



# BOULIA SHIRE COUNCIL

## Councillor Interaction Policy

- Acceptable Requests for Information
- Advocating constituent service requests

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<b>Summary:</b>	This policy seeks to outline the way in which Councillors will interact with staff in seeking information from employees and placing work requests on behalf of constituents
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<b>Responsible Section:</b>	Executive
<b>Responsible Officer:</b>	Chief Executive Officer
<b>Legislation:</b>	Local Government Act 2009 Public Sector Ethics Act 1994 Code of Conduct for Councillors in Queensland

## PURPOSE

This policy seeks to outline the way in which Councillors will interact with Council staff in seeking information and placing work or service requests on behalf of constituents, pursuant to section 170A of the *Local Government Act 2009* (LGA) which mentions:

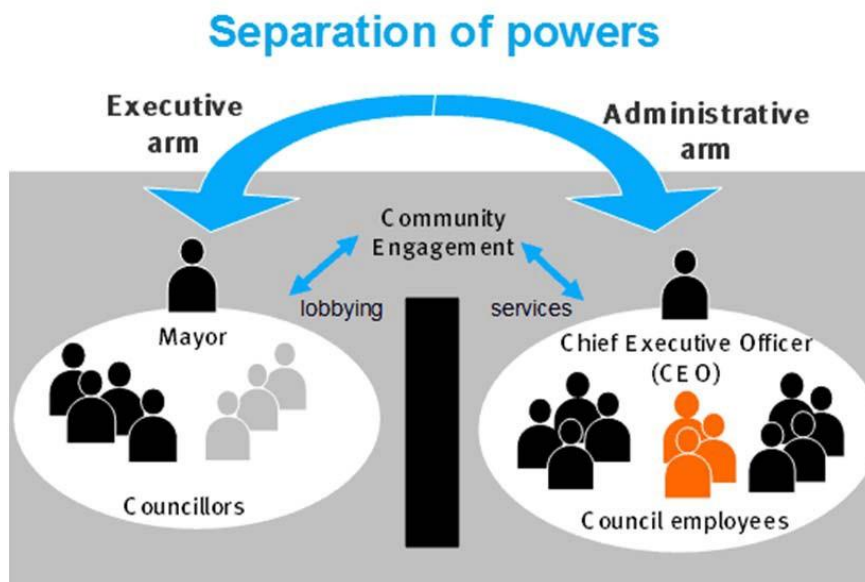
- a) the way in which a Councillor may ask a local government employee for advice to help the Councillor carry out his or her responsibilities under the Act; and
- b) reasonable limits on requests that a Councillor may make.

Councillors are of course not precluded from talking to staff, indeed a constructive relationship between staff and elected Councillors is encouraged to ensure that Councillors feel comfortable that they are fully informed about the operations of Council.

## BACKGROUND

Boulia is a small community and Councillors will interact with staff in a variety of mediums through personal and family connections, membership in community groups and participation in organising groups for community events and celebrations. Councillors should not be restricted in this active participation within the community by these guidelines and the legislative restriction placed on them by the LGA.

The structure of the Local Government Authority provides for a clear separation between the executive arm of Council (the elected representatives) and the administrative arm (Council employees). The following diagram provides an interpretation of how the LGA defines the relationship between Councillors and Council Staff.



Section 170 of the LGA is explicit in its intent and prohibition of Councillors giving direction to staff and is listed below.

*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.*

*Note -*

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

*(4) 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).*

Pursuant to the above legislative provisions, a Councillor may ask a local government employee to provide advice to assist the Councillor carry out his or her responsibilities under the Act.

## DEFINITIONS

Executive Arm	the elected Council including the Mayor and all Councillors
CEO	is the Chief Executive Officer appointed by Council from time to time
Administrative Arm	is the Senior Management and all Council staff including both internal and external workers
Councillor Request	is a request received from a Councillor that requires the provision of information or documents, the programming of work and/or the commitment of resources
Administrative support staff	is the Executive Assistant appointed by Council from time to time

## POLICY STATEMENT

Pursuant to section 170 of the LGA, whilst Councillors may not *direct* staff, other than administrative support staff in accordance with this policy, to undertake any tasks or work, Councillors are welcome to converse with all employees within the organisation and are encouraged to develop constructive relationships with all staff. Further, Councillors are entitled to seek from all staff such information as they require to confidently make a decision on Council matters. Only the Mayor may direct the Chief Executive Officer in the implementation of Council Policy.

Where Councillors are advocating for works or services (other than simple operational requests such as a burst water main or park maintenance) to be undertaken on behalf of constituents, Councillors are requested to make these requests in writing to the CEO.

Where Councillors are participating in a community committee or group developing a program or event, the Councillor has the same capacity to make requests as other members of the committee/group to Council staff to have work completed.

## **ROLE OF ADMINISTRATIVE SUPPORT STAFF**

Administrative support staff are local government employees funded by Councils to assist Mayors and Councillors meet the responsibilities of their roles and deliver important services and infrastructure for local communities.

Because all Councils are different, administrative support staff may be involved in a range of activities including other responsibilities besides supporting a Mayor or Councillors.

This policy provides guidelines to help clarify the specific types of tasks regarded as administrative that Councillors can direct support staff to complete. Such tasks may include the following:

- answering telephone calls
- drafting or typing replies to simple correspondence
- photocopying, printing and ordering stationery
- liaising with Council about office maintenance or health and safety issues on behalf of the Councillor
- room or travel bookings, for example booking Council vehicles or meeting rooms
- logging requests for service jobs from the community, for example requests for street or park maintenance
- locating information for Councillors such as legislation, or information from Council's website or other sources

Administrative support to the Mayor and Councillors will be prioritised around normal office administration requirements and will be available during normal office hours. Urgent requests for information outside of normal working hours should be directed through the CEO.

Anything outside the scope of this document should be directed in the first instance to the CEO.

## **ACCEPTABLE REQUEST GUIDELINES FOR COUNCILLORS**

### Advocating Service Requests

Where Councillors are advocating for services (other than simple operational requests such as a burst water main or park maintenance) on the part of their constituents, the following process has been established:

1. The request is to be given to the CEO in writing (email is acceptable) or via Council Meeting in general business.
2. The CEO is to respond to the Councillor within ten days advising whether the request can be completed within the constraints of the current workloads and budget (where practical).
3. Should the Councillor be unhappy with the response, the request can be escalated to Council.
4. All requests are to be recorded on the Council 'Action List Report' which is reported on at each Council meeting.

Simple operational requests from residents can be forwarded directly to administration for recording and allocation to the relevant Department (i.e. burst water main).

### Councillor Request for advice or information

A Councillor request for advice or information must follow these guidelines:

1. Councillors may request, from any employee, assistance or information of a similar nature and in a similar manner to that which the employee would ordinarily give to the public, such as a minor or routine matter;
2. For anything other than minor or routine matters, and outside the scope of the role of administrative support staff, Councillors shall direct requests for assistance or information to the Chief Executive Officer;
3. A request for information or advice must identify the proposed decision that the Councillor needs information or advice on;
4. To facilitate the timely and accountable flow of information, Councillors are required to submit requests, with the exception of straight-forward advice, via email or in writing;
5. Any interaction between a Councillor and employee must have due regard to the provisions of all relevant legislation and policies;
6. Interaction between Councillors and employees shall, at all times, be carried out in a professional manner with due regard for each other's respective roles;
7. A Councillor cannot direct, and must not attempt to direct, any employee about the way in which the employee's duties are performed;
8. A Councillor's request for advice must not take the form of an attempt to direct, or pressure an employee, to prepare a response in a certain manner;
9. A Councillor is to inform the Chief Executive Officer if they believe an employee has not appropriately responded to a request for information or advice.

## **COUNCILLOR ESCALATION PROCESS**

Under legislation, Councillors are not allowed to direct the CEO or local government employees. Mayors are not allowed to direct local government employees, other than the CEO and only in accordance with adopted Council policies. Councillors are, at all times, required to comply with the *Code of Conduct for Councillors in Queensland*, for example by treating administrative staff with courtesy, honesty and fairness.

Councillors should direct any concerns about the performance of administrative support staff to the CEO or other delegate and not direct criticism to the employee themselves. It is not the role of a Councillor to manage the performance of administrative support staff.

## **ESCALATION PROCESS FOR EMPLOYEES**

Administrative support staff are not required to action requests or directions that are not in accordance with this policy.

Staff should refer any requests received outside the scope of this policy directly to the CEO.

## **COMPLIANCE**

A Councillor's failure to follow any Council guidelines about administrative support staff contravenes the behaviour standards set out under the *Code of Conduct for Councillors in Queensland* and is considered inappropriate conduct. Council employees, other Councillors or members of the community may lodge complaints about suspected inappropriate conduct to the Office of the Independent Assessor.