NOTICE OF THE
ORDINARY COUNCIL MEETING
LATE REPORTS

Meeting #: 772
Date: 27 May, 2020
Time: 10:00 am
Location: Beenleigh Events Centre
Corner of Crete and Kent Streets, Beenleigh
10. Late Reports

10.1 Amendment to Acceptable Request Guidelines Procedure
Logan City Council
Committee Business Papers -
Use of Information by Councillors

Please retain the attached Business Paper as it will be considered in conjunction with the recommendations of the relevant Committee meeting by Council.

Councillors are reminded that if a person is convicted of an offence against the following section 171 of the Local Government Act 2009 (Use of information by councillors), that penalties apply.

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—

A contravention of subsection (3) is misconduct that is dealt with by the tribunal.
SUBJECT TO CHANGE
BY ORDINARY COUNCIL

Please note that this agenda is subject to change at the Ordinary Council meeting. At the meeting, Council will adopt resolutions, which are the final decision.
10.1 STAFF INTERACTION AND ACCEPTABLE REQUEST GUIDELINE PROCEDURE

REPORT OF: Corporate Governance Manager

REPORT OVERVIEW

EXECUTIVE SUMMARY

The Staff Interaction and Acceptable Request Guidelines Procedure has been updated to incorporate feedback received from Councillors and Council officers on the functional and practical challenges that have emerged since the return of elected members to the organisation.

Criteria: Policy development and decision-making - For the benefit of the local government area

CORPORATE PLAN PRIORITY

Next Generation Governance

RECOMMENDATIONS

IT IS RECOMMENDED:

That the amendments to the Staff Interaction and Acceptable Request Guidelines Procedure, as detailed in and attached to the report of the Corporate Governance Manager dated 27 May 2020, be adopted.

REPORT DETAILS

INTERESTED PARTIES

Not applicable.

PURPOSE OF REPORT/BACKGROUND

Following discussion with councillors and council staff on the policy and procedure, feedback has been received on the functional and practical challenges that have emerged. All feedback has taken on board and the Staff Interaction and Acceptable Request Guidelines Procedure has been updated to:

- discontinue the use of the Councillor portal regarding the Acceptable Request Guidelines;
- allow Councillors to make requests of certain staff via email, telephone or in person;
- allow for requests for information to be made to the A/CEO, Directors and Managers;
- allow requests for a matter of urgency to be responded to within 5 business days (10 days for other requests);
- remove the requirement to PDF documents with a watermark;
- allow complaints in the first instance to now be made to the A/CEO not via an administrative access complaint;
- allow urgent after hours matters, not emergencies, are to be raised with the A/CEO, Director or Manager only; and
- allow for minutes of meetings to be taken by an Executive Support Officer or another Council Officer.
ANY PREVIOUS COUNCIL DECISIONS
The Staff Interaction Policy and Acceptable Request Guidelines were adopted by the Interim Administrator on 4 December 2019.

FINANCIAL/RESOURCE IMPLICATIONS
There are no financial implications for this report.

RISK MANAGEMENT IMPLICATIONS
Not applicable.

LEGAL/POLICY
Not applicable.

COMMUNITY AND OTHER CONSULTATION
Consultation has taken place with all Councillors.

CONCLUSION
The purpose of the amended Staff Interaction and Acceptable Request Guidelines Procedure is to immediately address feedback received from Councillors.

ATTACHMENTS TABLE
Attachment 1 - Staff Interaction Policy and Acceptable Request Guidelines
Attachment 2 - Amended Staff Interaction Procedure and Acceptable Request Guidelines (tracked-changes version)
Attachment 3 - Amended Staff Interaction Procedure and Acceptable Request Guidelines ('clean' version - without tracked changes showing)
Policy Details

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<td>Date for review:</td>
<td>2 years from the date of adoption or date of last review</td>
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<td>Legislative basis:</td>
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<td>Local Government Regulation 2009</td>
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<td>Public Sector Ethics Act 1994</td>
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<td></td>
<td>Code of Conduct for Councillors in Queensland</td>
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<td>Related Documents - forms and procedures</td>
<td>Staff Interaction and Acceptable Request Guidelines Procedure (DM: 13315460)</td>
</tr>
<tr>
<td></td>
<td>Councillor Expenses and Entitlements Policy (DM: 13315199)</td>
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1. **Policy Purpose**

   The purpose of this policy is to:
   - Provide for the way in which a Councillor may ask a Council employee for advice or information to help the Councillor carry out his/her responsibilities under the *Local Government Act 2009*;
   - Set reasonable limits on requests made by Councillors;
   - Provide clarity on Councillors access to Council employees; and
   - Assist Councillors in carrying out their responsibilities as elected representatives in an open and transparent manner.

2. **Scope**

   This policy applies to all Councillors, employees and contractors working for Council regardless of whether they are permanent, temporary, full-time, part-time or casual. For the purposes of this policy, the term contractor includes on-hired temporary labour services (agency staff) and sub-contractors.
3. **Policy Statement**

**Principles**

Councillors are elected representatives of the community who set the strategic direction for the City of Logan. Logan City Council is committed to ensuring that its elected representatives have appropriate access to relevant advice or information they require to fulfil their roles and to facilitate informed decision making.

This policy confirms Council’s commitment to section 170A(6) of the *Local Government Act 2009* that prescribes ‘acceptable request guidelines’, adopted by resolution of the local government, as the way in which Councillors may ask Council employees for advice or information to help a Councillor carry out their responsibilities under the legislation. This policy constitutes and incorporates the ‘acceptable requests guidelines’ as required by the *Local Government Act 2009*.

**Staff Interaction Procedure**

The Staff Interaction Procedure sets out the way in which Councillor requests will be managed, and how Councillors and Council employees are expected to interact with each other (DM: 13315460).

4. **Definitions**

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<th>DEFINITION</th>
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<td>Councillors</td>
<td>all elected representatives including the Mayor</td>
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<tr>
<td>Employee</td>
<td>any person employed directly by Logan City Council regardless of their employment status, and contractors undertaking duties on behalf of Council</td>
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Document Control

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Amendment History

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Logan City Council
Staff Interaction and
Acceptable Request Guidelines Procedure
Logan City Council
20192020

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<tr>
<td>2.0</td>
<td>Amended terminology used for councillor support staff</td>
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<td>3.0</td>
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Table of Contents

1 Procedure Objective .............................................................................................................. 3
2 Acceptable Requests Guidelines .............................................................................................. 3
   2.1 General requirements for requests .................................................................................. 4
   2.2 Distinction between ‘advice’ and ‘information’ ............................................................ 4
   2.3 How a Councillor may ask for advice or information ..................................................... 5
   2.4 Reasonable limits on requests for advice or information ................................................ 5
   2.5 Provision of documents in response to requests ............................................................ 5
   2.6 ‘View only’ access to documents .................................................................................. 6
   2.7 Refusal to provide advice or information ...................................................................... 6
   2.8 Complaints ..................................................................................................................... 6
3 Service requests and service standards ...................................................................................... 8
   3.1 Recording of a constituent’s service request ................................................................. 8
   3.2 Raising a general operational matter ............................................................................ 8
   3.3 Complaints ..................................................................................................................... 9
4 Emergency and after hours service ........................................................................................... 10
5 Summary of process for handling Councillor requests ............................................................ 10
6 Councillors’ interaction with Council employees ................................................................. 11
   6.1 General interaction with Council employees ............................................................... 11
   6.2 Briefing sessions ............................................................................................................ 12
   6.3 Non Council-related interactions between Councillors and Council employees .......... 12
7 Suspected breaches of Policy or Procedure .......................................................................... 13
8 Definitions ............................................................................................................................ 13
1 Procedure Objective

This Procedure establishes the ways in which Councillors and Council employees are expected to interact. This Procedure also incorporates the acceptable requests guidelines that are required to be adopted by Council in accordance with section 170A(6) of the Local Government Act 2009 (the Act). The acceptable requests guidelines determine the way in which Councillors may ask Council employees for advice or information to help a Councillor carry out their responsibilities under the Act.

Good working relationships between Councillors and Council employees is fundamental to an effective Council. These relationships are often subject to community and media scrutiny and it is therefore vitally important that the relationship is transparent and supportive. Should significant differences in opinion arise then this needs to be resolved in a timely manner and not in the public eye otherwise the organisation may become dysfunctional and communities lose confidence in the Council.

It is necessary for Councillors and Council employees to interact so that informed decisions that deliver positive outcomes for the community are achieved. It is important we strike the right balance to ensure positive working relationships and flow of information between the administration and Councillors. This procedure seeks to establish protocols that guide interactions in a positive way to achieve the best outcomes for the City of Logan.

Section 150L(1)(c)(ii) of the Act prescribes that the conduct of a Councillor is misconduct if the conduct contravenes the acceptable request guidelines of the Council. Therefore, any conduct by a Councillor that contravenes the Staff Interaction Policy and Acceptable Request Guidelines will be treated as misconduct and will be referred to the Office of the Independent Assessor.

2 Acceptable Requests Guidelines

Section 170A of the Act provides for the way in which a Councillor may ask a Council employee for advice, or the Chief Executive Officer to provide information, in order to assist the Councillor to carry out his or her responsibilities under the Act.

These Guidelines are about:

- The way in which a Councillor may ask a Council employee for advice to help the Councillor carry out his or her responsibilities under the Act; and
- The way in which a Councillor may ask the Chief Executive Officer for information relating to the local government; and
- The reasonable limits on requests that a Councillor may make.

Section 170(4) of the Act provides that a request by the Mayor or a chairperson of a committee of Council (if the request relates to the role of the chairperson) still has effect if the request is made other than under the Acceptable Request Guidelines. All requests for advice and information made by the Mayor or a chairperson of a committee of Council which are outside of the Acceptable Request Guidelines must be made to the Mayor or Chairperson’s Executive Support Officer, who will enter the request onto the Councillor Portal.

Otherwise, a request by a Councillor for advice or information is of no effect if the request does not comply with the Acceptable Request Guidelines.

These Guidelines do not override an individual Councillor’s statutory obligations under the Act, including in respect of the use of information under s171 and s171A of the Act.

Unless otherwise expressed, terms used in these Guidelines will have the same meaning given to those terms under the Act.
2.1 General requirements for requests

When asking for advice or information Councillors must:

- act in accordance with the local government principles prescribed in section 4(2) of the Act;
- act in accordance with the Code of Conduct for Councillors in Queensland;
- act in accordance with all of the obligations set out in Chapter 6, Division 5 of the Act;
- not direct, or attempt to direct any Council employee to do anything (except for the Mayor, who is entitled to direct only the Chief Executive Officer in accordance with sections 170 and 12(4) of the Act);
- not behave towards Council employees in an overbearing or threatening manner;
- not coerce or entice, or attempt to coerce or entice any Council employee to do anything that does not comply with these Guidelines;
- not unduly disrupt a Council employee in the undertaking of that Council employee's routine employment obligations;
- not place, or attempt to place any Council employee in a position that would create a conflict of interest for that Council employee, or that would compromise the integrity and honest performance of that Council employee; and
- comply with all laws that apply to the local government, as well as Council policies, procedures and guidelines;
- not breach any confidentiality obligations under legislation whereby information is not to be disclosed by Councillors (for example, the Information Privacy Act 2009, Crime and Corruption Act 2001, Public Interest Disclosure Act 2010, Workers' Compensation and Rehabilitation Act 2003);
- during the caretaker period not request information or advice that involves or relates to major policy decisions of Council or which will result in or be likely to result in any inappropriate political gain or advantage for the Councillor (as per sections 90A – 90D of the Act);
- act in good faith;
- be respectful, reasonable and professional.

Councillors should be aware that any request for advice or information and response may be subject to disclosure if an application for access is made under the Right to Information Act 2009.

Councillors may request advice or information with assistance from an Councillor-Executive Support Officer. However, when doing so, the Councillor-Executive Support Officer must comply with these Guidelines as if the Councillor-Executive Support Officer was the Councillor making the request directly.

2.2 Distinction between ‘advice’ and ‘information’

‘Advice’ means the provision of knowledge or opinion by a Council employee to assist a Councillor to carry out their duties under the Act. For example, a Councillor may ask a Council employee to advise the Councillor on the status, and process to be followed for consideration, of an application made by a ratepayer to council.
'Information' means information relating to Council that the local government has access to. It includes records and documents (in printed and electronic form) that Council possesses or can access. For example, a Councillor may ask the Chief Executive Officer (but not other Council employees) for a copy of an application that was submitted by a ratepayer to council.

2.3 How a Councillor may ask for advice or information

A Councillor may ask for advice or information to assist the Councillor to assist in carrying out his or her responsibilities under the Act from:

a) The Chief Executive Officer
b) Director
c) Manager
d) Program Leader, or
e) Development Assessment Co-ordinator

Development Assessment Co-ordinator

DA copy: lodging a request in writing on the Request for Advice or Information section of the Councillor Portal.

By lodging the request either:

a) in person, by email
b) via telephone, or
c) by email in person; or
   — via their Executive Support Officer.
   — asking the Chief Executive Officer, Director, Manager, Program Leader or Development Assessment Co-ordinator either in person, via telephone or by email; or
   — by lodging the request in the appropriate Council corporate system; and

Should the request be complex, if requested by the Chief Executive Officer, Director, Manager, Program Leader or Development Assessment Co-ordinator providing the may ask require that the request be put in writing.

A Councillor may ask for information from the Chief Executive Officer to assist the Councillor to assist in carrying out his or her responsibilities under the Act from: by asking the Chief Executive Officer

a) The Chief Executive Officer
b) Director
c) Manager

by lodging the request either:

into the Councillor Portal
a) either in person by email,
b) via telephone, or
c) by email in person; or
   — by lodging the request in the appropriate Council corporate system; and via their Executive Support Officer.

The if requested by the Chief Executive Officer, Director or Manager may ask require that the request providing the request be put in writing.
Under no circumstances should a Councillor seek to circumvent the acceptable requests process by asking an Executive Support Officer to provide the Councillor with the advice, information or documents sought from Council’s systems.

Requests for advice will be triaged by an Executive Support Officer and sent to the appropriate Director, Manager or Program Leader for response. For the Development Assessment Branch, requests for advice may be sent to Development Assessment Co-ordinators. For information requests, it will be sent to the Chief Executive Officer, Director or Manager for response.

In all circumstances, the timeframes as required by the Local Government Act 2009 will be adhered to. Except in the case of a genuine emergency, the request will be acknowledged within 1 business day and a response will be provided within 10 business days, except where the request is of a complex nature or requires substantial research. Requests of a complex nature will be responded to within 20 business days.

In the case of a genuine emergency, contact should be made by telephone with the Chief Executive Officer, Director or Manager of the relevant area of responsibility.

Where advice or information is required as a matter of urgency to enable the Mayor or Councillor to respond to or understand an issue presented, the request will be responded to within 5 business days.

This does not include Service Requests covered in Section 3.

Service requests are covered in Section 3 and are not considered as requests for advice or information.

2.4 Reasonable limits on requests for advice or information

A Councillor may not ask for information:

- that is capricious or which will place an unreasonable burden on Council’s resources;
- that is a record of the conduct tribunal;
- if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal;
- that would be privileged from production in a legal proceeding on the grounds of legal professional privilege;
- that would disclose personal information, including employees' bank accounts details, child support deductions or tax file number;
- which relates to a public interest disclosure under the Public Interest Disclosure Act 2010;
- that is confidential information under the Crime and Corruption Act 2001;
- that is about matters relating to the conduct of any councillor pursuant to Part 3, Chapter 5A of the Act;
- that is a record in relation to an employee's recruitment and performance with the exception of the recruitment and performance of the Chief Executive Officer.

2.5 Provision of documents in response to requests

In line with Council’s commitment to the environment and a reduction in paper usage, access to electronic copies of documents will be provided as a PDF document with a watermark of the original requestor and request identifier.
Councillors are to be aware of their responsibilities under the Act regarding the sharing or further distribution of this advice or information. The right of Councillors to have access to information is for the purpose of exercising the roles and responsibilities of a Councillor. It does not carry with it the right to disclose any information obtained by a Councillor to another person, unless the information is already in the public domain.

While not every document will be considered ‘Confidential’, Councillors should be aware that information provided may contain confidential material and must be handled appropriately to ensure that Council maintains its reputation and good standing within the community. Providing details of discussions held with Council employees regarding Council projects, internal policy considerations or technical opinion with third parties would be considered a breach of this Procedure.

Councillors must not cause the by-passing of the provisions of the Right to Information Act 2009 by providing to a member of the public with information made available to a Councillor as an elected representative that is not already within the public domain.

Councillors must ensure that hardcopy documents provided by Council are securely destroyed when the documents are no longer required.

2.6 ‘View only’ access to documents

The Chief Executive Officer may determine that ‘view only’ access to information should be provided to a Councillor when:

- A document is of historical significance and could be damaged if copied or scanned;
- If copying or scanning a document would unreasonably divert the resources of the relevant Council business area from its other operations;
- If an Act or agreement signed by Council states that the document is not to be copied or reproduced;
- The contents of the document are considered by the Chief Executive Officer to be of such a confidential nature, that a risk could arise in the provision of the document in hardcopy or electronic format.

Where this occurs, the Chief Executive Officer will determine a suitable time and place for the Councillor to be provided with ‘view only’ access. The Chief Executive Officer may require the Councillor to sign a register recording that the Councillor viewed the information on a certain date and at a certain time.

2.7 Refusal to provide advice or information

Should a request for advice or information be raised:

- that is considered to be outside of the scope of a Councillor’s official duties; or
- will take a significant amount of resources to satisfy or cause an undue impact on employees’ ‘business as usual’ responsibilities

the matter will be escalated to the Chief Executive Officer. The Chief Executive Officer is to make a decision as to whether it is considered that the fulfilment of the request is required to allow the Councillor to perform their duties.

If the Chief Executive Officer confirms that the advice or information requested is not deemed to be required for the Councillor to carry out their official duties, the Councillor has the opportunity to apply for access to the documents via Council’s Right to Information process. The Right to
Information application form is available on Council’s website. The Councillor will be required to pay the processing fee as if he/she were a member of the public making an application. This fee is not eligible for Council reimbursement.

2.8 Complaints
If a Councillor is not satisfied with a response to their request for advice or information, the Councillor may make a complaint under Council’s Administrative Action Complaints Policy.

Under no circumstances is it acceptable for a Councillor to directly contact a Council employee regarding a complaint about their request for advice or information.

3 Service requests and service standards
A request for service is a request for Council to take action, and includes initial requests for service or reporting damage or faulty infrastructure.

A Councillor may not make a request for service/s which would place an unreasonable burden on Council’s resources.

A request for service includes but is not limited to such things as:
- A request to mow a park;
- A request to clean a park barbeque;
- A notification of a barking dog;
- A request to fix a pothole;
- A noise complaint; or
- A land use investigation.

3.1 Recording of a constituent’s service request
Councillors must in the first instance encourage constituents to contact Council directly to register service requests for operational matters. Councillors should do this by encouraging the constituent to fill in the online form on Council’s website or through the app, calling Council’s customer service centre on 3412 3412 or sending an email to council@logan.qld.gov.au.

Direct engagement between the community member and Council will reduce delays and enable the most appropriate support or advice to be provided directly to the customer.

Where the constituent is unwilling or unable to contact Council directly, a Councillor may choose to submit a service request in the Councillor’s name via the online form on Council’s website or through the app, calling Council’s customer service centre on 3412 3412 or sending an email to council@logan.qld.gov.au.

Constituents will not receive preferential treatment by seeking to lodge service requests via Councillors. Any service requests lodged by Councillors will be processed in accordance with established service level standards. A collated list of key service standards is publicly available via Council’s website.

3.2 Raising a general operational matter
If a Councillor has observed an issue and wishes to lodge a service request, the Councillor may do so via the online form on Council’s website or through the app, calling Council’s customer service centre on 3412 3412 or sending an email to council@logan.qld.gov.au.
In these instances the same service level standards that apply to a constituent will apply. A collated list of key service standards is publicly available via Council’s website.

3.3 Complaints

If a Councillor is not satisfied with the performance of or service provided by Council, the Councillor, should in the first instance raise the concern with the Chief Executive Officer or relevant Director. Councillors are to be mindful of the service response standards if monitoring service requests may make a complaint under Council’s Administrative Action Complaints Policy.

Under no circumstances is it acceptable for a Councillor to directly contact a Council employee regarding a complaint about operational performance.

If a resident is not satisfied with the performance of or service provided by Council, the resident should be directed to make a complaint under Council’s Administrative Action Complaints Policy.

4 Emergency and after hours service

Council’s after-hours emergency service number is 3412 3412.

The after-hours emergency service is currently managed by Brisbane City Council (BCC). BCC has been providing this service since 2001. The after-hours emergency service operates:

- Monday to Friday - 5pm to 8am; and
- Saturday, Sunday and public holidays – 24 hours.

Councillors must use the after-hours emergency service process if they become aware of an issue after hours that is an emergency. This will ensure the effective operation of the after-hours service as well as duty of care for on call officers and other staff.

When an issue arises after hours that is not an emergency as prescribed in the after-hours emergency procedure, but is of such urgency that to delay contact would bring harm to Council or damage the reputation of Council, Councillors may contact one of the Council employees listed below:

- Chief Executive Officer; OF
- Director; OF
- Manager, OF
- Program Leader.

5 Summary of process for handling Councillor requests

The table below summarises the process for the handling of Councillor requests:

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<th>TYPE OF REQUEST</th>
<th>FORM OF REQUEST</th>
<th>PROCESS</th>
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<tr>
<td>Requests for service</td>
<td>• online form on Council’s website or</td>
<td>• Request will be dealt with under Council’s customer service system in the usual manner</td>
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<tr>
<td>(e.g., repairs to footpath, mowing of</td>
<td>through the app</td>
<td>• Council’s usual service level standards will apply</td>
</tr>
<tr>
<td>park)</td>
<td>• calling Council’s customer service</td>
<td></td>
</tr>
<tr>
<td></td>
<td>centre on 3412 3412</td>
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<td></td>
<td>• sending an email to</td>
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</tr>
<tr>
<td>TYPE OF REQUEST</td>
<td>FORM OF REQUEST</td>
<td>PROCESS</td>
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<td>-----------------</td>
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| Advice (e.g., technical advice, current status of development application, request -for allocation of capital budgets) | Councillor portal | **Councillor Executive Support Team Officer** will submit the request to the relevant Director or Branch Manager or Program Leader.  
- For Development Assessment Branch, Councillor Executive Support Officers may submit requests to the Director, Branch Manager, Branch Program Leaders or Development Assessment Co-ordinators.
- Responses can be provided via email, by telephone or in person.  
  will be uploaded to the Councillor Portal.
- If a meeting is required, this will may be arranged by the relevant Council employee with the assistance of the Councillor Executive Support Officer. |
| Information (Access to Council documents for a purpose related to your role as a Councillor) | Councillor portal | **Councillor Executive Support Team Officer** will submit the request to the Chief Executive Officer, Director or relevant Branch Manager.  
- Response will be uploaded to the Councillor Portal. Information may be provided electronically or viewed. |
| Access to documents for a private purpose | Right to Information application – available on Council’s website | Application will be dealt with under the Right to Information process. |
| Access to a Council work area to participate in a meeting | Councillor portal | Councillor Executive Support Officer will liaise with the work area and arrange for an escort to be waiting in the public area of the floor. |
| Briefing session | Councillor portal | Organised as required by the relevant Director, Branch Manager or Program Leader.  
- Meeting to be held in one of the dedicated Councillor meeting rooms.  
  Presentation and minutes will be uploaded to the Councillor Portal.  
- A Councillor Officer or -Executive Support Team Officer member will attend and minute the meeting and save minutes in Council’s records management system. |
6 Councillors’ interaction with Council employees

Local Government has two (2) distinct areas of expertise:

- The operational arm headed by Chief Executive Officer and encompassing the employees of Logan City Council;
- The strategic arm headed by the Mayor and encompassing all Councillors.

The Mayor and Councillors, as the strategic arm, set the long term direction of the City and the means for achieving the required outcomes. The Chief Executive Officer and staff provide expert support to the Mayor and Councillors in this role.

The Chief Executive Officer is responsible for the management of the operational requirements of Council in the provision of services to the community and the implementation of Council’s objectives with the support of all Council employees.

In achieving this, Councillors and Council employees are equally responsible to act courteously and respectfully towards each other and in a manner consistent with the relevant codes of conduct.

6.1 General interaction with Council employees

Councillors may interact with the Chief Executive Officer, Directors, Branch Managers and Program Leaders to discuss specific projects or services that they are directly responsible for. A request for an appointment, including specific details on the matters to be discussed, is to be entered into the Councillor Portal by the interested Councillor. These appointments may be co-ordinated by the Councillor-Executive Support Officer and minutes will be taken of the meeting by the Councillor-Executive Support Officer or Council officer for uploading to the Councillor Portal for the interest of all Councillors.

A Councillors must not make direct contact with any other Council employees unless the Director may have determined that a specific subject matter expert is better placed to provide the information or commentary to the Councillor. In these circumstances, the Council employee will initiate the contact with the Councillor with the assistance of the Councillor-Executive Support Officer as required. Where this occurs, meeting attendees will be:

- The subject matter expert;
- The relevant manager or Program Leader;
- The Councillor/s making the enquiry; and
- Minute taker.

For the Development Assessment Branch, meeting attendees will be:

- The subject matter expert;
• The Manager, Program Leader or Development Assessment Branch Co-ordinator;
• The Councillor/s making the enquiry; and
• Minute taker.

The meeting will be minuted by an Councillor Executive Support Officer or Council Officer and published to the Councillor Portal.

Where such approval for contact is granted or an associated meeting takes place, Councillors must not direct or attempt to direct Council employees in the performance of their duties or attempt to influence the decision making process.

The protocol for general interaction between Councillors and Council employees during a meeting of council is outlined in the Council’s Local Government and Committee Meetings Code.

6.2 Briefing sessions

Councillors, as the strategic arm of Council, will require specific briefing sessions regarding significant events, projects or other matters as they arise to ensure that they have an appropriate level of background knowledge to participate in informed discussion at Committee or Council meetings.

An annual program of briefing sessions will be scheduled for a range of topics as required. These briefings will be co-ordinated by the Corporate Governance Branch.

Any associated background material or information packs will be made available to all Councillors via the Councillor Portal only. No further briefings will be held.

The purpose of a briefing session is to inform Councillors only, not to provide a closed forum for debate on the matter or provide an opportunity for Councillors to influence the recommendations of the Committee report outside of the Committee process.

To ensure adherence to the legislated requirements, minutes from the briefing session along with associated background material or information packs and any outcomes are to be published and made available to all Councillors on the Councillor Portal.

6.3 Non Council-related interactions between Councillors and Council employees

It is recognised that Councillors and Council employees often live in the same community, interact as members of community/sporting/volunteer organisations as individuals and may form friendships as a consequence of these associations. The requirements of this Procedure do not in any way impact on the ability of community members (including Councillors and Council employees) to interact from a community/social perspective.

However, it must also be recognised that the abovementioned interactions should not be used as a forum to discuss Council related matters.

If during the course of general conversation a Council related matter is raised by either party, it is appropriate to terminate that topic of discussion and advise the Councillor or Council employee to raise the matter through the appropriate Council channels.

Should this behaviour become repetitive, these matters need to be raised through the appropriate channels as follows:

• Councillor reporting repetitive/inappropriate interactions to the Chief Executive Officer. The Councillor is to provide a brief written outline of the discussion/interaction;
7 Suspected breaches of Policy or Procedure

Any suspected breach of the Staff Interaction Policy or this Procedure is to be communicated immediately, in writing, as follows:

- Any suspected breach by a Council employee may constitute a breach of the Code of Conduct and is reported to the People & Culture Manager for investigation and action as appropriate.
- Any suspected breach of this policy by a Councillor may constitute a breach of the Councillor Code of Conduct and will be referred to the Office of the Independent Assessor for investigation and action as appropriate.

8 Definitions

Definitions for terms used within the Procedure can be found in the Staff Interaction Policy (DM: 13315443).
Logan City Council
Staff Interaction and Acceptable Request Guidelines Procedure
Logan City Council 2020

Document Control
File: 1163852-1 Document ID: 13315460

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<th>Version Number</th>
<th>Description of Change</th>
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<th>Date</th>
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<tr>
<td>1.0</td>
<td>Creation</td>
<td>Corporate Governance</td>
<td>4 December 2019</td>
</tr>
<tr>
<td>2.0</td>
<td>Amended terminology used for councillor support staff</td>
<td>Corporate Governance</td>
<td>27 April 2020</td>
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<tr>
<td>3.0</td>
<td>Amendments from Councillor review</td>
<td>Corporate Governance</td>
<td>26 May 2020</td>
</tr>
</tbody>
</table>
Table of Contents
1 Procedure Objective ................................................................................................................. 3
2 Acceptable Requests Guidelines ................................................................................................. 3
   2.1 General requirements for requests ......................................................................................... 4
   2.2 Distinction between ‘advice’ and ‘information’ ....................................................................... 4
   2.3 How a Councillor may ask for advice or information ............................................................. 5
   2.4 Reasonable limits on requests for advice or information .......................................................... 6
   2.5 Provision of documents in response to requests ..................................................................... 6
   2.6 ‘View only’ access to documents ........................................................................................... 6
   2.7 Refusal to provide advice or information ................................................................................ 7
   2.8 Complaints .............................................................................................................................. 7
3 Service requests and service standards ...................................................................................... 7
   3.1 Recording of a constituent’s service request ........................................................................... 8
   3.2 Raising a general operational matter .................................................................................... 8
   3.3 Complaints .............................................................................................................................. 8
4 Emergency and after hours service ............................................................................................ 8
5 Summary of process for handling Councillor requests ............................................................... 9
6 Councillors’ interaction with Council employees ...................................................................... 10
   6.1 General interaction with Council employees ......................................................................... 10
   6.2 Briefing sessions .................................................................................................................... 11
   6.3 Non Council-related interactions between Councillors and Council employees ....... 11
7 Suspected breaches of Policy or Procedure .............................................................................. 12
8 Definitions ..................................................................................................................................... 12
1 Procedure Objective

This Procedure establishes the ways in which Councillors and Council employees are expected to interact. This Procedure also incorporates the acceptable requests guidelines that are required to be adopted by Council in accordance with section 170A(6) of the Local Government Act 2009 (the Act). The acceptable requests guidelines determine the way in which Councillors may ask Council employees for advice or information to help a Councillor carry out their responsibilities under the Act.

Good working relationships between Councillors and Council employees is fundamental to an effective Council. These relationships are often subject to community and media scrutiny and it is therefore vitally important that the relationship is transparent and supportive. Should significant differences in opinion arise then this needs to be resolved in a timely manner and not in the public eye otherwise the organisation may become dysfunctional and communities lose confidence in the Council.

It is necessary for Councillors and Council employees to interact so that informed decisions that deliver positive outcomes for the community are achieved. It is important we strike the right balance to ensure positive working relationships and flow of information between the administration and Councillors. This procedure seeks to establish protocols that guide interactions in a positive way to achieve the best outcomes for the City of Logan.

2 Acceptable Requests Guidelines

Section 170A of the Act provides for the way in which a Councillor may ask a Council employee for advice, or the Chief Executive Officer to provide information, in order to assist the Councillor to carry out his or her responsibilities under the Act.

These Guidelines are about:

- The way in which a Councillor may ask a Council employee for advice to help the Councillor carry out his or her responsibilities under the Act; and
- The way in which a Councillor may ask the Chief Executive Officer for information relating to the local government; and
- The reasonable limits on requests that a Councillor may make.

Section 170(4) of the Act provides that a request by the Mayor or a chairperson of a committee of Council (if the request relates to the role of the chairperson) still has effect if the request is made other than under the Acceptable Request Guidelines.

Otherwise, a request by a Councillor for advice or information is of no effect if the request does not comply with the Acceptable Request Guidelines.

These Guidelines do not override an individual Councillor’s statutory obligations under the Act, including in respect of the use of information under s171 and s171A of the Act.

Unless otherwise expressed, terms used in these Guidelines will have the same meaning given to those terms under the Act.
2.1 General requirements for requests

When asking for advice or information Councillors must:

- act in accordance with the local government principles prescribed in section 4(2) of the Act;
- act in accordance with the Code of Conduct for Councillors in Queensland;
- act in accordance with all of the obligations set out in Chapter 6, Division 5 of the Act;
- not direct, or attempt to direct any Council employee to do anything (except for the Mayor, who is entitled to direct only the Chief Executive Officer in accordance with sections 170 and 12(4) of the Act);
- not behave towards Council employees in an overbearing or threatening manner;
- not coerce or entice, or attempt to coerce or entice any Council employee to do anything that does not comply with these Guidelines;
- not unduly disrupt a Council employee in the undertaking of that Council employee's routine employment obligations;
- not place, or attempt to place any Council employee in a position that would create a conflict of interest for that Council employee, or that would compromise the integrity and honest performance of that Council employee; and
- comply with all laws that apply to the local government, as well as Council policies, procedures and guidelines;
- not breach any confidentiality obligations under legislation whereby information is not to be disclosed by Councillors (for example, the Information Privacy Act 2009, Crime and Corruption Act 2001, Public Interest Disclosure Act 2010, Workers’ Compensation and Rehabilitation Act 2003);
- during the caretaker period not request information or advice that involves or relates to major policy decisions of Council or which will result in or be likely to result in any inappropriate political gain or advantage for the Councillor (as per sections 90A – 90D of the Act);
- act in good faith;
- be respectful, reasonable and professional.

Councillors should be aware that any request for advice or information and response may be subject to disclosure if an application for access is made under the Right to Information Act 2009.

Councillors may request advice or information with assistance from an Executive Support Officer. However, when doing so, the Executive Support Officer must comply with these Guidelines as if the Executive Support Officer was the Councillor making the request directly.

2.2 Distinction between ‘advice’ and ‘information’

‘Advice’ means the provision of knowledge or opinion by a Council employee to assist a Councillor to carry out their duties under the Act. For example, a Councillor may ask a Council employee to advise the Councillor on the status, and process to be followed for consideration, of an application made by a ratepayer to council.

‘Information’ means information relating to Council that the local government has access to. It includes records and documents (in printed and electronic form) that Council possesses or can access. For example, a Councillor may ask the Chief Executive Officer (but not other Council employees) for a copy of an application that was submitted by a ratepayer to council.
2.3 How a Councillor may ask for advice or information

A Councillor may ask for advice to assist in carrying out their responsibilities under the Act from:

a) The Chief Executive Officer
b) Director
c) Manager
d) Program Leader, or
e) Development Assessment Co-ordinator

by lodging the request either:

a) by email
b) via telephone, or
c) in person.

Should the request be complex, the Chief Executive Officer, Director, Manager, Program Leader or Development Assessment Co-ordinator may require that the request be in writing.

A Councillor may ask for information to assist in carrying out their responsibilities under the Act from:

a) The Chief Executive Officer
b) Director
c) Manager

by lodging the request either:

a) by email,
b) via telephone, or
c) in person

The Chief Executive Officer, Director or Manager may require that the request be in writing.

Requests for advice may be triaged by an Executive Support Officer and sent to the appropriate Director, Manager or Program Leader for response. For the Development Assessment Branch, requests for advice may be sent to Development Assessment Co-ordinators. For information requests, it will be sent to the Chief Executive Officer, Director or Manager for response.

The request will be acknowledged within 1 business day and a response will be provided within 10 business days, except where the request is of a complex nature or requires substantial research. Requests of a complex nature will be responded to within 20 business days.

In the case of a genuine emergency, contact should be made by telephone with the Chief Executive Officer, Director or Manager of the relevant area of responsibility.

Where advice or information is required as a matter of urgency to enable the Mayor or Councillor to respond to or understand an issue presented, the request will be responded to within 5 business days.

Service requests are covered in Section 3 and are not considered as requests for advice or information.
2.4 Reasonable limits on requests for advice or information

A Councillor may not ask for information:

- that is capricious or which will place an unreasonable burden on Council’s resources;
- that is a record of the conduct tribunal;
- if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal;
- that would be privileged from production in a legal proceeding on the grounds of legal professional privilege;
- that would disclose personal information, including employees' bank accounts details, child support deductions or tax file number;
- which relates to a public interest disclosure under the Public Interest Disclosure Act 2010;
- that is confidential information under the Crime and Corruption Act 2001;
- that is about matters relating to the conduct of any councillor pursuant to Part 3, Chapter 5A of the Act;
- that is a record in relation to an employee's recruitment and performance with the exception of the recruitment and performance of the Chief Executive Officer.

2.5 Provision of documents in response to requests

In line with Council’s commitment to the environment and a reduction in paper usage, access to electronic copies of documents will be provided.

Councillors are to be aware of their responsibilities under the Act regarding the sharing or further distribution of this advice or information. The right of Councillors to have access to information is for the purpose of exercising the roles and responsibilities of a Councillor. It does not carry with it the right to disclose any information obtained by a Councillor to another person, unless the information is already in the public domain.

While not every document will be considered ‘Confidential’, Councillors should be aware that information provided may contain confidential material and must be handled appropriately to ensure that Council maintains its reputation and good standing within the community. Providing details of discussions held with Council employees regarding Council projects, internal policy considerations or technical opinion with third parties would be considered a breach of this Procedure.

Councillors must not cause the by-passing of the provisions of the Right to Information Act 2009 by providing to a member of the public with information made available to a Councillor as an elected representative that is not already within the public domain.

Councillors must ensure that hardcopy documents provided by Council are securely destroyed when the documents are no longer required.

2.6 ‘View only’ access to documents

The Chief Executive Officer may determine that ‘view only’ access to information should be provided to a Councillor when:

- A document is of historical significance and could be damaged if copied or scanned;
- If copying or scanning a document would unreasonably divert the resources of the relevant Council business area from its other operations;
- If an Act or agreement signed by Council states that the document is not to be copied or reproduced;
The contents of the document are considered by the Chief Executive Officer to be of such a confidential nature, that a risk could arise in the provision of the document in hardcopy or electronic format.

Where this occurs, the Chief Executive Officer will determine a suitable time and place for the Councillor to be provided with ‘view only’ access. The Chief Executive Officer may require the Councillor to sign a register recording that the Councillor viewed the information on a certain date and at a certain time.

2.7 Refusal to provide advice or information

Should a request for advice or information be raised:

- that is considered to be outside of the scope of a Councillor’s official duties; or
- will take a significant amount of resources to satisfy or cause an undue impact on employees’ ‘business as usual’ responsibilities

the matter will be escalated to the Chief Executive Officer. The Chief Executive Officer is to make a decision as to whether it is considered that the fulfilment of the request is required to allow the Councillor to perform their duties.

If the Chief Executive Officer confirms that the advice or information requested is not deemed to be required for the Councillor to carry out their official duties, the Councillor has the opportunity to apply for access to the documents via Council’s Right to Information process. The Right to Information application form is available on Council’s website. The Councillor will be required to pay the processing fee as if he/she were a member of the public making an application. This fee is not eligible for Council reimbursement.

2.8 Complaints

If a Councillor is not satisfied with a response to their request for advice or information, the Councillor may make a complaint under Council’s Administrative Action Complaints Policy.

Under no circumstances is it acceptable for a Councillor to directly contact a Council employee regarding a complaint about their request for advice or information.

3 Service requests and service standards

A request for service is a request for Council to take action, and includes initial requests for service or reporting damage or faulty infrastructure.

A Councillor may not make a request for service/s which would place an unreasonable burden on Council’s resources.

A request for service includes but is not limited to such things as:

- A request to mow a park;
- A request to clean a park barbeque;
- A notification of a barking dog;
- A request to fix a pothole;
- A noise complaint; or
- A land use investigation.
3.1 Recording of a constituent’s service request

Councillors must in the first instance encourage constituents to contact Council directly to register service requests for operational matters. Councillors should do this by encouraging the constituent to fill in the online form on Council’s website or through the app, calling Council’s customer service centre on 3412 3412 or sending an email to council@logan.qld.gov.au.

Direct engagement between the community member and Council will reduce delays and enable the most appropriate support or advice to be provided directly to the customer.

Where the constituent is unwilling or unable to contact Council directly, a Councillor may choose to submit a service request in the Councillor’s name via the online form on Council’s website or through the app, calling Council’s customer service centre on 3412 3412 or sending an email to council@logan.qld.gov.au.

Constituents will not receive preferential treatment by seeking to lodge service requests via Councillors. Any service requests lodged by Councillors will be processed in accordance with established service level standards. A collated list of key service standards is publicly available via Council's website.

3.2 Raising a general operational matter

If a Councillor has observed an issue and wishes to lodge a service request, the Councillor may do so via the online form on Council’s website or through the app, calling Council’s customer service centre on 3412 3412 or sending an email to council@logan.qld.gov.au.

In these instances the same service level standards that apply to a constituent will apply. A collated list of key service standards is publicly available via Council’s website.

3.3 Complaints

If a Councillor is not satisfied with the performance of or service provided by Council, the Councillor, should in the first instance raise the concern with the Chief Executive Officer or relevant Director. Councillors are to be mindful of the service response standards if monitoring service requests.

Under no circumstances is it acceptable for a Councillor to directly contact a Council employee regarding a complaint about operational performance.

If a resident is not satisfied with the performance of or service provided by Council, the resident should be directed to make a complaint under Council’s Administrative Action Complaints Policy.

4 Emergency and after hours service

Council’s after-hours emergency service number is 3412 3412.

The after-hours emergency service is currently managed by Brisbane City Council (BCC). BCC has been providing this service since 2001. The after-hours emergency service operates:

- Monday to Friday - 5pm to 8am; and
- Saturday, Sunday and public holidays – 24 hours.

Councillors must use the after-hours emergency service process if they become aware of an issue after hours that is an emergency. This will ensure the effective operation of the after-hours service as well as duty of care for on call officers and other staff.
When an issue arises after hours that is not an emergency as prescribed in the after-hours emergency procedure, but is of such urgency that to delay contact would bring harm to Council or damage the reputation of Council, Councillors may contact one of the Council employees listed below:

- Chief Executive Officer;
- Director;
- Manager.

### 5 Summary of process for handling Councillor requests

The table below summarises the process for the handling of Councillor requests:

<table>
<thead>
<tr>
<th>TYPE OF REQUEST</th>
<th>FORM OF REQUEST</th>
<th>PROCESS</th>
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</table>
| Requests for service (e.g. repairs to footpath, mowing of park) | • online form on Council’s website or through the app  
• calling Council’s customer service centre on 3412 3412  
• sending an email to council@logan.qld.gov.au | • Request will be dealt with under Council’s customer service system in the usual manner  
• Council’s usual service level standards will apply |
| Advice (e.g. technical advice, current status of development application, request for allocation of capital budgets) | • Email  
• Telephone  
• In Person | • Executive Support Officer will submit the request to the relevant Director or Branch Manager or Program Leader  
For Development Assessment Branch, Councillor Executive Support Officers may submit requests to the Director, Branch Manager, Branch Program Leaders or Development Assessment Coordinators  
• Responses can be provided via email, by telephone or in person.  
If a meeting is required, this may be arranged by the relevant Council employee with the assistance of the Executive Support Officer.  
• Minutes of any meeting should be taken by an ESO or another Councillor Officer. |
| Information (Access to Council documents for a purpose related to your role as a Councillor) | • Email  
• Telephone  
• In person | • Executive Support Officer will submit the request to the Chief Executive Officer, Director or relevant Branch Manager.  
• Information may be provided electronically or viewed. |
<table>
<thead>
<tr>
<th>TYPE OF REQUEST</th>
<th>FORM OF REQUEST</th>
<th>PROCESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to documents for a private purpose</td>
<td>• Right to Information application – available on Council’s website</td>
<td>• Application will be dealt with under the Right to Information process.</td>
</tr>
<tr>
<td>Briefing session</td>
<td>• Email</td>
<td>• Organised as required by the relevant Director, Branch Manager or Program Leader.</td>
</tr>
<tr>
<td></td>
<td>• Telephone</td>
<td>• Meeting to be held in one of the dedicated Councillor meeting rooms</td>
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<tr>
<td></td>
<td>• In person</td>
<td>• A Councillor Officer or Executive Support Officer will attend and</td>
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<td></td>
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<td>minute the meeting and save minutes in Council’s records management</td>
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<td></td>
<td></td>
<td>system.</td>
</tr>
<tr>
<td>Request for administrative support (e.g. stationery, office supplies, stenographic or clerical service)</td>
<td>• Email</td>
<td>• Provided in accordance with Council’s Councillor Expenses and Entitlements Policy.</td>
</tr>
<tr>
<td></td>
<td>• Telephone</td>
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</tbody>
</table>

6 Councillors’ interaction with Council employees

Local Government has two (2) distinct areas of expertise:

- The operational arm headed by Chief Executive Officer and encompassing the employees of Logan City Council;
- The strategic arm headed by the Mayor and encompassing all Councillors.

The Mayor and Councillors, as the strategic arm, set the long term direction of the City and the means for achieving the required outcomes. The Chief Executive Officer and staff provide expert support to the Mayor and Councillors in this role.

The Chief Executive Officer is responsible for the management of the operational requirements of Council in the provision of services to the community and the implementation of Council’s objectives with the support of all Council employees.

In achieving this, Councillors and Council employees are equally responsible to act courteously and respectfully towards each other and in a manner consistent with the relevant codes of conduct.

6.1 General interaction with Council employees

Councillors may interact with the Chief Executive Officer, Directors, Branch Managers and Program Leaders to discuss specific projects or services that they are directly responsible for. A request for an appointment, including specific details on the matters to be discussed, may be co-ordinated by an Executive Support Officer and minutes will be taken of the meeting by an Executive Support Officer or Council officer.
A Director may determine that a specific subject matter expert is better placed to provide the information or commentary to the Councillor. In these circumstances, the Council employee will initiate the contact with the Councillor with the assistance of the Executive Support Officer as required. Where this occurs, meeting attendees will be:

- The subject matter expert;
- The relevant manager or Program Leader;
- The Councillor/s making the enquiry; and
- Minute taker.

For the Development Assessment Branch, meeting attendees will be:

- The subject matter expert;
- The Manager, Program Leader or Development Assessment Branch Co-ordinator;
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- Minute taker.

The protocol for general interaction between Councillors and Council employees during a meeting of council is outlined in the Council’s Local Government and Committee Meetings Code.

### 6.2 Briefing sessions

Councillors, as the strategic arm of Council, will require specific briefing sessions regarding significant events, projects or other matters as they arise to ensure that they have an appropriate level of background knowledge to participate in informed discussion at Committee or Council meetings.

An annual program of briefing sessions will be scheduled for a range of topics as required. These briefings will be co-ordinated by the Corporate Governance Branch.

The purpose of a briefing session is to inform Councillors only, not to provide a closed forum for debate on the matter or provide an opportunity for Councillors to influence the recommendations of the Committee report outside of the Committee process.

To ensure adherence to the legislated requirements, minutes from the briefing session along with associated background material or information packs and any outcomes are to be published and made available to all Councillors.

### 6.3 Non Council-related interactions between Councillors and Council employees

It is recognised that Councillors and Council employees often live in the same community, interact as members of community/sporting/volunteer organisations as individuals and may form friendships as a consequence of these associations. The requirements of this Procedure do not in any way impact on the ability of community members (including Councillors and Council employees) to interact from a community/social perspective.

However, it must also be recognised that the abovementioned interactions should not be used as a forum to discuss Council related matters.

If during the course of general conversation a Council related matter is raised by either party, it is appropriate to terminate that topic of discussion and advise the Councillor or Council employee to raise the matter through the appropriate Council channels.
Should this behaviour become repetitive, these matters need to be raised through the appropriate channels as follows:

- Councillor reporting repetitive/inappropriate interactions to the Chief Executive Officer. The Councillor is to provide a brief written outline of the discussion/interaction;
- Council employee reporting repetitive/inappropriate interactions to their Director. The Council employee is to provide a brief written outline of the discussion/interaction.
- Should a third party become aware of repetitive communication between a Councillor and Council employee in contravention of this Procedure, this should be reported to the Chief Executive Officer.

7 Suspected breaches of Policy or Procedure

Any suspected breach of the Staff Interaction Policy or this Procedure is to be communicated immediately, in writing, as follows:

- Any suspected breach by a Council employee may constitute a breach of the Code of Conduct and is reported to the People & Culture Manager for investigation and action as appropriate.
- Any suspected breach of this policy by a Councillor may constitute a breach of the Councillor Code of Conduct and will be referred to the Office of the Independent Assessor for investigation and action as appropriate.

8 Definitions

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