



# Guidelines for Councillors asking for Employee Advise (Acceptable Request Guidelines)

<b>ADOPTION DATE:</b>	<b>JULY 2019</b>
<b>REVISION DATE:</b>	<b>JUNE 2020</b>
<b>DIVISION:</b>	<b>GOVERNANCE</b>
<b>RESPONSIBLE OFFICER:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
Note: P – Primary Author, S – Secondary Author	

## 1. Authority

- Local Government Act 2009
- Councillor's Code of Conduct
- Information Privacy Act 2009

## 2. Policy Statement

- 2.1** The Local Government Act 2009 establishes a clear separation of rules between Councillor's and Employees
- 2.2** To ensure that the respective responsibilities can be effectively discharged, the Act contains specific provisions that restrict Councillor's individual influence on employees.
- 2.3** The Act allows Chief Executive Officer to prepare Advice guidelines employees and the provision of advice and information. The following provisions of the Act are most relevant;
- a.** "Section 170 Giving directions to Local Government staff."
- i.** The Mayor may give a direction to the Chief Executive Officer
  - ii.** However, no other Councillor may give direction to the Chief Executive Officer
  - iii.** No Councillor, including the Mayor, may give a direction to any other local government employee.
  - iv.** The Chief executive Officer may make guidelines about the way in which a Councillor is to ask a local government employee for advice to help a Councillor make a decision.

**b.** “Section 170A Requests by Councillors for advice.”

**v.** The Chief Executive Officer has, inter alia, the following responsibilities.

- Complying with reasonable requests from Councillors:-
  - For advice to help a Councillor make a decision or
  - Direct all Councillor requests for advice to other Council officers

**3. Principles**

To provide guidelines for the interaction between Councillors and staff in relation to providing help, advice and to assist Communication and information flow between Councillors and staff

**4. Scope**

This policy applies to all Councillors and staff of the Lockhart River Aboriginal Shire Council.

**5. Responsibility**

Under the Act, the Chief Executive Officer is the ‘principal Officer’ and is the person responsible for all administrative operations of the Lockhart River Aboriginal Shore Council. The primary role and responsibility of the Councillors is to focus on the policy directions of the local government and the strategic delivery of services in the public interest, not the internal day-to-day administrative operations.

**6. Policy Advice Guidelines**

- 6.1** Councillors are entitled to request help and advice on any issues relating to Council’s operations from the Chief Executive Officer or his delegate, and if they do, the Chief Executive Officer or his delegate must respond as promptly as possible and in an appropriate manner.
- 6.2** Councillor’s request for advice from an employer delegated by the Chief Executive Officer must be made in accordance with the following;
- 6.3** Councillor’s request for advice must be made in writing unless the Chief Executive Officer or his delegate agrees to accept the request orally.
- 6.4** Councillor’s request for advice must identify clearly the matter for which advice is being sought or the proposed decision that the Councillor needs advice upon.
- 6.5** Councillor’s request for advice must not take the form of an attempt to direct or pressure a director to prepare a response a certain way.
- 6.6** Councillors must inform the Chief Executive Officer if they believe a director has not appropriately responded to a request for advice.
- 6.7** If the Director contacted is not responsible for the enquiry received that officer shall inform the Councillor of the responsible Director which other officer is responsible.
- 6.8** As stipulated in the Act, help or advice does not include a direction to the employee about the way in which the employee undertakes his/her work.

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