

 <p>Mackay REGIONAL COUNCIL</p>	COUNCIL POLICY	
	Councillor Advisors and Administrative Support Staff	
	POLICY NO	107
	DEPARTMENT	Office of the Mayor and CEO
	PROGRAM	Office of the Mayor and CEO
ENDORSED BY COUNCIL	28 October 2020 Resolution ORD-2020-289	

1.0 Scope

This policy applies to the elected Mayor, Deputy Mayor and Councillors (Councillors) of Mackay Regional Council (MRC).

2.0 Purpose

This policy will ensure accountability in respect to the assistance provided to Councillors in carrying out their responsibilities as elected representatives in an open and transparent manner.

3.0 Reference

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Electoral and Other Legislation (Accountability, Integrity and other Matters) Act 2020*
- *Information Privacy Act 2009*
- *Right to Information Act 2009*
- *Public Sector Ethics Act 2004*
- Councillor Code of Conduct
- Employee Code of Conduct
- 002 – Reimbursement of Expenses and Provision of Facilities for Councillors Policy
- 104 - Councillor Acceptable Request Guidelines Policy.

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Act shall mean the *Local Government Act 2009*.

Councillors shall mean the Mayor, Deputy Mayor and Councillors as elected representatives of Mackay Regional Council.

Councillor Advisor shall mean an appropriately qualified person to assist the Councillors in performing their responsibilities, including administrative support, coordinating media activities, event management functions, policy development and office management.

Councillor Administrative Support Staff (Support Staff) shall mean an MRC employee who assists the Mayor and Councillors in meeting the responsibilities of their roles and delivery of important services and infrastructure for local communities.

MRC Employee shall mean all persons employed by MRC on a permanent, temporary or casual basis and includes persons engaged under a contract of service, and volunteers.

MRC shall mean Mackay Regional Council.

Register of Interest shall mean a Register to record a Councillor Advisors interests or person who is related to that Councillor Advisor.

5.0 Background

Part of the Queensland Government's rolling reform agenda in the local government sector includes new legislation for administrative support staff, and Councillor Advisors.

This Policy meets the reform and principles pertaining to:-

1. Councillors directing Support Staff consistent with Council guidelines about administrative assistance;
2. Council making a resolution to create Councillor Advisor positions;
3. Councillor Advisors appointment by contract for the Councillors term, and cease if a Councillor ceases to be a Councillor, unless re-appointed by a new Councillor;
4. Councillor Advisors requirement to submit registers of interest;
5. Councillor Advisors offences about integrity matters and about the use of information obtained in their role;
6. The Cost of Councillor Advisors being reported (e.g. in annual report).

6.0 Policy Statement

6.1 Councillors directing Administrative Support Staff (Support Staff)

In relation to administrative support staff, a new section of the Act includes—

“170AA Guidelines about provision of administrative support to councillors

- (1) *The chief executive officer of a local government may make guidelines about the provision of administrative support by local government employees to a councillor.*
- (2) *The guidelines must include—*
 - (a) *when a councillor may be provided with administrative support by a local government employee; and*
 - (b) *how and when a councillor may give a direction to a local government employee in relation to the provision of administrative support; and*

- (c) *a requirement that a councillor may give a direction to a local government employee only if the direction relates directly to administrative support to be provided by the local government employee to the councillor under the guidelines.*
- (3) *A direction purportedly given by a councillor to a local government employee is of no effect if the direction does not comply with the guidelines.”*

6.1.1 MRC provides Support Staff for Councillors.

The following MRC Employee Support Staff positions and resources are specifically provided in direct support of Councillors and their functions:

- Executive Assistant – Provision for the Mayor of a full time Council staffed Executive Assistant position with the Office of the Mayor and CEO;
- Executive Support Officer – Provision for Councillors of access to the services of a Council staff Executive Support Officer position with the Office of the Mayor and CEO; and
- Communication Specialist – Provision for the Mayor of a strategic communications contractor in supplement to services from Council’s Corporate Communications program

As well as the above, adhoc Support Staff may include but not be limited to the below as assistance to Councillors –

- co-ordination of committees or groups that Councillors Chair or are members of as part of their Council appointed roles;
- co-ordination of community consultation sessions or community meeting sessions attended by Councillors
- other Council appointed or directed tasks allocated to Councillors and for which adhoc support is needed

The following tasks may be directed by a Councillor to Support Staff, and include but are not limited to:

- Answering telephone calls;
- Managing appointments calendar;
- Photocopying, printing and ordering stationery;
- Liaising with Council about office maintenance or health and safety issues on behalf of the Councillor;
- Room or travel bookings, for example booking Council vehicles or meeting rooms;
- Logging requests for service jobs from the community, for example requests for street or park maintenance;
- Locating information for Councillors such as legislation, information from Council’s website or other sources; or
- Assisting the Mayor with communication to the community through emails, e-newsletters, informational advice flyers about construction works, or other similar mediums, if the communication is objective, factual, informational, ‘business as usual’ and an efficient use of funds.

Except in exceptional circumstances, and if approved and arranged in advance, any Support Staff services will be –

- within standard working hours;
- shared between multiple Councillors;

For any urgent out of standard hours services or requests contact should be made via the CEO and/or the Executive Officer or applicable Director and not initially directly with the Support Officer.

When a request for advice or information is received that is considered to be outside the scope of a Councillor's official duties or a request for advice or information is received which, upon consideration, will take a significant amount of resources to satisfy or cause an undue impact on the Support Staff, as per Policy 104 - Councillor Acceptable Request Guidelines the matter is to be escalated to the CEO and/or the Executive Officer or applicable Director 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.

Council Support Staff cannot assist with the Councillor's re-election or other 'campaigning' tasks.

Should a Councillor have concerns or are dissatisfied with their Support Staff they must submit their concerns directly to the CEO and/or Executive Officer or applicable Director who are generally responsible for managing Support Staff.

6.2 Councillor Advisors

It should be noted that MRC has no allocated Councillor Advisor positions, however MRC is permitted under the Act to appoint one(1) appropriately qualified Councillor Advisor to assist the Mayor in performing their duties and as such this policy is established to cover any future possible role creation.

6.2.1 As standard terms, the requirements under the Act for MRC to employ a Councillor Advisor are that:

- Council must vote to pass a resolution to create a Councillor Advisor position.
- A Councillor must not appoint a close associate of the Councillor as a Councillor Advisor.
- Should a Councillor have concerns or are dissatisfied with their Advisors they must submit their concerns directly to the CEO who is responsible for managing all Councillor Advisors.
- The Councillor Advisor must enter into a written contract of employment with MRC, which contract must provide for:
 - Their conditions of employment, including remuneration, leave and superannuation entitlements; and
 - Their functions and key responsibilities; and

- A requirement that they comply with the Councillor Advisor code of conduct made by the Minister under section 197C of the Act; and
- When disciplinary action may be taken, and the types of disciplinary action that may be taken, against the Councillor Advisor which will be directed and managed by the CEO; and
- The contract ends two weeks after the day either of the following happen:-
 - The term of the Councillor who appointed the Councillor Advisor ends; or
 - The Councillor who appointed the Councillor advisor is suspended.
- A Councillor Advisor when at the end of their contract may be re-appointed by a new Councillor and enter into a new contract.
- MRC must report the costs of the Councillor Advisors to the community within each respective MRC Annual Report.

6.2.2 Requirements for Councillor Advisors:

- a). Must submit and maintain a “Register of Interests”;
- b). Must not assist in an activity related to a Councillor campaign for re-election;
- c). Must comply with the local government principles and can be found guilty of integrity offences;
- d). Must not direct an MRC Employee.

6.3 Complaints

A Councillor’s failure to follow any Council Policy regarding Support Staff and/or contracted Councillor Advisor contravenes the behaviour standards set out under the *Code of Conduct for Councillors in Queensland* and is considered inappropriate conduct. MRC Employees including Support Staff and Councillor Advisors, other Councillors or members of the community may lodge complaints about suspected inappropriate conduct to the Office of the Independent Assessor.

Telephone: 1300 620 722

Via Email: OIAcomplaints@oia.qld.gov.au

6.4 Human Right Complaints

When an individual feels that they are the subject of MRC's failure to act compatibly with human rights, they can make a complaint directly to MRC. These complaints will be assessed against the Human Rights Act 2019.

7.0 Review of Policy

This policy will be reviewed when any of the following occur:

1. The related documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	New Policy		Council	28.10.20