

## HEAD OF POWER

- *Local Government Regulation 2012, section 250*

## INTENT

The purpose of this policy is to ensure accountability and transparency in the reimbursement of expenses and the provision of facilities provided or incurred by Councillors in the conduct of Council business.

## SCOPE

This policy applies to all Councillors and Councillor Advisor.

## DEFINITIONS

**Caretaker period** means as defined in section 90A of the *Local Government Act 2009* (“the Act”) a period which starts on the day when public notice of the holding of the election is announced by the Electoral Commission of Queensland and ends on the day on which the last declaration of the poll is displayed by the returning officer.

**Council business** means official business conducted on behalf of, and/or approved by Council, the Mayor or Chief Executive Officer.

**Discretionary training** means training to improve skills relevant to the role as a Councillor other than mandatory training.

**Employee** means a local government employee as defined pursuant to the *Local Government Act 2009*.

**Entertainment or hospitality** means as defined in section 196 of the *Local Government Regulation 2012* and the Entertainment and Hospitality Policy adopted by Council.

**Private use** means any travel which is not for Council business or commuting to and from Council premises.

**Region** means within the boundaries of the Bundaberg Regional Council area.

## POLICY STATEMENT

### 1. Guiding Principles

- 1.1 Council is committed to ensuring Councillors are provided with facilities and have Council business expenses paid or reimbursed to enable them to perform their duties.
- 1.2 Councillors should not be financially disadvantaged when discharging their duties and responsibilities and should be fairly and reasonably compensated in accordance with statutory requirements and community expectations.

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**1.3** The payment and/or reimbursement of expenses and provision of facilities for Councillors is:

- To occur within statutory requirements;
- To be open and transparent, prudent and responsible;
- Based on ensuring economy and efficiency; and
- Subject to budget provisions.

**1.4** A spouse, partner or family member of a Councillor is not entitled to reimbursement of expenses or to have access to facilities allocated to Councillors, other than for use of vehicle (refer section 3.12.3).

## **2. Payment of Expenses**

Councillors are only entitled to payment/reimbursement for the expenses listed in the categories below.

Expenses will be paid to a Councillor through administrative processes approved by Council's Chief Executive Officer, subject to the limits outlined in this policy and within budget.

### **2.1 General Council Business**

Council will pay or reimburse expenses incurred in undertaking Council business which includes attendance at:

**2.1.1** Meetings that are a statutory requirement of the Councillor's role or are officially recorded in minutes or other public records. Examples include:

- Council meetings that the Councillor is entitled to, or asked to attend;
- conferences, deputations and inspections.

**2.1.2** Events and functions. Examples include:

- ceremonial openings of buildings or facilities;
- fetes and carnivals;
- annual or presentation dinners;
- public meetings;
- private meetings for the purpose of conducting discussions of business of Council (e.g. for a resident of the region, documented in official records or diary).

### **2.2 Professional Development**

Council pays or reimburses expenses incurred by a Councillor attending the following professional development.

**2.2.1** Mandatory training including:

- Councillor induction, code of conduct, meeting procedures and legislative obligations;
- Training determined by the Chief Executive Officer such as conferences or specific events relevant to Councillors and committee members.

- 2.2.2 Discretionary training relevant to the Councillor's role and approved by the Mayor. Examples include conferences, workshops or training.

The funding limit for discretionary training is \$9,000 for each Councillor during their four year term in office.

## 2.3 Travel Expenses

In line with budget allocation, Council pays or reimburses local, interstate and overseas travel expenses incurred by a Councillor as set out in this policy provided the expenses are deemed necessary for undertaking Council business or training.

Travel expenses include:

- between a Councillor's home and a Council facility for Council business, via a route that would not be considered a significant deviation from the most direct route.
- Where approval to attend a conference or training has occurred, this automatically approves the associated travel expenses.

Councillors must travel via the most cost effective, practical and direct route, using the most economical and efficient mode of transport.

Councillors may claim for transport (e.g. taxi, Uber, flights etc.) to attend official Council business only.

## 2.4 Accommodation

Council will meet reasonable accommodation costs for Councillors whilst on Council business.

- 2.4.1 When attending conferences, Councillors must take advantage of any package provided by conference organisers unless prior approval has been granted by the Mayor. In all other cases, the Mayor must determine if the expense is warranted.

- 2.4.2 When the Mayor is attending, the Chief Executive Officer must determine the legitimate accommodation costs.

## 2.5 Meals

Councillors may claim for the actual cost of meals when travelling outside of the Bundaberg Regional Council area for Council business. Reasonable reimbursement will be as per the Australian Taxation Office Determination (TD 2023/3 or current equivalent).

## 2.6 Entertainment or Hospitality

It is recognised that on occasions Councillors may host people in the course of their official duties. Council will reimburse entertainment or hospitality expenses for the Council and others where the meeting directly relates to Council business and:

- It appears appropriate and reasonable;
- Can withstand the public defensibility test; and
- Is in the best interest of Council ratepayers.

2.6.1 Where Councillors incur hospitality expenses in accordance with Council's Entertainment and Hospitality Policy, the maximum amount that may be reimbursed is:

- \$550 per annum for each Councillor; and
- \$6,500 per annum for the Mayor.

2.6.2 Where the Mayor has delegated the attendance at a function on the Mayor's behalf to another Councillor, any costs incurred by the Councillor for that function are to be charged against the Mayor's hospitality budget.

## 2.7 Other Business

In the event a particular activity is not included in this list, the Mayor has discretion to determine if a particular activity of attendance is considered as Council business.

## 3. Provision of Facilities

Facilities provided to Councillors must be deemed necessary and required to assist Councillors in their official capacity.

All facilities provided to Councillors remain the property of Council and must be accounted for during annual equipment audits. The facilities must be returned to Council when the Councillor's term expires unless Council agrees to dispose of the facility in some other manner.

Councillors should seek independent taxation advice for any provision of facilities they receive.

Councillors are only entitled to the facilities listed in the categories listed below.

### 3.1 Council Office Amenities

Council provides office accommodation and access to meeting rooms for Councillors. Furniture and fittings for Councillor offices will be of a standard to allow Councillors to adequately undertake their roles as a Councillor. In general, offices would be located at Council owned or controlled premises such as Service Centres or community centres.

## 3.2 Administrative Support

Administrative Support will be provided to Councillors as required to assist them in their role pursuant to the Administrative Support for Councillors Guideline, endorsed by the Chief Executive Officer and prepared in accordance with section 170AA of the Act.

Subject to approval by the Chief Executive Officer, Councillors may be provided with any other administrative necessities to meet the business of Council.

## 3.3 Information Technology

Councillors are provided with a laptop or tablet for Council use. Council will provide peripheral computer equipment that is associated with the choice of computer for the Councillor's office and the Councillor's home office as required, such as a monitor. Councillors may request a quote to purchase hardware at the end of their term.

## 3.4 Phone and Internet Access

One mobile phone will be provided to each Councillor for Council use, including internet access. The model provided will be in accordance with the standard device made available to employees. Incidental private use is allowed within the phone plan. Councillors may request a quote to purchase their mobile phone at the end of their term.

## 3.5 Office Equipment

Councillors are entitled access to general office equipment for Council use at the Councillor's office including printers, photocopiers and secured document disposal services. Councillors will be entitled to a standard printer at the Councillor's home if required.

## 3.6 Stationery

Councillors are provided with Council stationery for Council business. Council stationery (such as letterhead) is not to be converted or modified in any way and may only be used for carrying out the functions of the role of Councillor. Stationery does not include any form of advertising or promotional material produced by Council.

## 3.7 Publication and Membership Fees

Councillors are provided with copies of relevant legislation, books and journals considered necessary for undertaking their duties. Where possible, these items will be provided in electronic format.

Councillors who hold membership of professional bodies, which are related to Council business or functions, will be eligible for reimbursement of membership fees to a maximum amount of \$1,000 per annum (e.g. Australian Institute of Company Directors).

Publications and membership fees for Councillors are approved by the Mayor. Publications and membership fees for the Mayor are approved by the Chief Executive Officer.

### **3.8 Advertising**

In accordance with the Advertising Spending Policy, Council will not reimburse, provide funds, services or facilities for the purposes of advertising for Councillors.

### **3.9 Community Consultation**

Councillors may use facilities provided to correspond with community representatives for the purpose of undertaking their role. Where a Councillor chooses to undertake further community consultation on a particular matter, in addition to that approved by Council, the Councillor is responsible for those costs.

### **3.10 Maintenance Costs**

Council will cover all ongoing maintenance costs associated with Council owned equipment to ensure it is operating for optimal professional use.

### **3.11 Name Badge, Uniform and Safety Equipment**

Councillors are eligible to wear the corporate wardrobe on the same basis and conditions as permanent inside employees as outlined in Council's Uniform Policy.

### **3.12 Vehicles**

Councillors are entitled to a vehicle reimbursement to cover the costs of transportation for their regional Council business, including travel between home and Council facilities. The amount of reimbursement is dependent on the main characteristics of the division being either Urban or Rural.

#### **3.12.1 The vehicle reimbursement is:**

- \$18,000 per annum for a Councillor representing a predominately Urban division (for clarity Division 4, 5, 6, 7, 8, 9 and 10)
- \$21,000 per annum for a Councillor representing a predominately Rural division (for clarity Division 1, 2 and 3)
- \$23,000 per annum for the Mayor in recognition of the additional civic duties and responsibilities that the role is required to undertake.

3.12.2 A Councillor may choose to accept the use of a Council supplied vehicle instead of the vehicle reimbursement, at any time during the term. This decision is expected to remain in place until the end of the current term, unless exceptional circumstances prevail. Councillors should seek their own independent professional advice regarding the potential taxation implications of choosing the vehicle reimbursement or a Council supplied vehicle.

### 3.12.3 Council Supplied Vehicle

The vehicle will be available for private use via reimbursement to Council at cost. Councillors choosing private use of a Council supplied vehicle must keep a 12-week logbook (provided by Council) to determine the average number of private use kilometres per fortnight.

Councillors will reimburse Council, via a payroll deduction, at the rate of \$0.40 per average private use kilometre per fortnight. Any private use materially different to the average use (i.e. interstate travel) should be recorded separately and a reimbursement adjustment made in the next fortnightly payroll deduction.

The vehicle provided will be in accordance with Council's fleet management practices. All vehicles are to be approved by the Chief Executive Officer or their delegate.

Vehicles are provided with a fuel card for private and Council use.

A spouse, partner or family member of a Councillor may use the vehicle on behalf of the Councillor.

Council supplied vehicles shall not be used:

- for competition or rally;
- for commercial purposes;
- for farming practices;
- on the beach, sand or unformed tracks (except where required for Council Business); or
- for any other purposes excluded by Council's motor vehicle insurance policy.

Smoking (including vaping) is not permitted in any Council vehicles.

Councillors are responsible for maintaining the vehicle in a clean and tidy condition, including regular washing/cleaning. All scheduled servicing and necessary maintenance on Council vehicles will be provided by Council.

3.12.4 Council provides parking facilities for Councillors at their office locations and will provide parking facilities for all Councillors at Council buildings for the purpose of Council meetings.

3.12.5 Parking and toll fees will be reimbursed when incurred on Council business.

### 3.13 Legal Costs and Insurance Cover

Councillors are covered under Council insurance policies when discharging their civic duties. Insurance cover is provided for:

- public liability;
- professional indemnity;
- personal accident and/or workers compensation;
- motor vehicle (Council supplied vehicle); and
- internal and domestic travel insurance.

Council may decide, to pay any reasonable expenses associated with an inquiry, investigation, hearing or legal proceedings into the conduct of a Councillor, pursuant to the Councillor Complaints Investigation Policy.

Councillors may access legal assistance pursuant to the process outlined in the Legal Assistance for Councillors and Employees Policy.

### 3.14 Corporate Purchase Card

A corporate purchase card may be made available to the Mayor and Deputy Mayor subject to approval by the Chief Executive Officer. The card should only be used for Council business expenses directly related to the Mayor or Deputy Mayor. Personal expenses not related to Council business must not be charged to the card. Cards must be used in accordance with Corporate Purchase Card Procedural Manual.

### 3.15 Provision of Meals

Councillors will be provided with light meals, morning and/or afternoon tea, if they are required to attend statutory or other prescribed Council meetings that extend over meal periods.

### 3.16 Caretaker Period

Once the caretaker period commences, Councillors will only be eligible to claim expense reimbursement for costs relating to routine activities or as otherwise approved by Council.

Councillors may continue to use Council resources, including newsletters, brochures and emails as part of ongoing communication with their constituents about Council and Division related activities during the caretaker period provided, they are not used for electioneering or political purposes, or contain election material.

Councillors must not use public funds or Council resources:

- a. to purchase or distribute promotional items or giveaways during the caretaker period, regardless of when the items were ordered, paid for or received; or



- b. for electioneering or activities that could be perceived as being related to or supporting an electoral campaign.

### 3.17 Non-Allowable Expenses

The following expenses will not be approved for payment/reimbursement:

- excessive alcohol consumed in conjunction with a meal.
- unreasonable personal telephone expenses.
- applying for or renewing passports.
- toiletries.
- mini-bar purchases.
- traffic infringements (including parking infringements).
- laundering or dry cleaning.
- airline membership.
- in-house movies.
- expenses incurred by, or on behalf of partners, family members and associates, other than what is outlined under section 3.12.3.

### ASSOCIATED DOCUMENTS

- Administrative Support for Councillors Guideline
- Advertising Spending Policy
- Australia Taxation Office Taxation Determinations 2023/3(as updated annually)
- Caretaker Period Protocol
- Code of Conduct for Councillor Advisors
- Code of Conduct for Councillors in Queensland
- Corporate Purchase Card Procedural Manual
- Councillor Complaints Investigation Policy
- Entertainment and Hospitality Policy
- Legal Assistance for Councillors and Employees Policy
- *Local Government Act 2009*
- Uniform Policy

### DOCUMENTS CONTROLS

Council will review this policy biennially or in response to changes in law or best practice.

### POLICY OWNER

Chief Legal Officer.