

Acceptable Request and Communication Protocol Policy

Responsible Manager	Head of Corporate Affairs
Head of power	<i>Local Government Act 2009 Local Government Regulation 2012</i>
Authorised by	Council
Authorised on	8 December 2020
Implemented from	December 2020
Last reviewed	November 2020
Review history	
To be reviewed on	June 2022
Corporate Plan	People, Sustainability and Prosperity

1. Purpose

Council is strongly committed to having an inclusive, collaborative and sensitive approach to working with Elected members, community members and Council employees.

The purpose of this policy is to recognise the unique nature of our region and its culture and history. It is important this unique history and culture is recognised and incorporated as part of Council's official protocol to facilitate better relationships between our communities, our Elected members and our Council employees.

The policy informs Councillors of their obligations in dealing with Council employees and provide a framework for constructive interactions between Councillors and Council employees.

Councillors, the Chief Executive Officer, Senior Executive Employees and Council Employees must each exhibit in their internal and external communications in an official capacity of Council: -

- a) the Core Values of Council contained in the Corporate Plan;

 <p>RESPECT</p>	<p>We have respect for each other and the communities we serve.</p>	<ul style="list-style-type: none"> • We respect and exercise Ailan Kastom in everything we do. • We are open and collaborative, valuing clear community engagement. • We recognise and respect diversity, individual needs, experience and strengths.
 <p>COURAGE</p>	<p>We are courageous leaders, who think innovatively.</p>	<ul style="list-style-type: none"> • We encourage, value and reward creative thinking. • We respect and explore different ideas and perspectives. • We embrace change and actively promote Council's vision.
 <p>ACCOUNTABILITY</p>	<p>We are accountable and responsive to our communities.</p>	<ul style="list-style-type: none"> • We take pride in our work and pursue a standard of service excellence. • We consistently strive for transparency and good governance to the benefit of public interest. • We are reliable, honest and ethical in all we do.
 <p>RESILIENCE</p>	<p>We are builders of a sustainable and resilient region.</p>	<ul style="list-style-type: none"> • We actively seek opportunities to continuously improve and bring growth to our region. • We think globally, act regionally. • We empower our people and communities; embracing local opportunity and participation.
 <p>ONE</p>	<p>We are one team who achieves together.</p>	<ul style="list-style-type: none"> • We show care for people and look out for each other • We speak up and support others to be safe and healthy • We respectfully address behaviours that conflict with Council's values

- b) the Local Government Principles in the *Local Government Act 2009*; and
 c) the Ethics Principles in the *Public Service Ethics Act 1994*.

2. Application and Provisions

This policy applies to all Councillors and Council employees.

To the extent that a Councillor, other than the Mayor or the chairperson of a committee (when 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 this policy, that request is of no effect.

This policy is intended to incorporate the 'acceptable requests guidelines' under section 170A(7) of the *Local Government Act 2009* (Qld) (LGA). This is a policy of Council the contravention of which:

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

This policy does not deal specifically with issues regarding attempts to influence Council employees. Under section 150EZ of the LGA, it is an offence for a Councillor who has a prescribed or declarable interest in a matter, to direct, influence, attempt to influence, or discuss the matter with, another person who is participating in a decision of the local government relating to the matter

3. Scope

- 3.1. Councillors may require information or advice from Council employees in order to perform their responsibilities under the LGA.
- 3.2. In order to uphold the integrity of the relationship between the elected and administrative elements of Council, this Policy specifies:
 - (a) the ways 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.

4. Legislation and Policies

- 4.1. This policy is to be read in conjunction with the following legislative provisions and Council policies:
 - (a) sections 4, 12, 13, 170, 170A, 170AA and 171 of the *Local Government Act 2009* (Qld) (LGA);
 - (b) the *Public Sector Ethics Act 1994* (Qld);
 - (c) Council's Code of Conduct and the Code of Conduct for Councillors in Queensland or any other code of conduct made by the Minister administering the LGA which has taken effect and applies to Council.
- 4.2. A word used in this policy that is not defined in Appendix 1 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.

5. Cultural Protocols to be Observed

There are certain Indigenous protocols that must be observed in Council communication:

- 5.1. The practice of not mentioning the name of a deceased Torres Strait Islander person, or displaying photographic images of a deceased person unless agreed to by the relevant family;
- 5.2. Sensitivity to knowledge that is specific to gender (commonly referred to as 'Women's

Business' or 'Men's Business').

- 5.3. Appropriate acknowledgement of guest artists that are either from or supported by the local community. In most cases, members of the community will advise staff of intrusive behaviour and/or if they are not permitted to discuss the protocol or ceremony with staff because of age, gender, status or because staff do not belong to their clan or tribal group. If staff are in doubt, assistance should be sought in the first instance from the Council's Chief Operating Officer.

6. Information or Advice that a Councillor may Request from a Council Employee

- 6.1. Subject to clauses 7, 8, 9 and 10 of this policy, 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.

7. Information from Publicly Available Sources and Subscription Services

- 7.1. Wherever practicable, Councillors are encouraged to obtain information themselves from publicly available sources without making a request under this policy, such as:
- (a) Council's intranet;
 - (b) Council's website; and
 - (c) State Government websites, including Queensland Globe.
- 7.2. Councillors are also encouraged to obtain information themselves from libraries and other services that Council has access to on a subscription basis, including the Local Government Association of Queensland.
- 7.3. Any requests from a Councillor about how to access or utilise the platforms referred to in clauses 7.1 and 7.2 above should ideally be directed to the Senior Executive Assistant to Mayor and CEO either orally or in writing and need not comply with clause 10 below.
- 7.4. However, this policy recognises that requests for publicly available information can be made to any Council officer and need not comply with clause 10 below, provided those requests are limited to Publicly Available Information.

8. Information/Advice that Cannot be Requested

- 8.1. Section 170A(4) of the LGA provides that a Councillor may not request information:
- 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 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.
- 8.2. 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 6 of this policy;

- 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.
- 8.3. However, a Councillor may request information or advice that is confidential information of Council (other than information noted in clause 8.2 above or section 170A(3) of the LGA) or involves a confidential matter provided that:
- a) the request is made under clause 10 of this policy and only to the CEO (and no other Council officer); and
 - b) any information is immediately returned to the CEO at his or her request.
- 8.4. Clause 8.2(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.

9. Directions

- 9.1. Under no circumstances may a Councillor give a direction to a Council employee.
- 9.2. Despite clause 9.1, the Mayor may give a direction to the CEO in accordance with section 170 of the LGA.

10. Manner in which a Councillor can Request Information from a Council Employee

- 10.1. A Councillor may only request information from a Council employee if all the following criteria are satisfied:
- a) the request is made to:
 - (i) the CEO; or
 - (ii) an employee acting in a position identified in Column 1 in the table in Appendix 2, if:
 - A. the request is made in relation to a subject area identified as appropriate for that position in Column 2 of that table; and
 - B. the request is of an appropriate type identified for that employee in Column 3 of that table; 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, Chief or Head of Department, 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 identified in Column 1 in the table in

Appendix 2, the Chief or Head of Department 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; and
- 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.

11. Responding to Councillor Requests

- 11.1. If a Council employee receives a request from a Councillor that the employee considers does not comply with this policy, the employee may refuse to deal with that request by:
- a) in the case of the CEO, taking an Action in accordance with clause 11.4 of this policy;
 - b) in the case of an Executive, notifying the CEO about the request and the reasons for the employee's concerns;
 - c) in the case of a Head of Department, notifying the Executive to whom they report about the request and the reasons for the employee's concerns; or
 - d) in the case of any other employee, notifying the Head of Department or Executive to whom they report about the request and the reasons for the employee's concerns.
- 11.2. If a Head of Department or an Executive receives a notification pursuant to clause 11.1 of this policy, that person must consider the concerns identified and make one of the following decisions:
- a) the Councillor's request does not comply with this policy, in which case that person must take an Action in accordance with clause 11.4 of this policy;
 - b) the Councillor's request complies with this policy, in which case that person will direct the relevant employee to comply with the Councillor's request in accordance with clause 11.5 of this policy; or
 - c) the concerns raised in relation to the Councillor's request need to be elevated to a more senior employee for consideration.
- 11.3. If the CEO receives a notification pursuant to either clause 11.1 or clause 11.2 of this policy, the CEO must consider the concerns identified by the employee and make one of the following decisions:
- a) the Councillor's request does not comply with this policy, in which case the CEO must take an Action in accordance with clause 11.4 of this policy; or
 - b) the Councillor's request complies with this policy, in which case the CEO will direct the relevant employee to comply with the Councillor's request in accordance with clause 11.5 of this policy.
- 11.4. If a Head of Department, an Executive or the CEO decides that a request made by a Councillor does not comply with this policy, that person must notify the Councillor that an Action is required to be taken in relation to the request for information or advice.
- 11.5. 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 11.2(b) or 11.3(b) of Guidelines, complies with this policy, the employee must:
- a) in writing to the Councillor:

- (i) confirm receipt of the request and the scope of the request within 24 hours if possible;
 - (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.
- 11.6. Paragraph 11.5(a) is subject to factors such as (but not limited to) availability of the recipient to acknowledge receipt, competing priorities of the recipient, and outage of communications.
- 11.7. Notwithstanding paragraph 11.6, Councillors, the Chief Executive Officer, Senior Executive Employees and Council Employees shall do all things reasonably practicable to meet acceptable response times whilst absent from duty/otherwise occupied (including enabling Outlook Out of Office Assistant, having staff check emails and acknowledge receipt in the recipient's absence, and diverting phones to alternate staff in the recipient's absence).

12. Councillor Challenge

- 12.1. If a Councillor is dissatisfied with an Action required under clause 11.4 of this policy, 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.
- 12.2. 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 11.5 of this policy, 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.
- 12.3. If a Councillor has notified a person about a concern under clauses 12.1 or 12.2 of this policy, 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).
- 12.4. If a Councillor is dissatisfied with a review decision made pursuant to clause 12.3, 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).
- 12.5. If a Councillor (other than the Mayor) is dissatisfied with:
- a) an Action required by the CEO pursuant to clause 11.4 of this policy;
 - b) the CEO's proposed or actual turnaround time for a request under clause 11.5 of this policy;
 - c) the type or extent of information provided by the CEO in response to a request under clause 11.5 of this policy; or
 - d) a decision made by the CEO under either clause 12.3 or clause 12.4 of this policy, the Councillor may notify the Mayor about his or her concern.
- 12.6. Clause 12.7 applies if:
- a) a Councillor notifies the Mayor of a concern under clause 12.5 of this policy; or
 - b) with respect to a request by the Mayor under this policy, the Mayor is dissatisfied with the response to the request.
- 12.7. The Mayor may bring the matter to the attention of the CEO (either orally or in writing).
- 12.8. 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 12.7 as the CEO considers appropriate.

13. 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 of the LGA.

14. Forms of address

14.1. When addressing a Councillor in conversation, the Chief Executive Officer, Senior Executive Employees and Council Employees shall seek to address:

- a) the Mayor as “Mayor”, “Mr/Mrs/Ms Mayor”, “Mayor [SURNAME]”, “Councillor [SURNAME]”, or “Councillor”; and
- b) the Deputy Mayor as “Deputy Mayor”, “Mr/Mrs/Ms Deputy Mayor”, “Deputy Mayor [SURNAME]”, “Councillor [SURNAME]”, or “Councillor”; and
- c) Councillors other than the Mayor as “Councillor [SURNAME]”, or “Councillor”.

14.2. When addressing Ministers or Members of Parliament, the Chief Executive Officer, Senior Executive Employees and Council Employees shall seek to address: -

- a) the Prime Minister as “Prime Minister”, “Mr/Mrs/Ms Prime Minister”; and
- b) the Premier as “Premier”, “Mr/Mrs/Ms Premier”; and
- c) Ministers, as “Minister [SURNAME]”, or “Minister”; and
- d) Members of Parliament as “Mr/Mrs/Ms/Dr Last Name”.

15. Updates

15.1. The Chief Executive Officer may make changes to, and update appendix 2 as required.

Manager Responsible for Review:

Head of Corporate Affairs

Adoption: 8 June 2020
Due for Revision: June 2022

Hollie Faithfull
A/Chief Executive Officer



Appendix 1 – Definitions

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

Term	Meaning
Action	<p>An action that may be taken in relation to a Councillor request pursuant to clause 11.4 of this Policy. An Action may include, for example, that:</p> <ul style="list-style-type: none"> 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.
Head of Department	Head of Department. A Head of Department is a senior Council employee, who reports directly to an Executive.
CEO	The Chief Executive Officer of Council appointed pursuant to section 194 of the LGA.
Council	Torres Strait Island Regional 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.
Executive	Chief Engineer, Chief Financial Officer, Chief Operational Officer. An Executive is a Senior Executive Employee.
Policy	This document, which is Council's 'acceptable requests guidelines' under section 170A(7) 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 <i>Planning Act 2016</i> (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.
Senior Executive Employee	<p>A Council employee:</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>For clarity, an Executive is a Senior Executive Employee.</p>
Technical Advice	Advice strictly limited to the mechanics or technicalities of a particular subject area of a Council employee's employment.

Appendix 2

Position Name (Column 1)	Subject Area (Column 2)	Complexity (within subject area) (Column 3)	Other comments
Office of CEO			
Senior Executive Assistant to Mayor and CEO	Information regarding meetings, booking of flights to attend Council business	Any	
Operations			
Head of Community Services	All responsible programs and services	Any	
Head of Building Services	All responsible programs and services	Any	
Finance & Corporate Affairs			
Chief Financial Officer	Finance, Procurement and Payables, Information Services Policy and Operational issues.	Any	
Head of Financial Services	Financial reporting and performance, budget, treasury, asset management, payroll, and creditors.	Any	
Head of Corporate Affairs	Procurement, Governance, Enterprise Development, Customer Services, Media, Mayoral speeches	Any	
Manager Information Technology Services	IT Matters and Help Desk	Any	
Manager Governance and Compliance	Councillor meeting procedures, conflicts of interest, Belcarra reform	Any	
Enterprise Development Manager	Funding matters, enterprise development, tourism strategy	Any	
Payroll Officers	Payment Summary		
Grants Officer	Community Grant Program		

Engineering			
Chief Engineer	Engineering Policy, Service delivery levels, Strategy, Climate change/environment, Community needs, Infrastructure needs	Any	
Manager Engineering Operations	Disaster Management, Engineering Operations	Any	
Manager Water and Wastewater	Water and Wastewater Service and Projects	Any	
Manager Capital Works	Engineering Infrastructure Project Delivery	Any	