



Acceptable Requests

POLICY

Policy Version 3.0

Category: Statutory

Adopted: December 2024



Acceptable Requests Policy

Purpose

The purpose of this Winton Shire Council policy is to provide a process for Councillors seeking information or advice from Council employees and to assist communication and information flow between Councillors and Council employees.

Section 170A(7) of the *Local Government Act 2009* requires that acceptable request guidelines be adopted by resolution of the local government. This policy and the included guidelines satisfy the statutory requirement, and Councillors are required to comply with them in accordance with the *Local Government Act 2009*.

Scope

This Policy applies to all Councillors, including the Mayor, and all Council employees.

Definitions

Term	What it means / refers to
Action / Information	Information and advice including details of what Councillors and employees are doing, any administrative, legal, financial, technical, or statistical information held by Council and options available to achieve a particular thing.
Advice	This includes details of what Councillors and employees are doing, any administrative, legal, financial, technical, or statistical information held by Council and options available to achieve a particular thing.
Chief Executive Officer (CEO)	A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> or is acting in this position who is responsible for the operations of Winton Shire Council.
Council	Winton Shire Council (WSC)
Council employee	A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> including the Director/s but excluding the CEO.
Councillor/s	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> . That is, elected members of Council, including the Mayor
Director/s	As defined in the <i>Local Government Act 2009</i> . A local government employee: Who reports directly to the Chief Executive Officer; and



Term	What it means / refers to
	Whose position ordinarily would be considered to be a senior position in the local government's corporate structure. This includes a person acting in this position.
Direction	Direct, or otherwise influence, another person to carry or instigate an action.
Emergency	An event or situation that involves an imminent and definite threat requiring immediate action (whether before, during or after the event or situation).

Policy statement

The *Local Government Act 2009* establishes a clear separation of powers and roles between Councillors, the Chief Executive Officer and Council employees.

The Mayor and Councillors of Winton Shire Council will, from time to time, require assistance or information from employees of Council to enable them to effectively carry out their duties including to assist them in their decision making, comply with their responsibilities under legislation, to act in the interests of the residents of Winton Shire and to be accountable to the community.

Section 170A(7) of the *Local Government Act 2009* requires Winton Shire Council to adopt acceptable requests guidelines about;

- 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
- reasonable limits on requests that a Councillor may make.

Accordingly, this Policy outlines the guidelines for the provision of assistance or information to Councillors and are to be followed by the Mayor, all Councillors, and all employees.

To ensure that the respective responsibilities can be effectively discharged, the Act contains specific provisions that prohibit Councillors from directing Council employees but does permit Councillors to seek advice or information from employees,

Guidelines

Information and Advice

Councillors are entitled to request information or advice to assist them in carrying out their responsibilities under the Act from the Chief Executive Officer and from Directors.



Note: Director is defined as a local government employee who reports directly to the Chief Executive Officer; and whose position ordinarily would be considered to be a senior position in the local government's corporate structure.

Additional, Councillors may request, from other employees, assistance, or information, which is of a similar nature and in similar manner to that which the employee would ordinarily give to members of the public

Councillors' may request the attendance of an employee at a meeting with members of the public where technical input, relevant background knowledge of the matter for example, is necessary.

Such requests are to be submitted to the Chief Executive Officer or relevant Director, with reasonable lead time and adequate supporting information so that the employee can attend the meeting with a comprehensive understanding of the background and the issue at hand and where appropriate mutual agreement can be reached between the Councillor and employee.

Process

Communications between Councillors, Directors and employees must:

- be conducted in accordance with the local government principles contained in s4(2) of the *Local Government Act 2009*;
- be conducted in accordance with the employee Code of Conduct and Code of Conduct for Councillors in Queensland
- be conducted in a respectful, reasonable, and professional manner
- comply with the law and Winton Shire Council Policies, Procedures, and processes.
- be relevant to the employees' position, expertise, and local government responsibilities; and
- be conducted in good faith.

To reduce the possibility of misinterpretation or incorrect information being given, Councillors are encouraged to submit requests in written form, preferably via email with cc to the Chief Executive Officer

When referring requests for action from community members and / or groups, Councillors will use the Snap Send Solve facility, and complaints will be lodged via the Complaints Management process rather than directing the request to any employee individually.



When seeking information, Councillors will consider the likely cost implications in making requests for assistance or information and will not make requests where costs cannot be justified.

Employees are to 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, the employee is to refer the request to the Chief Executive Officer.

The Chief Executive Officer 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 Chief Executive Officer or Director will advise the relevant Councillor of their intention to provide the information to all Councillors.

Response

All reasonable requests from Councillors will be responded to as promptly as possible and in an appropriate manner, taking into account that some enquiries may require further investigation or liaison with Council departments before being answered.

It is up to the Chief Executive Officer and / or Director to determine the priority of the request and to ensure such matters are dealt with efficiently and effectively in conjunction with other work procedures in place.

All responses by Directors to Councillors will be copied (cc'd) to the Chief Executive Officer.

Response times to requests for assistance

Wherever possible, for routine requests where the information the Councillor is seeking is known to an employee or is readily available from a Council business system, the response will be provided immediately, for example, over the phone or directly by email on the day.

All other requests will be responded to within three business days unless the matter is of a complex nature.

Wherever possible, complex matters should be responded to within ten business days with an interim response provided within five business days. Where an employee feels they need more than ten days to respond they should advise their Director so proper consideration can be given to operational and resourcing issues.

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 at all times.

Where there are genuine operational or resourcing reasons for delays employees will always be open and communicative with Councillors and will provide alternative estimated timeframes so that expectations can properly be managed.

Restrictions / Considerations

In no way are these guidelines meant to preclude pleasantries being exchanged between Councillors and employees;

If a Councillor is approached by an employee, or an employee is approached by a Councillor, during a social interaction with a work-related matter, either party is entitled to carry the conversation to a respectful stage but should guide the other party to the appropriate corporate communication process. In such cases at the discretion of the Councillor, matters raised should also be referred by the Councillor to the Chief Executive Officer or relevant Director.

Councillors will not direct, or attempt to direct, any employee to do anything not covered in this Policy or the way in which the employee undertakes his / her work.

The only exception to this is for the Mayor, who is entitled to direct the Chief Executive Officer or senior contract employees (that is, Directors) in accordance with Section 170 of the *Local Government Act 2009*.

Under no circumstances are Councillors permitted to communicate with any officer other than the Chief Executive Officer in respect to employment of staff or personal issues that would normally be confidentially contained within their personnel file.

Wherever possible, Councillors' requests for assistance or information outside of normal business hours will only be made to the Chief Executive Officer or the relevant Director.

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, for example, an imminent risk to community safety; an operational issue that immediately and significantly impacts residents' amenity or capacity to access services; or significant immediate risk to Council's reputation, etc.

Where out of hours matters involve service issues, such as dog complaints, water supply problems or nuisance complaints, Councillors are to use the afterhours service to report such matters and / or deal with the appropriate on-call officer.



Inappropriate Interaction

Inappropriate interaction is any behaviour by Councillors or Council employees that bypasses or interferes with the approved channels of communication between them or blurs the distinction between their areas of responsibility.

The Code of Conduct for Councillors in Queensland provides that Councillors, including the Mayor, may only give directions to a local government employee in accordance with these guidelines (made about the provision of administrative support).

It is inappropriate for Councillors to:

- approach staff outside normal hours of work to discuss Council business;
- direct or pressure staff in relation to their work or recommendations they should make; and
- behave towards staff in an overbearing or threatening manner.

Communications by Councillors with employees must be conducted in a respectful, reasonable, and professional manner.

When seeking information, Councillors will ensure they comply with the conflict of interest provisions in the relevant legislation when seeking information

It is inappropriate for Council employees to:

- approach a Councillor rather than the employee's manager, supervisor, or union delegate on employment matters;
- discriminate against a particular Councillor by withholding information available to other Councillors; or
- fail to keep records of advice given to Councillors, as they would do if they were advising a member of the public (for example, about town planning issues).

Communication

Council's management team will ensure that:

- Councillors and Council employees have access to this policy.
- Councillors and Council employees be provided with the opportunity to be involved in the review of this policy.
- Changes and / or amendments made to this policy will be communicated to Councillors and Council employees.



Related Council documentation

- WSC-GOV-POL-003 Complaints Management Policy
- WSC-GOV-PRO-001 Administrative Action Complaints Procedure
- WSC-GOV-POL-004 Fraud and Corruption Management Policy
- WSC-HR-POL019 Code of Conduct Policy
- WSC-HR-POL-009 Conflict of Interest Policy
- Works Request System (Winton Shire Council website landing page)
– Snap Send Solve [Link](#)

Legislation, recognised Authorities, and other sources

- *Anti-discrimination Act 1991* (Qld)
- Information Privacy Act 2009 (Qld)
- *Local Government Act 2009* (Qld)
- *Local Government Regulation 2012* (Qld)
- *Public Sector Ethics Act 1994* (Qld)
- *Right to Information Act 2009*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*
- Winton Shire Council Website – www.winton.qld.gov.au
- Code of Conduct for Councillors in Queensland [Link](#)

Review of Policy

This document will be reviewed every three years and when associated legislation or standards change and remains in force until amended or repealed by resolution of Council.

Record of amendments and adoptions

Date	Version	Reason for amendment	Date adopted by Council
May 2020	1.0	Adoption of policy	21 May 2020
September 2022	2.0	Review	Not adopted
December 2024	3.0	Review of policy	19 December 2024



Legislative reference

4 Local government principles underpin this Act

(1) To ensure the system of local government is accountable, effective, efficient and sustainable, Parliament requires—

(a) anyone who is performing a responsibility under this Act to do so in accordance with the local government principles; and

(b) any action that is taken under this Act to be taken in a way that—

(i) is consistent with the local government principles; and

(ii) provides results that are consistent with the local government principles, in as far as the results are within the control of the person who is taking the action.

(2) The local government principles are—

(a) transparent and effective processes, and decision-making in the public interest; and

(b) sustainable development and management of assets and infrastructure, and delivery of effective services; and

(c) democratic representation, social inclusion and meaningful community engagement; and

(d) good governance of, and by, local government; and

(e) ethical and legal behaviour of councillors, local government employees and councillor advisors.

170 Giving directions to local government staff

(1) The mayor may give a direction to the chief executive officer.

(2) However, a direction under subsection (1) must not be given if—

(a) it is inconsistent with a resolution, or a document adopted by resolution, of the local government; or

(b) it relates to the appointment of a local government employee under section 196(3); or

(c) it relates to disciplinary action by the chief executive officer in relation to a local government employee under section 197 or a councillor advisor; or

(d) it would result in the chief executive officer contravening a provision of an Act.



(3) No councillor, including the mayor, may give a direction to any other local government employee, except in accordance with guidelines made under section 170AA about the provision of administrative support to councillors.

(4) The mayor or another councillor must not give a direction in contravention of subsection (2) or (3).

Note—

Contravention of this subsection is misconduct that could result in disciplinary action being taken against the councillor. See sections 150L(1)(c)(iii), 150AQ and 150AR.

(5) The chief executive officer must—

- (a) keep a record of each direction given to the chief executive officer; and
- (b) make available to the local government each direction mentioned in paragraph (a).

170A Requests for assistance or information

(1) A councillor may ask a local government employee to provide advice to assist the councillor to carry out his or her responsibilities under this Act.

(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) If the advice or information requested under subsection (1) or (2) relates to a document, the requirement under subsection (9) to comply with the request includes a requirement to provide a copy of the document.

(4) Subsections (2) and (3) do not apply to information or a document—

- (a) that is a record of the conduct tribunal; or
- (b) that was a record of a former conduct review body; or
- (c) if disclosure of the information or document to the councillor would be contrary to an order of a court or tribunal; or
- (d) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.



- (5) 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.
- (6) Subsection (5) does not apply to—
- (a) the mayor; or
 - (b) the chairperson of a committee of a local government if the request relates to the role of the chairperson.
- (7) The **acceptable requests guidelines** 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.
- (8) In this section a **local government employee** includes a person prescribed under a regulation.
- (9) The chief executive officer must comply with a request made to the chief executive officer under subsection (1) or (2)—
- (a) within 10 business days after receiving the request; or
 - (b) if the chief executive officer reasonably believes it is not practicable to comply with the request within 10 business days—within 20 business days after receiving the request.

Maximum penalty—20 penalty units.

- (10) If the chief executive officer forms the belief mentioned in subsection (9)(b), the chief executive officer must give the councillor notice about the belief and the reasons for the belief within 10 business days after receiving the request.

- (11) In this section—

former conduct review body means a regional conduct review panel or the Local Government Remuneration and Discipline Tribunal under this Act as in force before the commencement of the Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018, section 18

170AA Guidelines about provision of administrative support to councillors

- (1) The chief executive officer of a local government may make guidelines about the provision of administrative support by local government employees to a councillor.



- (2) The guidelines must include—
- (a) when a councillor may be provided with administrative support by a local government employee; and
 - (b) how and when a councillor may give a direction to a local government employee in relation to the provision of administrative support; and
 - (c) a requirement that a councillor may give a direction to a local government employee only if the direction relates directly to administrative support to be provided by the local government employee to the councillor under the guidelines.
- (3) A direction purportedly given by a councillor to a local government employee is of no effect if the direction does not comply with the guidelines.

171 Use of information by councillors

- (1) A person who is, or has been, a councillor must not use information 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.

Maximum penalty—100 penalty units or 2 years imprisonment.

- (2) Subsection (1) does not apply to information that is lawfully available to the public.
- (3) A councillor must not release information that the councillor knows, or should reasonably know, is information that is confidential to the local government.

Note—

Contravention of subsection (3) is misconduct that could result in disciplinary action being taken against a councillor. See sections 150L(1)(c)(iii), 150AQ and 150AR.

