Guidelines for Councillors asking for Employee advice (Acceptable Request Guidelines)

Statutory Policy

August 2026

YARRABAH ABORIGINAL SHIRE COUNCIL
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INTENT

The purpose of these Guidelines is to inform Councillors of their obligations in dealing with Council employees and to provide a framework for constructive interactions between Councillors and Council employees.

PROVISIONS

These Guidelines have been adopted by Council as 'acceptable requests guidelines' under section 170A (6) of the Local Government Act 2009 (Qld) (LGA). These Guidelines are a policy or procedure of Council the contravention of which:

- by a Councillor, may be 'misconduct' under the LGA; or
- by an Council employee, may involve disciplinary action being taken against the employee.

These Guidelines do not deal specifically with issues regarding attempts to influence Council employees. Under section 175I(3) of the LGA, it is an offence for a Councillor who has a material personal interest, real conflict of interest or perceived conflict of interest in a matter, other than an ordinary business matter, to influence, or attempt to influence, a Council employee or a Council contractor who is authorised to decide or otherwise deal with the matter to do so in a particular way.

SCOPE

1.1 Councillors may require information or advice from Council employees in order to perform their responsibilities under the LGA.

1.2 In order to uphold the integrity of the relationship between the elected and administrative elements of Council, these Guidelines specify:

a) the way in which Councillors may request information or advice from Council employees, including the reasonable limits on requests that a Councillor may make;
b) from whom within the organisation Councillors may request information or advice; and
c) the manner in which Council employees are to respond to Councillor requests for information or advice.

APPLICATION

2.1 These Guidelines apply to all Councillors and Council employees.
2.2 To the extent that a Councillor, other than the Mayor or the chairperson of a committee if the request relates to the role of the chairperson, makes a request for advice or information from a Council employee that does not comply with these Guidelines, that request is of no effect.

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LEGISLATION AND POLICIES

3.1 These Guidelines are to be read in conjunction with the following legislative provisions and Council policies:

(a) sections 4, 12, 13, 170, 170A, 171 and 171A of the Local Government Act 2009 (Qld) (LGA);
(b) the Public Sector Ethics Act 1994 (Qld);
(c) Council's Code of Conduct;
(d) any code of conduct made by the Minister administering the LGA which has taken effect and applies to Council.

3.2 A word used in these Guidelines that is not defined in the Appendix has the meaning given to it by the following:

(a) the LGA; or
(b) if the word is not defined in the LGA, the Macquarie Dictionary.

INFORMATION OR ADVICE THAT A COUNCILLOR MAY REQUEST FROM A COUNCIL EMPLOYEE

4.1 Subject to clauses 5.0, 6.0, 7.0 and 8.0 of these Guidelines, a Councillor may ask a Council employee to:

(a) provide advice to assist the Councillor to carry out his or her duties under the LGA; or
(b) provide information that Council has access to, relating to Council.

INFORMATION FROM PUBLICLY AVAILABLE SOURCES AND SUBSCRIPTION SERVICE

5.1 Wherever practicable, Councillors are encouraged to obtain information themselves from publicly available sources without making a request under these Guidelines, such as:

(a) Council's Online system;
(b) Council's website; and
(c) State Government websites, including Queensland Globe.

5.2 Councillors are also encouraged to obtain information themselves from library and other services that Council has access to on a subscription basis, including the Local Government Association of Queensland.

5.3 Any requests from a Councillor about how to access or utilise the platforms referred to in clauses 5.1 and 5.2 above should ideally be directed to Admin Officer Councillor Support either orally or in writing, and need not comply with clause 8.0 below.

5.4 However, these guidelines recognise that requests for publicly available information can

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be made to any Council officer and need not comply with clause 8.0 below, provided those requests are limited to Publicly Available Information.

INFORMATION/ADVICE THAT CANNOT BE REQUESTED

6.1 Section 170A (3) of the LGA provides that a Councillor may not request information:

(a) that is a record of the Regional Conduct Review Panel or the Local Government Remuneration and Discipline Tribunal or Councillor Conduct 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 ground of legal professional privilege.

6.2 In addition, a Councillor may not request information or advice involving any of the following:

(a) information or advice which is not of the type stated in clause 4.0 of these Guidelines;
(b) information which is a public interest disclosure under the Public Interest Disclosure Act 2010 (Qld);
(c) personal information under the Information Privacy Act 2009 (Qld);
(d) the employment records of a Council employee;
(e) matters relating to the conduct of any Councillor, including any complaint, referral or investigation about that conduct to the extent it is not Publicly Available Information;
(f) confidential information under the Crime and Corruption Act 2001 (Qld); and
(g) information about recruitment of an individual or a recruitment process for a particular role within Council.

6.3 However, a Councillor may request information or advice that is confidential information of Council (other than information noted in clause 6.2 above or section 170A(3) of the LGA) or involves a confidential matter provided that:

(a) the request is made under clause 8.0 of these Guidelines but only to the CEO (and no other Council officer); and
(b) any information is immediately returned to the CEO at his or her request.

6.4 Clause 6.2(e) does not apply to a Councillor who is managing the investigation of suspected inappropriate conduct of other Councillors in accordance with an investigation policy adopted by Council under section 150AE of the LGA.

DIRECTIONS

7.1 Under no circumstances may a Councillor give a direction to a Council employee.

7.2 Despite clause 7.1, the Mayor may give a direction to the CEO or a Direcotr in accordance with section 170 of the LGA.

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MANNER IN WHICH A COUNCILLOR CAN REQUEST INFORMATION FROM A COUNCIL EMPLOYEE

8.1 A Councillor may only request information from a Council employee if all of the following criteria are satisfied:

(a) the request is made to: (i) the CEO; or (ii) an employee acting in a position; or if: (A) the request is made in relation to a subject area identified as appropriate for that position; and (B) the request is of an appropriate type identified for that employee; and

(b) the request is made in writing, unless: (i) the request involves information which is generally accessible to the public; (ii) in the case of a request made to the CEO, a Director or a SM, the employee agrees that a verbal request is sufficient in the circumstances and the employee records the details of a request in a file note; (iii) in the case of any other employee, the Director or SM to whom that employee reports has agreed that a verbal request is sufficient in the circumstances and the employee records the details of a request in a file note; or (iv) in the case of an emergency;

(c) the request is made in good faith; and

(d) the request would not involve an unreasonable use of a Council employee's time having regard to the resources available to Council.

RESPONDING TO COUNCILLOR REQUESTS

9.1 If a Council employee receives a request from a Councillor that the employee considers does not comply with these Guidelines, the employee may refuse to deal with that request by:

(a) in the case of the CEO, taking an Action in accordance with clause 9.4 of these Guidelines; (b) in the case of a Director, notifying the CEO about the request and the reasons for the employee's concerns;

(b) in the case of a SM, notifying the Director to whom they report about the request and the reasons for the employee's concerns; or

(c) in the case of any other employee, notifying the SM or Director to whom they report about the request and the reasons for the employee's concerns.

9.2 If a Director or SM receives a notification pursuant to clause 9.1 of these Guidelines, or a SM receives a notification from a Director pursuant to sub-paragraph (c) below, that person must consider the concerns identified and make one of the following decisions:

(a) the Councillor's request does not comply with these Guidelines, in which case that person must take an Action in accordance with clause 9.4 of these Guidelines;

(b) the Councillor's request complies with these Guidelines, in which case that person will direct the relevant employee to comply with the Councillor's request in accordance with clause 9.5 of these Guidelines; or

(c) the concerns raised in relation to the Councillor's request need to be elevated to a more senior employee for consideration.

9.3 If the CEO receives a notification pursuant to either clause 9.1 or clause 9.2 of these Guidelines, the CEO must consider the concerns identified by the employee and make one

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of the following decisions:

(a) the Councillor's request does not comply with these Guidelines, in which case the CEO must take an Action in accordance with clause 9.4 of these Guidelines; or
(b) the Councillor's request complies with these Guidelines, in which case the CEO will direct the relevant employee to comply with the Councillor's request in accordance with clause 9.5 of these Guidelines.

9.4 If a SM, a Director or the CEO decides that a request made by a Councillor does not comply with these Guidelines, that person must notify the Councillor that an Action is required to be taken in relation to the request for information or advice.

9.5 If an employee receives a request for information or advice from a Councillor that the employee considers, or that the employee has been directed pursuant to clause 9.2(b) or 9.3(b) of Guidelines, complies with these Guidelines, the employee must:

(a) in writing to the Councillor: (i) confirm receipt of the request and the scope of the request; (ii) indicate the turnaround time to provide the information or advice requested; and
(b) provide the information or advice requested to the Councillor within that turnaround time and as soon as reasonably practicable.

COUNCILLOR CHALLENGE

10.1 If a Councillor is dissatisfied with an Action required under clause 9.4 of these Guidelines, other than in relation to an Action required to be taken by the CEO, the Councillor may notify his or her concerns to the person to whom the employee reports.

10.2 If a Councillor is dissatisfied with either the proposed or actual turnaround time for a request or with the type or extent of information provided in response to a request under clause 9.5 of these Guidelines, other than in relation to a request made to the CEO, the Councillor may notify his or her concerns to the person to whom the employee reports.

10.3 If a Councillor has notified a person about a concern under clauses 10.1 or 10.2 of these Guidelines, the person must undertake a review as soon as practicable and advise the Councillor in writing about how the concern will be addressed (if at all).

10.4 If a Councillor is dissatisfied with a review decision made pursuant to clause 10.3, and the person who made the review decision is not the CEO, the Councillor may notify his or her concerns to the CEO. The CEO must undertake a review as soon as practicable and advise the Councillor in writing about how the concern will be addressed (if at all).

10.5 If a Councillor (other than the Mayor) is dissatisfied with:

(a) an Action required by the CEO pursuant to clause 9.4 of these Guidelines;
(b) the CEO's proposed or actual turnaround time for a request under clause 9.5 of these Guidelines;
(c) the type or extent of information provided by the CEO in response to a request under clause 9.5 of these Guidelines; or

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(d) a decision made by the CEO under either clause 10.3 or clause 10.4 of these Guidelines, the Councillor may notify the Mayor about his or her concern.

10.6 Clause 10.7 applies if:

(a) a Councillor notifies the Mayor of a concern under clause 10.5 of these Guidelines; or
(b) with respect to a request by the Mayor under these Guidelines, the Mayor is dissatisfied with the response to the request.

10.7 The Mayor may bring the matter to the attention of the CEO (either orally or in writing).

10.8 Unless the Mayor gives a direction to the CEO under section 170(1) of the LGA, the CEO may deal with the concern brought to his or her attention under clause 10.7 as the CEO considers appropriate.

COUNCILLOR USE OF INFORMATION

A Councillor must only use information or advice obtained from a Council employee for a proper purpose, and must not use the information or advice in contravention of section 171 or 171A of the LGA.

VARIATIONS

Council reserves the right to vary, replace or terminate this policy from time to time.

DOCUMENT CONTROL

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Richard Wright
Chief Executive Officer

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Appendix 1 – Definitions

Each of the terms in Column 1 in the below Table has the meaning given in Column 2.

Term	Meaning
Action	An action that may be taken in relation to a Councillor request pursuant to clause 10.4 of the Guidelines. An Action may include, for example, that: (a) the request be directed to another employee; (b) the scope of the request be re-drafted; or (c) the request be made in writing
CEO	The Chief Executive Officer of Council appointed pursuant to Section 194 of the LGA.
Director	Is a senior Council employee, who reports directly to the CEO.
Council	Yarrabah Aboriginal Shire Council
Councillor	An elected member of Council, including the Mayor
Emergency	An event or situation that involves an imminent and definite threat requiring immediate action (whether before, during or after the event or situation). An emergency may include a storm, fire, flood or similar happening, or a riot or open violence.
Guidelines	This document, which is Council's 'acceptable requests guidelines' under section 170A(6) of the LGA.
LGA	Local Government Act 2009 (Qld)
Publicly Available Information	Information in a register or other instrument required to be kept by Council under a relevant Act or Regulation, including under the LGA, the Planning Act 2016 (Qld) or the Environmental Protection Act 1994 (Qld), that is accessible by a member of the public either free of charge or on payment of a fee.
SM	Senior Manager - A Council employee who reports directly to a Director.

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