOVEMBER 2018



1.0 Policy Purpose

This policy establishes a framework that supports key local government principles outlined with the *Local Government Act 2009* (Section 4) in particular:

- (a) transparent and effective processes, and decision-making in the public interest; and
- (d) good governance of, and by, local government; and
- (e) ethical and legal behaviour of councillors and local government employees.

Good governance and leadership is also reflected in Council's mission statement:

- Provide efficient and safe service and project delivery, good governance and leadership

The *Local Government Act 2009* details the legal responsibilities of Councillors and also the legal responsibilities of local government employees.

The policy seeks to observe the separation of powers between Councillors (elected members) and employees, without restricting the ability of any Councillor to seek reasonable advice or information.

It provides Council's direction for the practical implementation of Councillors' and employees' responsibilities and helps to ensure that Councillor and employee interactions at all times are consistent with their ethical and legal obligations.



**Council
Meeting
Reports**



**Meeting
Agendas
& Minutes**



**Implementation of Council
Decisions**



**Information &
Advice to Mayor
& Councillors**



**Administrative
Support**

2.0 Policy Scope

Local government employees provide information, assistance, advice and decision making support to Councillors in 5 ways:

Preparation of Council or Committee Meeting Agenda Reports	<i>Section 13 (2) (c) of the Local Government Act 2009 - sound and impartial advice to the local government</i>
Implementation of Council Meeting Resolutions (Decisions)	<i>Section 13 (2) (a) of the Local Government Act 2009 - implementing the policies and priorities of the local government</i>
Provision of information (that Council has access to) or advice (excluding Administrative Support)	<i>Section 170A of the Local Government Act 2009 - providing advice to help a councillor carry out his or her responsibilities under the Local Government Act 2009</i>
Preparation of Agendas & Minutes for: <ul style="list-style-type: none"> • Council meetings • Standing committee meetings • Advisory committee meetings 	<i>Section 258 (Local Government Regulation 2012) - Notice of Meetings</i> <i>Section 277 (Local Government Regulation 2012) - Public Notice of Meetings</i> <i>Section 272 (Local Government Regulation 2012) - Minutes</i>
Administrative support for individual Councillors including the Mayor	Expenses Reimbursement Policy (Councillors), Council Resolutions and Community Engagement Framework

Note: Separate Quick Guides have been developed where a Customer would like Council to consider or action something (e.g. request a service or action by Council, or to raise an idea or concern with Council):

- A Quick Guide to Council's New Customer Service Charter
- A Quick Guide to Council's Complaint Management

These guides are a summary of Council's policies and processes.

3. Policy Details

3.1 LEGISLATIVE FRAMEWORK

This policy reflects that as a general rule employees are tasked with the responsibility to implement the **policies and priorities of the local government**¹ (i.e. the Council decisions from a Council meeting) rather than individual Councillors.

The Mayor can direct the Chief Executive Officer and Directors, but those directions must be in accordance with the **local government's policies**² (i.e. the Council policy decisions from a Council meeting).

The Mayor³ and Councillors⁴ have no lawful ability, as individuals, to direct or require employees to undertake particular actions that are outside Council policies. This includes seeking to coerce or influence employees to make a particular recommendation to Council, perform their duties in a particular way or allocate resources to a particular request.

The Mayor and Councillors are however able to ask for Information and Advice to help them in their responsibilities under the *Local Government Act 2009* (the responsibilities are detailed in Section 12). This however does not extend to Councillors:

- seeking to debate the matter with an employee /s if the Councillor does not agree with the advice provided;
- making multiple requests about the same issue in an attempt to have the employee change their advice;
- creating an expectation that local government policies and priorities will be deferred and resources reallocated so that an individual Councillor's personal priorities take priority (e.g. setting of due dates for responses).
- directing or otherwise seeking to encourage or coerce an employee to undertake a further action pertaining to the information or advice once received by the Councillor;
- prefacing comments with words such as "I am not directing you but....";
- requesting that work be undertaken - e.g. preparation of costings, designs, estimates, arranging for officers to attend meetings and inspections.

In summary, a Councillor can ask for information or advice.... but can't then tell an employee what to do with the information or advice.

3.2 POLICY OBJECTIVES

The policy aims to ensure that information provided to Councillors is:

- Accurate
- Timely
- Complete

3.3 ACCEPTABLE REQUEST GUIDELINES

(Section 170A *Local Government Act 2009*)

The following section is not mandatory for the Mayor or a Chairperson of a Council Committee if the request relates to the role of the chairperson. They may at times, for example, need to seek advice or information from Managers or specialist employees.

Section 4.3 is mandatory for all other Councillors. A request of a Councillor is of no effect if the request does not comply with the acceptable requests guidelines⁵.

3.3.1 Verbal requests for advice to the Director and/or CEO

Unless otherwise approved under this policy, where a query pertains to a particular Directorate, requests are to be directed to the relevant Director and/or CEO.

Where information pertains to the whole organisation, or is particularly sensitive, Councillors may elect to make the request to the CEO only.

Where a Councillor attempts to obtain advice or information directly from an employee other than a Director or CEO, or otherwise approved through this policy, this will be managed in accordance with section 7.3.

Verbal requests are appropriate for quick or infrequent requests for advice or where the request arises in, or is incidental to a conversation.

Where additional clarity is required about the details of the request, the Director and/or CEO may ask that the request be put in writing in accordance with 3.3.2.

3.3.2 E-mail to S170A@maranoa.qld.gov.au (with Description of Topic in the Subject Heading)

Requests for information or advice in writing are to be forwarded via e-mail to the above e-mail address (S170A@maranoa.qld.gov.au). An e-mailed request is particularly appropriate where the information is important to a Councillors' deliberations or responsibilities. Please ensure that the subject heading clearly shows a description of the topic. This will facilitate recordkeeping in relation to the request.

If a Councillor is unsure about what information is required, an initial conversation with the Director or CEO will help frame the e-mail request.

¹ Section 13 (2) (a) of the *Local Government Act 2009*

² Section 12 (4) (d) of the *Local Government Act 2009*

³ Section 12 (4) (d) of the *Local Government Act 2009* and Section 170 (1) of the *Local Government Act 2009*

⁴ Section 170 (2) of the *Local Government Act 2009*

⁵ Section 170A (4) of the *Local Government Act 2009*

3.3.3 Purpose / context for information or advice

Ideally, the reason or purpose for seeking access to information or advice should be provided as the advice may be different depending on the circumstances. Councillors who do not wish to provide the context and relevant information should exercise caution in using the information or advice in different circumstances.

3.3.4 Not all information is accessible by a Councillor

Section 170A (3) of the *Local Government Act 2009* specifically excludes 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.

Information about a community member or employee that is subject to privacy or other legislation will also not be accessible (for example, the *Information Privacy Act 2009*, *Crime and Corruption Act 2001*, *Public Interest Disclosure Act 2010*, *Food Act 2006*).

If it is not appropriate to provide access, the employee (Director or CEO) must advise the Councillor as to the reasons for this decision.

3.3.5 Additional input

In collating the response for a Councillor input may be sought by the CEO/Director from other employees.

Where applicable, the response will provide:

- input from employees most likely to have information relevant to the Councillor's request;
- an explanation of any issues with the information that relate to confidentiality or other sensitive matters;
- any other information necessary to place the information being accessed, in context.

3.3.6 Response / information of relevance to all Councillors / decision makers

Where a response would be helpful or relevant to all Councillors, the Director or CEO will circulate it to the Councillors' e-mail group. This will be particularly important where multiple requests have been, or are likely to be, received about the same issue.

3.3.7 Consideration of likely cost vs public benefit

Responses to requests for information can sometimes be time consuming to collate. This redirects employee time away from their day to day responsibilities which impacts on the delivery of the elected Council's priorities, projects and services. If in doubt about what information is required, an initial conversation with the Director or CEO will help narrow the area of focus enabling a faster and more effective response. Councillors should also be mindful of peak periods for operational workloads and priorities (e.g. significant requests for information about rates during the last week of the discount period when there are high community demands on Rates employees' time).

3.3.8 Additional review (E-mail S170A@maranoa.qld.gov.au)

Councillors must inform the Chief Executive Officer if they believe a S170A request has not been appropriately responded to (**E-mail Subject heading - Additional review - Description of Topic**). The Chief Executive Officer will undertake a review of the matter. Where a Councillor seeks a further review it may be referred by either party to the next available Council meeting.

3.3.9 Publicly available information

A Councillor need not make a request for information under this policy if they are able to obtain the information from publicly available sources.

3.3.10 Referral of request to Council by Director or CEO

The Policy recognises the following instances where the provision of information or advice may be of concern to the Director or CEO and supports referral of the request to a Council meeting if:

- the information is not reasonably available to the employee/s;
- the employee/s do not feel qualified to provide the requested advice and there are not employees on staff with the requisite knowledge or qualifications relevant to the type of information requested;
- the employee is not satisfied that the information is required to assist the Councillor carry out his or her responsibilities under the Act; or
- the employee considers that use of resources to comply with the request would breach Council's obligations during a caretaker period.

3.3.11 Timeliness of responses to Councillors

Wherever practical, a Councillor's request is to be acknowledged within 2 business days. Councillors are not to create an expectation that local government policies and priorities will be deferred and resources reallocated so that an individual Councillor's personal priorities take precedence over local government policies and priorities and operational tasks (e.g. a Councillor setting due dates and times for responses to requests for information or advice). Wherever practical, responses to requests will be provided within 7 days.

4. Preparation of Council or Committee Meeting Agenda Reports

4.1 LEGISLATIVE FRAMEWORK

The meeting agenda reports are critically important as they are how both Councillors and employees deliver on two of their most important legal obligations:

- **Councillors**
Section 12 (3)(c) of the *Local Government Act 2009* - participating in council meetings, policy development, and decision-making, for the benefit of the local government area.
- **Employees**
Section 13 (2)(c) of the *Local Government Act 2009* - providing sound and impartial advice to the local government.

Of note is that Councillors and employees each have responsibility to ensure compliance with the law.

Councillors	Employees
Section 12 (3) All councillors have the following responsibilities — (a) ensuring the local government — (i) discharges its responsibilities under this Act; and (ii) achieves its corporate plan; and (iii) complies with all laws that apply to local governments.	Section 13 (2) All employees have the following responsibilities — (b) carrying out their duties in a way that ensures the local government — (i) discharges its responsibilities under this Act; and (ii) complies with all laws that apply to local governments; and (iii) achieves its corporate plan.

('this Act' is the *Local Government Act 2009* including the *Local Government Regulation 2012*)

The Act also sets expectations about how Councillors and employees are to undertake their responsibilities which are relevant also when it comes to meeting agenda reports and the decision making process.

Councillors	Employees
Section 12 (1) A councillor must represent the current and future interests of the residents of the local government area. Section 12 (6) When performing a responsibility, a councillor must serve the overall public interest of the whole local government area.	Section 13 (2) All employees have the following responsibilities - (d) carrying out their duties impartially and with integrity; (g) observing all laws relating to their employment; (h) observing the ethics principles under the <i>Public Sector Ethics Act 1994</i> , section 4; (i) complying with a code of conduct under the <i>Public Sector Ethics Act 1994</i> . Section 4(2) of the <i>Public Sector Ethics Act 1994</i> . The ethics principles are— <ul style="list-style-type: none"> • integrity and impartiality (See also Section 6) • promoting the public good (See also Section 7) • commitment to the system of government (See also Section 8) • accountability and transparency (See also Section 9)



Further there are consequences for Councillors where they fail to exercise financial accountability while performing their responsibilities.

Section 110 - Councillors liable for improper disbursements

- (1) This section applies if —
 - (a) a local government disburses local government funds in a financial year; and
 - (b) the disbursement —
 - (i) is not provided for in the local government's budget for the financial year; and
 - (ii) is made without the approval of the local government by resolution.
- (2) The local government must give the public notice of the disbursement in a newspaper that is circulating generally in the local government area, within 14 days after the disbursement is made.
- (3) If the disbursement is not made for a genuine emergency or hardship, the councillors who knowingly agree to the disbursement are jointly and severally liable to pay the local government -
 - (a) the amount of the disbursement; and
 - (b) interest on the amount of the disbursement, at the rate at which interest accrues on overdue rates, calculated from the day of the disbursement to the day of repayment; and
 - (c) any fees, charges, penalties or other expenses incurred by the local government in relation to the disbursement.
- (4) Those amounts may be recovered as a debt payable to the local government.

Section 111 - Councillors liable for loans to individuals

- (1) A local government must not, either directly or indirectly, make or guarantee a loan to an individual.
- (2) **Guarantee a loan** includes provide a security in connection with a loan.
- (3) The councillors who knowingly agree to loan the money are jointly and severally liable to pay the local government -
 - (a) the amount of the loan; and
 - (b) interest on the amount of the loan, at the rate at which interest accrues on overdue rates, calculated from the day of the borrowing to the day of repayment; and
 - (c) any fees, charges, penalties or other expenses incurred by the local government in relation to the loan.
- (4) Those amounts may be recovered as a debt payable to the local government.

Section 112 - Councillors liable for improper borrowings

- (1) This section applies if a local government borrows money -
 - (a) for a purpose that is not for the good rule and government of the local government area; or
 - (b) in contravention of this Act or the Statutory Bodies Financial Arrangements Act.
- (2) The councillors who knowingly agree to borrow the money are jointly and severally liable to pay the local government -
 - (a) the amount borrowed; and
 - (b) interest on the amount borrowed, at the rate at which interest accrues on overdue rates, calculated from the day of the borrowing to the day of repayment; and
 - (c) any fees, charges, penalties or other expenses incurred by the local government in relation to the borrowing.
- (3) Those amounts may be recovered as a debt payable to the local government.
- (4) This section applies despite -
 - (a) the fact that a security was issued for the borrowing; or
 - (b) the Statutory Bodies Financial Arrangements Act.



4.2 POLICY OBJECTIVE

It is recognised that Councillors often come from diverse backgrounds - personally and professionally. Councillors are elected because of their strong links with the community, not because they are qualified in every diverse field or profession represented in local government operations. For this reason, it is important that agenda reports prepared by employees achieve a number of objectives:

4.2.1 Communication of relevant information in a well-structured, easy to read format

Each report should answer the following questions:

- **Individuals or Organisations to which the report applies** - *Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter*

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

- **Acronyms** – *Are there any industry abbreviations that will be used in the report?*

(Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

- **Context** – *Why is the matter coming before Council?*
- **Background** – *Has anything already happened in relation to this matter?* (Succinct overview of the relevant facts, without interpretation)

For example, if the report pertains to a request for expenditure on a road, what has already been spent on the road and at what chainage?

- **Legislation, Local Laws, State Policies & Other Regulatory Requirements** – *What does the legislation and other statutory instruments include about the matter under consideration?* (Include an extract of the relevant section's wording of the legislation - please do not just quote the section number as that is of no assistance to Councillors)
- **Council Policies or Asset Management Plans** – *Does Council have a policy, plan or approach ordinarily followed for this type of decision? What are relevant sections of the policy or plan?* (Quote/insert the relevant section's wording / description within the report)

- **Input into the Report & Recommendation** – *Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say?* (Please do not just include names)
- **Funding Bodies** – *Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application.* (Please include consultation with the funding body, any dates of critical importance or updates or approvals required).
- **This Financial Year's Budget** – *Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$) Is this already included in the budget? (Include the account number and description).*

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

- **Future Years' Budgets** – *Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)?* (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)
- **Impact on Other Individuals or Interested Parties** – *Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns?* (Interested Parties Analysis - IS9001:2015)
- **Risks** – *What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does)* (List each identified risk in a table)
- **Advice to Council** – *What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?* (A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice - the employee's professional opinion)
- **Recommendation** – *What is the 'draft decision' based on the advice to Council?* (Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous). The Executive Summary and Recommendation must make sense if read without the report.

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

Please note that the Corporate Plan reference will be selected for each report.

Given the volume of information that needs to be considered by Councillors as part of a Council or committee meeting, meeting agendas with the accompanying reports are to be provided to Councillors in sufficient time to read, and then ask questions through Council's Agenda Familiarisation Workshop (for Confidential Items).

Legislative References	Maranoa Regional Council Meeting Agenda & Reports	Council Meeting
<p>Section 258 of the <i>Local Government Regulation 2012</i> - Notice of meetings</p> <p>(1) Written notice of each meeting or adjourned meeting of a local government must be given to each councillor at least 2 days before the day of the meeting unless it is impracticable to give the notice.</p> <p>(2) The written notice must state -</p> <p>(a) the day and time of the meeting; and</p> <p>(b) for a special meeting - the business to be conducted at the meeting.</p> <p>(3) A special meeting is a meeting at which the only business that may be conducted is the business stated in the notice of meeting.</p> <p>...</p> <p>(5) The written notice may be given to a councillor by sending the notice to the councillor electronically.</p>	<p>Council Meeting: Friday of the week before the Meeting</p>	<p>Wednesday</p>
<p>Section 277 of the <i>Local Government Regulation 2012</i> – Public Notice of Meetings</p> <p>(3) The local government must display in a conspicuous place in its public office a notice of the days and times when -</p> <p>(a) its meetings will be held; and</p> <p>(b) meetings of its committees will be held.</p> <p>(5) A list of the items to be discussed at a meeting mentioned in subsection (3) must be available for inspection at the time the agenda for the meeting is made available to councillors.</p> <p>(6) The local government may publish the list of items to be discussed at a meeting, including any details or documents relating to an item, on the local government’s website.</p> <p>(7) Subsection (5) does not affect the right to discuss or deal with, at any meeting, items arising after the agenda for the meeting is made available to councillors.</p>	<p>Committee Meetings and Special Meetings</p>	<p>2 days prior to the meeting (unless where impractical to do so)</p>

With the recent legislative changes in relation to the management of conflicts of interests, it is now even more important that late items be minimised so that Councillors have sufficient time to consider all relevant information and seek legal advice (if necessary) prior to participating in discussion or debate on meeting agenda items.

There are 4 types of written reports, referred to as:

1. Information Report (no decision required).
2. Officer Report (for decision).
3. Councillor Request for an Agenda Report.
4. Petition Report (tabling a petition for Council's noting).

Details of Item 3 requests need to be provided to the Associate to the Mayor or Councillors' Support & Community Engagement Officers no later than Thursday evening to enable inclusion in the agenda each Friday.

In instances where a matter is considered urgent, the majority of Councillors may give support for the preparation of a report for the upcoming meeting of Council provided that:

- the advice is provided to the Chief Executive Officer or Director at the policy development workshop on the Wednesday prior to the agenda preparation;
- it is reasonably practical to collate the relevant information and advice within 1 business day.

A minimum of a ½ hour will be set aside at each policy development workshop for individual Councillors to discuss their ideas and any urgent proposed meeting reports with the other Councillors.





4.2.3 Quality of reports and recommendations including continual improvement

It is anticipated that Agenda Reports will be prepared in sufficient time to allow for:

- detailed review of the report by the author's immediate supervisor and the Director;
- consultation well ahead of time with, or review by, the Chief Executive Officer for complex or particularly sensitive matters;
- ensuring that there are no major omissions or error of judgement;
- consideration of what supporting documents, or specific parts, are relevant to the current decision;
- proofreading of the report.

The Chief Executive Officer will publish, and update from time to time, a list of checks to be undertaken by Directorates to ensure the quality and continual improvement of information presented to Council for decisions.

4.2.4 Confidentiality of certain Council meeting agenda reports

In preparing reports, report authors should give consideration to whether the information contained in the report should be confidential and identified as such.

Section 275 of the *Local Government Regulation 2012* details the following circumstances where an agenda report can be considered confidential, and discussed in a closed meeting of Council (that part of the meeting which is closed to the public):

- (1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss -
 - (a) the appointment, dismissal or discipline of employees; or
 - (b) industrial matters affecting employees; or
 - (c) the local government's budget; or
 - (d) rating concessions; or
 - (e) contracts proposed to be made by it; or
 - (f) starting or defending legal proceedings involving the local government; or
 - (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or
 - (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

It is important to note though that the reports may still be subject to release through the *Right to Information Act 2009* and therefore the content should always remain professional.

Any legal advice received for the purposes of the agenda report preparation is to be included as an attachment without modification and labelled "Subject to legal professional privilege). The legal advice is not to be summarised or paraphrased within the body of the report.



5. Implementation of Council's Decisions

5.1 LEGISLATIVE FRAMEWORK

Individual Councillors, including the Mayor come together to make decisions through a formal meeting – similar in concept to a Board of Directors where there is a Chair of the Board.

It is then the responsibility of the Chief Executive Officer to implement those decisions (i.e. policies and priorities) through the employees.

Councillors	Employees
Section 12 (3) of the <i>Local Government Act 2009</i> - All councillors of a local government have the same responsibilities - including: (c) participating in council meetings, policy development, and decision-making, for the benefit of the local government area;	Section 13 (3) of the <i>Local Government Act 2009</i> - The chief executive officer has the following extra responsibilities - (b) managing the other local government employees through management practices that - ... (ii) are responsive to the local government's policies and priorities; (c) establishing and implementing goals and practices in accordance with the policies and priorities of the local government.

5.2 POLICY OBJECTIVES

Through this policy, Council seeks to ensure that:

- Council's decisions are communicated (e.g. Council meeting snapshots, correspondence);
- Accurate records of the status of resolutions are maintained (i.e. how implementation of Council's decisions is progressing);
- Employees will review Council meeting minutes upon release (to identify any urgent items);
- There is a regular focus on resolutions;
- There be no major oversights (in implementing Council's decisions in the timeframes expected);
- Implementation will occur to the strict "letter of the law" and if employees have concerns about how to action a resolution, contact should be made with the Chief Executive Officer immediately.

5.3 TARGET TIMEFRAMES

Key targets associated with Council's resolutions (decisions):

- Council meeting snapshots - Same day as meeting;
- Council meeting correspondence - prior to the next Council meeting;
- Urgent actions on or before due dates;
- Update on status of the quarter's Council resolutions' implementation at the end of each quarter.



6. Preparation of Agendas & Minutes for:

- Council meetings
- Standing committee meetings
- Advisory committee meetings

The Organisational Structure adopted by Council under Section 196 of the *Local Government Act 2009* provides resources for the preparation of agendas and minutes.

Ultimate review and approval of the draft minutes to Councillors, the Senior Management Team and the public will be through the Chief Executive Officer.

The target timeframe for release of the draft (unconfirmed) minutes is 3 business days.

Schedules for other meetings will be released and updated from time to time through the Chief Executive Officer.



7. Special Provisions

7.1 COUNCILLORS' LEGAL OBLIGATIONS

Councillors are reminded of their legal obligations.

Councillors' Obligations <i>Help us to help you....</i>	Important Things to Remember
By not giving directions to any staff member to do anything.	Section 170 (2) of the <i>Local Government Act 2009</i>
By not using information (during or after being a Councillor) that was acquired as a councillor to - (a) gain, directly or indirectly, a financial advantage for the person or someone else; or (b) cause detriment to the local government.	Section 171 (1) of the <i>Local Government Act 2009</i>
By not releasing information that the councillor knows, or should reasonably know, is information that is confidential to the local government.	Section 171 (3) of the <i>Local Government Act 2009</i> Note - A contravention of subsection (3) is misconduct that is dealt with by the tribunal.
By not using 'inside information' (information not available to the public) to engage in prohibited conduct – i.e. influencing the purchase or sale of an asset. Inside information includes: <ul style="list-style-type: none"> operations or finances of Council (including any business activity of Council) a proposed policy or changes to an existing policy a proposed or current contract a tender process a decision or proposed decision the exercise of a legislative power any legal or financial advice given to Council 	Section 171A of the <i>Local Government Act 2009</i>
By being vigilant about making sure spending is authorised in the budget: <ul style="list-style-type: none"> ensuring that Council's adopted budget incorporates any spending of money that needed to occur prior to the budget's adoption; as a general rule, prior to making a decision or spending money, ensuring that the money proposed to be spent is authorised in Council's budget; for a genuine emergency or hardship (as determined by Council), a resolution about the spending of money must be made before, or as soon as practicable after, the money is spent, with the resolution detailing how the spending will be funded (and this be actioned as a budget amendment). 	Section 173 of the <i>Local Government Regulation 2012</i> Section 110, 111, 112 of the <i>Local Government Act 2009</i>

7.2 SEEKING OF LEGAL ADVICE

In some instances, a Councillor request for information or assistance may involve the application of specific legislation. Often that will involve a simple extract of information from the relevant Act or Regulation. However, where the response may involve some interpretation, the Director or CEO may, at the CEO's discretion, obtain external advice and provide that advice to all Councillors.

7.3 REQUESTS FOR INFORMATION OR ADVICE BY COUNCILLORS

Where an employee is approached for information or advice from a Councillor, details of the request will be forwarded upon receipt (whether received by telephone, email or in person) via e-mail to the Director, with the copy to CEO, for actioning. In the case of field based employees, this can be done by advising their Team Leader, Team Coordinator or Manager who will e-mail the details of the request to the Director, with a copy to the CEO for actioning.

The employee is not required to act on that request for information or advice, unless they are specifically authorised to do so consistent with the elected Council's policy directions. The reasons for this are:

- The employee or employees approached may not be aware of all the relevant information, particularly where multiple teams and departments have knowledge about the issue. The employee or employees approached may unintentionally mislead the Councillor;
- Councillor may receive incomplete advice including about Council's legislative obligations – why something is currently done in a particular way. This will potentially impact the Councillor's contribution to decision making when the matter comes before Council;

The Director or CEO will however, consistent with all requests, seek input from employees most likely to have information relevant to the Councillor's request as part of collating a response.

7.4 EXCESSIVE OR UNTIMELY USE OF COUNCIL RESOURCES

Where the Director or CEO has concerns about the time that will be required to collate requested information, the request is to be tabled at a Council meeting for consideration. Council may consider placing reasonable limits on requests that a Councillor may make as permitted under the *Local Government Act 2009*⁶.

Where the collation of the information would impact on the Council's ability to meet its legislative deadlines, the Director or CEO is authorised to refer the request to a Council meeting.

⁶ Section 170A (6)(b) of the *Local Government Act 2009*

7.5 ELECTED MEMBER REQUESTS

To remove any doubt, if the Mayor or Councillor is seeking to access information or advice to carry out his or her responsibilities under the *Local Government Act 2009*, the approach must be made by the Mayor or Councillor themselves rather than through the Administrative Support staff.

Local Government Act 2009

170 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.*

Administrative support staff are provided under Council's Expenses Reimbursement Policy (4.3.2) for Secretarial / Administrative Support. Those employees cannot provide directions to other employees to provide information or advice.

In instances where the Councillors & Community Engagement Officers or Associate to the Mayor are in receipt of requests for information or advice, the details of the request and the requestor (which Councillor), are to be e-mailed to S170A@maranoa.qld.gov.au.

7.6 READY-RECKONER FOR COUNCILLORS

A 'Ready-Reckoner for Councillors' will be prepared and updated from time to time by the Chief Executive Officer to assist Councillors in their roles. The 'Ready-Reckoner' will comprise the Top 6 situations encountered in performing the role of Councillor and provide a quick reference on how to apply Council's adopted policies and the related legislation.

7.7 BREACHES OF THIS POLICY

An allegation of a breach of this policy by a Councillor (including the Mayor) will be dealt with in accordance with sections 176 – 182 of the *Local Government Act 2009*.

Breaches of this policy by a Councillor may lead to one, or a combination of the following:

- A reprimand for inappropriate conduct (section 181 of the *Local Government Act 2009*); and
- For repeat inappropriate breaches the matter will be referred to the Regional Conduct Review Panel as misconduct.

Or other legislation as introduced or amended by the State Government from time to time.

8. Related Policies & Legislation

Local Government Act 2009

Local Government Regulation 2012

Public Sector Ethics Act 1994

9. Associated Documents

Confidentiality Procedure – Council Resolution GM/04.2016/17

Employee Code of Conduct

10. Acknowledgements

As part of Council's continual improvement of its governance, each time a policy is reviewed, a review of a sample of current local government industry policies and practices will be undertaken to identify ideas that may be of value to Maranoa Regional Council.

Council thanks and acknowledges the following Councils whose policies were reviewed as part of this process, specifically their Acceptable Request Guidelines. This was in addition to changes and improvements identified internally and workshopped with Councillors.

- Balonne Shire Council
- Cairns Regional Council
- Central Highlands Regional Council
- Murweh Shire Council
- Quilpie Shire Council
- Rockhampton Regional Council
- Scenic Rim Regional Council
- Southern Downs Regional Council
- Toowoomba Regional Council
- Western Downs Regional Council.

DEFINITIONS

TERM	DEFINITION
Acceptable Request Guidelines	<p>As defined in Section 170A of the <i>Local Government Act 2009</i>, acceptable request guidelines are guidelines adopted by resolution of the local government (Council), about—</p> <ul style="list-style-type: none"> (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. <p>Section 3.3 of this policy constitutes the Acceptable Request Guidelines for the purposes of the legislation – i.e. the mandatory framework for how request for information or advice are to be obtained.</p> <p>There may be situations where the Mayor or Chairperson of a Committee needs to seek advice or information from other employees. The legislation permits that to occur.</p>
Administrative Support	<p>The making of arrangements on behalf of Councillors where approved by Council through its Expenses Reimbursement Policy (ERP), Council resolution or Community Engagement Framework including:</p> <ul style="list-style-type: none"> • Payment of approved expenses (ERP – 4.2.1); • Council business such as meetings, functions or other activities in an official capacity (ERP – 4.2.2) - this includes preparation of speech notes; • Councillor professional development (ERP – 4.2.3); • Travel on Council business and approved by Council (ERP – 4.2.4); • Accommodation for official Council business (ERP – 4.2.5); • Meals when travelling or attending to Council business (ERP – 4.2.6); • Processing of incidental daily allowances (ERP – 4.2.7); • Community engagement arrangements (ERP – 4.2.8); • Mayoral hospitality (ERP – 4.2.9); • Provision of approved facilities (ERP – 4.3), specifically: <ul style="list-style-type: none"> - Office space and access to meeting rooms (ERP – 4.3.1); - Secretarial/administrative support (ERP – 4.3.2); - Mobile phone (ERP – 4.3.3); - Computer for Business Use (ERP – 4.3.4); - Maintenance costs of Council equipment (ERP – 4.3.5); - Insurance (ERP – 4.3.6); - Uniform (ERP – 4.3.7). • Council owned vehicle (ERP – 4.4.1) or mileage on private vehicle (ERP – 4.4.2). • Assistance with drafting letters of support by the Mayor or a Councillor to community groups for grant applications - where consistent with the role of a Councillor, not speaking for or on behalf of Council and not indicating or providing Council in-kind or financial support.
Advice	<p>Advice relates to the transfer of knowledge or an informed opinion held by a Council employee nominated in this policy.</p> <p>For the purposes of this policy, this <u>excludes</u> directing or redirecting resources – for example:</p> <ul style="list-style-type: none"> • Requests for employees to attend meetings or inspections with individual Councillors other than those scheduled through Councillors’ diary meetings, or with the knowledge of and invitation to all Councillors; • Requests for consultants and contractors to provide advice, unless approved through Council or committee meetings.
CEO	<p>Chief Executive Officer - A person who holds an appointment under Section 194 of the <i>Local Government Act 2009</i>. This includes a person acting in this position.</p>

Council	Maranoa Regional Council
Council Team Member	An Employee (including contractor) or Councillor of Maranoa Regional Council. The term excludes family members, associates or employees of private businesses.
Councillor	<p>A person who stood for, and was elected by the community in, a Local Government election to form part of Council and who has the responsibilities as detailed in Section 12 of the <i>Local Government Act 2009</i>. The term Councillor includes the Mayor.</p> <p>The term does not extend to a Councillor's family members, associates or employees of their private businesses or to the Councillors & Community Engagement Officers who are appointed to provide Administrative Support to the positions.</p>
Director	<p>A senior executive within Maranoa Regional Council meeting the definition contained in Section 196 (6) of the <i>Local Government Act 2009</i>:</p> <p>(6) A senior executive employee, of a local government, is an employee of the local government -</p> <ul style="list-style-type: none"> (a) who reports directly to the chief executive officer; and (b) whose position ordinarily would be considered to be a senior position in the local government's corporate structure. <p>This includes a person acting in the position.</p>
Elected Member (ER) Number	A unique identifier to streamline communications about a particular request
Employee	<p>Local government employee:</p> <ul style="list-style-type: none"> (a) the Chief Executive Officer; or (b) a person holding an appointment under Section 196 of the <i>Local Government Act 2009</i>
Information	<p>Information includes documents or records held by Council in printed or electronic form. For the purposes of this policy, this excludes the direction or redirection of resources – for example:</p> <ul style="list-style-type: none"> • Undertaking work to create new information, documents or records, including preparation of project estimates or designs where the project hasn't yet been endorsed through a Council meeting; • Prepare a report other than where approved by a specific policy; • Requests for documents or records held by Council for residents' use as that is governed by the <i>Right to Information Act 2009</i> and <i>Right to Information Regulation 2009</i>.
Mayor	<p>The Mayor is a Councillor of Maranoa Regional Council with additional responsibilities as outlined in Section 12(4) of the <i>Local Government Act 2009</i>.</p> <p>The term Mayor does not extend to a Mayor's family members, associates or employees of their private business, or to the Associate to the Mayor who is appointed to provide Administrative Support to the position.</p>
IS9001:2015	<p>International Standard for Quality Management Systems</p> <p>"A Quality Management System is what ensures a business' products or services meets a certain level of quality; that is, they are reliable, safe, consistent, meet customer expectations, continuously improve and comply with the law." https://www.saiglobal.com/assurance/quality-business-management/iso9001.htm</p> <p>The scope of the standard confirms that all the requirements of the standard "are intended to be applicable to any organisation, regardless of its type or size, or the products and services it provides".</p> <p>It reflects what comprises 'best practice' whether in the public or private sector.</p>

